Anno tricesimo tertio

Georgii II. Regis.

An Act for repairing and widening the Road from the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*; and from thence to *Newport*, in the County of *Salop*, to *Ivetsey Bank*, in the County of *Stafford*; and from thence to *Castle Bromwich*, and *Stone Bridge*, in the Parish of *Hampton on Arden*, in the County of *Warwick*; and from *Castle Bromwich*, to *Birmingham*, in the same County.



WHEREAS the Road leading from the Bars at Boughton, within the Liberties of the City of Chester, by Barnhill, in the County of Chester, to Whitchurch, in the County of Salop; and from thence through Ternhill, to Newport, in the said County of Salop, to Ivetsey Bank, in the County of Stafford; and from thence by Four Crosses and Welch Harp, in the said County of Stafford, to Castle Bromwich, in the County of Warwick; and from thence over Coleshill Heath and Hill Bucknell, to Stone Bridge, in the Parish of Hampton on Arden, in the County of Warwick; and also the Road leading Preamble.

leading from Castle Bromwich aforesaid, to Birmingham, in the same County, are in a ruinous Condition, and in several Places very narrow and incommodious, and the said Roads cannot be effectually repaired and widened by the ordinary Course appointed by the Laws in being; 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,

Trustees for the First District.

That Sir John Astley Baronet, Samuel Aldersey, Lawrence Adams, Clerks; Robert Alderley, George Audley, Gentlemen; Sir William Bunbury, Sir Richard Brooke, Baronets; the Honourable Richard Barry, the Honourable Arthur Barry, the Honourable John Smith Barry, Samuel Benyon, John Brooke, Pusey Brooke, Trafford Barnston, Richard Wilbraham Bootle, Esquires; Roger Barnston Clerk, Robert Barnston, John Benson, William Bulkeley, Henry Bushell, Gentlemen; Sir Lynch Salusbury Cotton, Sir Ellis Cunliffe, Baronets; Thomas Cholmondeley, John Crewe, Charles Crewe, Roger Comberbach, John Croxton, William Cowper, Esquires; Joseph Crewe, Randall Crewe, Clerks; the Mayor, Aldermen, and Common Council, of the City of Chester, for the time being; James Comberbach Gentleman, Sir Bryan Broughton Delves Baronet, Alexander Denton, John Dodd, Esquires; James Derbyshire Clerk, Hanmett Dobb, Samuel Dobb, Joseph Dyson, Arthur Downes, Robert Dobb, Gentlemen; Samuel Egerton, Philip Egerton, John Egerton, John Egerton junior, Philip Egerton junior, Esquires; William Falconer, Robert Foulkes, William Farrell, Philip Fernihaugh, Esquires; William Fairclough, John Finchett, Thomas Farrington, Joseph Flint, John Fallowes, Gentlemen; Sir Richard Grosvenor Baronet, Thomas Grosvenor, George Edward Gerrard, Thomas Gilbert, Esquires; Ralph Griffith, Charles Goodwin, Humphrey Gregory, Gentlemen; Robert Heath, Richard Higginson, Hugh Hayward, George Hunt, Thomas Hays, Esquires; Thomas Hunt, Edward Harwood, Clerks; Robert Herbert, Thomas Hitchcock, Henry Hesketh, Ralph Hignett, Daniel Hignett, John Hignett, William Higginson, Gentlemen; Richard Jackson, Thomas Ince, Clerks; Thomas Jenks, Thomas Jenks junior, Gentlemen; Andrew Kenrick, Richard Kenrick, Thomas Kirks, Esquires; John Kelsall Gentleman, Richard Lyster, Peter Legh, John Leche of Carden, John Leche of Stretton, Richard Lloyd, Esquires; George Legh Clerk, George Lowe Gentleman, Sir William Meredith Baronet, Charles Mainwaring, Peter Morgan, Thomas Mather,

Mather, John Maddock, Esquires; John Mapletoft, Robert Massie, Clerks; Robert Murrey, Thomas Marsden, William Murhall, John Murhall, Gentlemen; the honourable John Needham Esquire, Benjamin Nicholls, William Nicholls, Clerks; Thomas Norcross, George Ogden, Thomas Oliver, Gentlemen; Sir Francis Poole Baronet, John Philpot, Thomas Prescott, John Page, Esquires; Samuel Peploe, John Prescott, Clerks; Edward Parnell, Henry Perkins, George Payne, Gentlemen; William Simpson Clerk, John Seller Gentleman, Robert Townsend, Massey Taylor, Thomas Tylston, Esquires; Robert Taylor, William Turton, Gentlemen; George Venables Vernon Esquire, Richard Whishaw, Hugh Whishaw, William Watson, John Watson, Gentlemen; Randle Wilbraham, Philip Henry Warburton, Francis Wardle, Roger Wilbraham, Bennett Williams, William Widdens, Edward Weaver, John Boughton Whitehall, Esquires; Abel Ward Clerk, William Widdens, Edward Wrench, Richard Wicksteed, Richard Wicksteed junior, Gentlemen; and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from the Bars at Boughton, within the Liberties of the City of Chester, by Barnhill, in the County of Chester, to Whitchurch, in the County of Salop, and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be, and is herein after, called the First District of the said Roads hereby intended to be repaired and widened: And that Sir John Astley Baronet, Samuel Aldersey, Lawrence Adams, Clerks; Richard Allen, William Adams, Robert Aldersey, Gentlemen; Sir Orlando Bridgeman, Sir William Bunbury, Sir Richard Brooke, Baronets; Samuel Bennion, Henry Bridgeman, George Bridgeman, Savage Birch, Charles Baldwyn, Weston Bayley, Peter Broughton, John Barnes, William Boycott, Thomas Boycott, Paul Bail, Trafford Barnston, Esquires; Richard Blayney, Robert Binnill, Corbet Browne, Clerks; Thomas Brookes, Ambrose Brookes, William Bulkeley, John Benson, John Brookes, John Bracebridge, William Brookes, William Barnett, Henry Bushill, Richard Bayley, John Briscoe, John Beetenson, Henry Barbor, Ralph Barbor, George Bickerton, Thomas Burn, Gentlemen; Sir Lynch Salusbury Cotton, Sir Philip Touchet Chetwood, Sir Ellis Cunliffe, Baronets; James Cotes, Owen Clutton, John Corser, Richard Clive, Robert Clive, William Cotton, Robert Salusbury Cotton, Andrew Corbett, Richard Corbett, Esquires; Washington Cotes Clerk, John Corser junior, George Corser, John Churton, John Churton junior,

Trustees for the Second District.

junior, John Challinor, William Challinor, John Chattock, Richard Crockett, Richard Corser, James Comberbatch, Gentlemen; William Drake, Robert Davidson, John Dod, Thomas D'Avenant, Charles Deaves, Wriothesley Digby, Esquires; Thomas Dicken, John Dickenson, Clerks; Robert Dod, Arthur Downes, Samuel Dicken, Thomas Dicken, Thomas Dicken junior, Samuel Dugard, Samuel Dickenson, Thomas Dean, Lewis Dickenson, William Dawes, John Dod junior, Gentlemen; Sir Henry Edwards Baronet, Charles Eccleston Clerk, John Fletcher Esquire, Charles Firchild, John Fallows, Gentlemen; Sir Richard Grosvenor Baronet, Thomas Grosvenor, Thomas Gilbert, Esquires; William Grosvenor, Thomas Groome, Humphrey Gregory, Josiah George, George Griffith, William Greenwollers, Gentlemen; Sir Rowland Hill Baronet, Thomas Hill, Richard Hill, Thomas Hays, Humphrey Hanmer, Robert Heath, Richard Higginson, John Paul Herringman, William Horton, George Hope, Esquires; Saint John Haines, Theophilus Holbrooke, Clerks; John Hayward, Corbett Hayward, William Higginson, John Hand, Thomas Holt, William Hill, Samuel Hayley, Sedgley Hayley, Thomas Hinton, John Haskll, Gentlemen; Thomas Jenks Esquire, Richard Jackson, John Justice, Clerks; Thomas Jenks junior, William Judson, Alexander Jenks, Gentlemen; Edward Kynaston, Thomas Kirk, Andrew Kirk, Anthony Kynersley, Roger Kynaston, Esquires; John Knight, Randle Keay, John Keay, Gentlemen; Sir Peter Leicester Baronet, Richard Lyster, Peter Leigh, Simon Luttrell, John Foster Lamplow, Esquires; Samuel Lea Clerk, Jeremiah Lovatt, Thomas Lovell, John Leake, George Lowe, Joseph Langford, Gentlemen; the Right Honourable the Earl of Montrath, in the Kingdom of Ireland; Sir James Markham Baronet, Richard Myddelton, Richard Massie, John Maddocks, Herbert Mackworth, Herbert Mackworth junior, Esquires; Henry Moore Clerk, William Masfin, William Murhall, John Murhall, Thomas Murhall, William Masefield, Thomas Marshall, Thomas Norcross, Robert Nevett, Robert Nevett junior, Lawrence Norcop, Richard Old, Michael Orme, Gentlemen; Sir Francis Poole Baronet, Richard Parry Price, Robert Pigott, Dryden Pigott, Charles Pigott, Thomas Price, Benjamin Palmer, John Gough Parry, Humphrey Pitt, Esquires; William Pigott Clerk, George Payne, Edward Payne, John Parsons, Edward Pegg, Thomas Parry, Robert Parkinson, Thomas Palin, Gentlemen; James Richardson Clerk, John Ravenshaw, Richard Roe, Robert Roberts, Gentlemen; Thomas Sandford, William Sneed, Matthew Stubbs, Christopher Saunders, Plowden Slaney, Esquires; Daniel Sandford,

Sandford, William Bill Saunders, Rees Saunders, **Clerks**; Samuel Sherrard, Charles Sandford, Samuel Sandford, William Sadler, John Stubbs, George Stubbs, Francis Skrymshire, William Stanley, Thomas Salt, John Stubbs, John Spearman, William Spearman, Richard Skelton, James Spencer, **Gentlemen**; Hill Trevor, Richard Townshend, James Tilston, William Tayleure, Creswell Tayleure, **Esquires**; Thomas Townson **Clerk**, William Turton, Samuel Turton, John Taylor, Richard Taylor, Richard Tomkin, **Gentlemen**; George Venables Vernon **Esquire**, Thomas Vernon **Gentleman**, John Broughton Whitehall, Roger Wilbraham, John Watson, John Watson **junior**, **Esquires**; William Wicksteed **Clerk**, Richard Wicksteed, Richard Wicksteed **junior**, William Watson, John Wood, Thomas Wycherley, Daniel Wycherley, Jervis Wordley, William Widdens, **Gentlemen**; Thomas Yate **Esquire**, John Yate, Thomas Yate, **Gentlemen**; **and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from** Whitchurch, **in the County of** Salop, **through** Ternhill, **to** Newport, **in the said County, and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be, and is herein after, called the Second District of the said Roads hereby intended to be repaired and widened**; **And that** Sir John Astley **Baronet**, Thomas Anson **Esquire**, William Adams, Joseph Adams, **Gentlemen**; Sir Hugh Briggs, **Sir** Orlando Bridgeman, **Baronets**; Henry Bridgeman, George Bridgeman, Charles Baldwyn, William Bagot, Robert Barbor, George Barbor, Weston Bayley, Peter Broughton, **Esquires**; Robert Binnell, John Brookes, **Clerks**; William Brookes, Richard Bayley, William Briscoe, John Beetenson, Henry Barbor, Ralph Barbor, John Benson, William Bulkeley, William Bill, Thomas Barker, William Barker, **Gentlemen**; Sir Lynch Salusbury Cotton **Baronet**, William Cludde, Edward Cludde, William Congreve, James Cotes, Thomas Connolly, **Esquires**; Richard Congreve, Shirley Cotes, **Clerks**; Richard Corser, John Challinor, John Cooke, Robert Crockett, Thomas Cobb, **Gentlemen**; Sir Bryan Broughton Delves **Baronet**, John Dickenson, Charles Du Gard, **Clerks**; Samuel Du Gard, Samuel Dickenson, Thomas Dickenson, Thomas Dickenson **junior**, John Dickenson **junior**, Thomas Dean, Lewis Dickenson, William Dawes, **Gentlemen**; Thomas Eyton **Esquire**, Jeremiah Egginton, James Egginton, **Gentlemen**; John Fletcher, Brooke Forrester, George Forrester, John Forster, **Esquires**; Fox **Clerk**, Charles Fychild, John Fowler, Allen Freeman, John

Trustees for the Third District.

John Fallowes, Richard Fenton, Gentlemen; Sir Richard Grosvenor Baronet, Thomas Grosvenor, Jeremiah Guest, Thomas Gilbert, Esquires; Thomas Gregory, Josiah George, John Gilbert, Gentlemen; John Paul Herringman, Phineas Hussey, Brooke Hector, Esquires; Saint John Haynes, Theophilus Holbrooke, Clerks; William Hill, Samuel Hayley, Sedgley Hayley, George Hector, Gentlemen; Sir Edward Littleton Baronet, Fisher Littleton, John Foster Lamplow, Richard Lyster, John Levett, Esquires; Samuel Lea Clerk, John Leake Gentleman, the Right Honourable the Earl of Montrath, in the Kingdom of Ireland; Thomas Marshall, William Masefield, Gentlemen; Fettiplace Nott Esquire, Oakley Clerk, Richard Old, Michael Orme, John Orme, Gentlemen; Edward Pemberton, Robert Pigott, Dryden Pigott, Humphrey Pitt, Esquires; William Pigott Clerk, John Paddey, Francis Paddey, Thomas Parry, Edward Pegg, Thomas Parsons, Thomas Palin, Andrew Palin, Thomas Plimley, Thomas Plimley junior, Richard Roe, Thomas Roe, John Ryder, Gentlemen; Plowden Slaney, Walter Smith, William Swinnerton, Esquires; William Bill Saunders Clerk, Stephen Simpson, Charles Simpson, Francis Skrymshire, William Slaney, Thomas Salt, John Stubbs, John Spearman, William Spearman, Richard Shelton, John Spearman de Grange, Thomas Slater, Walter Stubbs, Gentlemen; Richard Townsend Esquire, Richard Taylor, Joseph Taylor, William Taylor, William Tildesley, Gentlemen; Henry Vernon, John Wyrley, Richard Whitworth, Esquires; Borlace Wingfield, Rice Williams, Clerks; Jervis Wordley Gentleman, and their Successors, to be elected in the Manner herein after-mentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from Newport, in the County of Salop, to the said Village or Place called Welch Harp, in the Township of Stonnall, in the County of Stafford, and for putting all the Powers of this Act in Execution in relation to the said Road, which shall be, and is herein after, called the Third District of the said Roads hereby intended to be repaired and widened: And that Sir John Astley Baronet, Doctor John Ash, William Adams, Thomas Allen, Thomas Abney, Gentlemen; Sir Hugh Briggs, Sir Theophilus Biddulph, Sir Orlando Bridgeman, Sir Walter Wagstaff Bagot, Baronets; Charles Baldwyn, Henry Bridgeman, John Biddulph, Egerton Bagot, William Bagot, Paul Bain, George Bridgeman, Esquires; Robert Binnell, John Brooke, Clerks; Thomas Birch, Michael Baxter, Francis Burgess, Richard Barton, John Bather, John Benson, Samuel Bradborne, Samuel Birch, John Beete, Josias Bull,

Trustees for the Fourth District.

Bull, Gentlemen; Sir Lynch Salusbury Cotton Baronet, William Craven, James Cotes, Thomas Connolly, Esquires; Richard Congreve Clerk, Robert Crockett, John Chattock, Henry Carver, Peter Capper, Gentlemen; the Mayor and Aldermen of the City of Coventry, for the time being; the Right Honourable Lord Donegall, in the Kingdom of Ireland; the Right Honourable Lord Digby, in the Kingdom of Ireland; William Dilke, Robert Digby, John Dolphin, Wriothesly Digby, Esquires; Samuel Dickenson, Joseph Dickenson, Richard Dovey, Clerks; Thomas Dean, William Dudley, Cleophas Dullison, Joseph Duncumb, George Dallaway, Digby, John Fowler, Phillip Farmer, James Farmer, Gentlemen; Sir Richard Grosvenor, Sir Henry Gough, Baronets; Thomas Grosvenor, John Giffard, Richard Geast, William Grove, Jeremiah Guest, Thomas Gilbert, Walter Gough, Esquires; Samuel Garbett, Samuel Galton, Gentlemen; Sir Lister Holte Baronet, John Paul Herringman, Phineas Hussey, John Holden, Andrew Hackett, Andrew Hackett junior, Charles Holte, Thomas Hill, James Hewitt, Thomas Hoo, Richard Hopkins, Fleetwood Hinton, John Hodgetts, Esquires; Brooke Hector M. D. Gregory Hickman, Thomas Hughes, Edward Horner, John Hackett, Richard Hackett, Richard Hall, Richard Hawkesford, Joseph Hewitt, Joseph Harper, John Humphrys, Edmund Hector, Richard Hill, John Bracebridge Hawkesford, Gentlemen; John Jacques Clerk, George Jellicoe Gentleman, John Knightley Esquire, William Kettle, John Kettle, Gentlemen; Simon Luttrell, John Ludford, David Lewis, Esquires; Edward Lythall, Jeremiah Lovatt, Sampson Lloyd, Sampson Lloyd the younger, John Luthner, Gentlemen; Sir Charles Mordaunt Baronet, Thomas Marshall, William Masefen, John Moseley, Gentlemen; Fettiplace Nott Esquire, Thomas Neale, Nathaniel Newton, Gentlemen; Rowland Oakover Esquire, Richard Old Gentleman, Robert Pigott, Peter Petit, Humphrey Pitt, Benjamin Palmer, Charles Palmer, John Paddy, Thomas Parry, Girton Peake, Esquires; John Parker, James Penn, Thomas Peake, William Poole, Thomas Pemberton, Richard Pardoe, Francis Parrott, Edmund Wise Patteson, Gentlemen; Doctor John Roebuck, John Russell, Thomas Russell, John Reynolds, Gentlemen; Francis Stratford, Walter Smith, Thomas Savage, Miller Sadler, Esquires; Abraham Spooner, Joseph Smith, William Sadler, Walter Stubbs, Gentlemen; Doctor John Turton, John Taylor Esquire, John Taylor, William Tarver, John Tyrear, Thomas Tuckey, Thomas Turner, Gentlemen; Henry Vernon, Richard Vernon, Esquires; the Reverend William Vyse Archdeacon of Salop, Sir William

liam Wolfeley Baronet, Francis Wheler, Moreton Walhouse, John Wyrley, Esquires; Rice Williams Clerk, Christopher Wood, Charles Wood, Stephen Wendon, Humphrey Webb, John Waldron, Richard Whitehouse, Nathaniel Wynn, John Walters, Samuel Walford, Joseph Webster, Charles Wilson, John York, Gentlemen; and their Successors, to be elected in the Manner herein aftermentioned, shall be, and are hereby appointed Trustees for repairing and widening the said Road leading from the said Village or Place called the Welch Harp, to Stone Bridge, in the Parish of Hampton on Arden, in the County of Warwick; and also the said Road leading from Castle Bromwich, in the said County of Warwick, to Birmingham in the same County, and for putting all the Powers of this Act in Execution in relation to the said Roads, which shall be, and are herein after, called the Fourth District of the said Roads hereby intended to be repaired and widened.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Seven or more of them, shall meet together at the House or Place known by the Name of the Inner Pentice, in the City of Chester, on the Monday Three Weeks next after the passing of this Act; and the Trustees for the said Second District, or any Seven or more of them, shall meet at the House of John Benson, known by the Sign of the Red Lion, in Whitchurch, on the Friday Three Weeks next after the passing of this Act; and the Trustees for the said Third District, or any Seven or more of them, shall meet at the House of Joseph Phipps, known by the Sign of the Sun, in Ivetsey Bank, on the Wednesday Three Weeks next after the passing of this Act; and the Trustees for the said Fourth District, or any Seven or more of them, shall meet at the House of James Knight, known by the Sign of the White Lion, in Castle Bromwich, on the Tuesday Three Weeks next after the passing of this Act; and respectively proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves, to meet at such Place or Places, within or near such respective Districts, as they the said respective Trustees, or any Seven or more of them, shall, from time to time, think most convenient for putting this Act in Execution: And if, at any Meeting or Meetings 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, respectively, shall, from time to time, as often

In Default of a sufficient Number of Trustees to act,

as

as such Case shall so happen, by Notice in Writing, to be affixed upon all the Turnpikes which shall then be erected within the respective Districts, at least Ten Days before the next Meeting, appoint such Trustees respectively to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day 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 respective Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise: And that no such Order or Determination shall be 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; nor shall any such Order or Determination be revoked or altered, at any subsequent Meeting, unless Seven Trustees shall be present: Nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees.

Notice to be given of another Meeting.

Trustees to defray their own Expences.

No Act valid, except done at a Meeting of the Trustees.

No Order to be repealed unless Seven Trustees are present.

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

Trustees, who are in the Commission of the Peace, may act as Justices.

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 chosen, for the said Districts respectively, it shall be lawful for the surviving or remaining Trustees, for such District respectively, or any Seven or more of them, from time to time, to elect One other Person to be a Trustee, in the Room 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 fixed upon all the Turnpikes within such respective District, at least Ten Days before every such Meeting: And all Persons, who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

On Death, &c. of Trustees, others to be chosen.

10 Days Notice to be given of such Election.

Provided nevertheless, and be it 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 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 Fifty Pounds, above Reprizes; or possessed of, or intitled unto, a Personal Estate alone,

Qualification of Trustees.

or Real and Personal Estate together, of the Value of One thousand Pounds; or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, 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, upon Proof given of his having acted as a Trustee in Execution of this Act.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Seven or more of them, shall and may, from time to time, cause One or more Turnpike or Turnpikes to be erected across the said Road, at such Place and Places within the said First District, and on the Side or Sides of, or across, any Lane or Way leading into the said Road, as the said Trustees, or any Seven or more of them, shall think proper: But not nearer to the City of Chester than Three hundred Yards North of a certain Bridge, called Golborn Bridge, in the County of Chester (unless by the Consent of the Mayor, or Aldermen, and Common Council, of the City of Chester, for the time being) nor nearer to the Town of Whitchurch, on the North Side thereof, than a certain Place, called Hampton Post, in the Township of Hampton, in the County of Chester, unless by the Consent of the Trustees for the said Second District, or any Seven or more of them, assembled at a Meeting for that Purpose, of which Thirty Days Notice at least, in Writing, shall be affixed upon all the Turnpikes in the said Second District, and the Intention of holding such Meeting expressed in such Notice: And the Trustees for the said Second District, or any Seven or more of them, shall and may, from time to time, cause One or more Turnpike or Turnpikes to be erected across the said Road, at such Place or Places within such Second District, and on the Side or Sides of or across any Lane or Way leading into the said last mentioned Road, as the said Trustees, or any Seven or more of them, shall think proper; but not nearer than Six Miles of the Town of Newport, on the North Side thereof:

thereof: And the Trustees for the said Third District, or any Seven or more of them, shall and may, from time to time, cause One or more Turnpike or Turnpikes to be erected across the said Road, at such Place or Places within the said Third District, and on the Side or Sides of or across any Lane or Way leading into the said last mentioned Road, as the said Trustees, or any Seven or more of them, shall think proper; And the said Trustees for the said Fourth District shall cause the following Turnpikes to be erected; that is to say, A Turnpike across the said Road within the said Fourth District, at such Place between Stone Bridge, and the Place where the Road from Birmingham communicates with the Road leading from Stone Bridge to the said Place, called the Welch Harp, as the said Trustees, or any Seven or more of them, shall think proper; and also One other Turnpike across the said Road within the said Fourth District at such Place, between the Towns of Castle Bromwich and Birmingham (but not nearer to Birmingham than a certain Place called Salely, in the Parish of Aston, in the County of Warwick) as the said Trustees, or any Seven or more of them, shall think proper: And the said Trustees for the said Fourth District, or any Seven or more of them, may and they are hereby impowered to cause such other Turnpike or Turnpikes to be erected across the Road, at such Place or Places in the said Fourth District, and on the Side or Sides of or across any Lane or Way leading into the Road in such District, as they the said Trustees, or any Seven or more of them, shall think proper: And all, any, or either of such Turnpikes may be, from time to time, removed, altered, or replaced, in such Manner as the said Trustees for the said respective Districts, or any Seven or more of them, shall order and appoint, so that during the Term of this Act One Turnpike be continued across the said Road between Stone Bridge and the Place where the Road from Birmingham communicates with the Road leading from Stone Bridge to the Place called the Welch Harp, and One other Turnpike be continued across the said Road between Castle Bromwich and Birmingham: And a Toll-house shall or may be erected or provided, upon or on the Side of the said Road, at or near the Places where each of such Turnpikes shall be erected: And the Tolls following shall be demanded and taken by such Person or Persons, as the said respective Trustees, or any Seven or more of them, shall, from time to time, appoint to receive the same, at each of the said Turnpikes, before any Horse, Cattle, Beast, or Carriage,

and take the following Tolls thereat.

riage, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Three Pence.

For every Horse, Mare, Gelding, Mule, or other Beast, 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, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Tolls may be levied by Distress and Sale.

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 the collecting of such Tolls, to seize and distrain any Horse or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing 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 Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted: And all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said respective Trustees, and shall be applied, or may be assigned, in such Manner as is herein after-mentioned.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

No Toll to be taken for crossing the Road only.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, within the said respective Districts, and of the Materials for building the same, and also all Materials which shall be actually got or collected for repairing the said Roads within such Districts, shall be, and are hereby vested in

the

the said Trustees for such Districts respectively; and they, or any Seven or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any One or more of them, or of the Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons, who shall injure or disturb them in the Possession thereof.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said Districts, or the Monies to be borrowed upon the Credit thereof, the said respective Trustees, or any Seven or more of them, shall, in the First Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act; and that One Fourth Part of all such Expences shall be defrayed out of the Monies arising within, or upon account of, the said First District; One other Fourth Part of all such Expences, out of the Monies arising within, or upon account of, the said Second District; One other Fourth Part of all such Expences, out of the Monies arising within, or upon account of, the said Third District; and the remaining Fourth Part of all such Expences shall be defrayed out of the Monies arising within, or upon account of, the said Fourth District, in Manner following; that is to say, Two Thirds of the said last mentioned Fourth Part shall be paid out of the Monies arising within, or on account of, the said Road, leading from the said Village or Place called The Welch Harp to Stone Bridge aforesaid, and the remaining One Third thereof shall be paid out of the Monies arising within, or on account of, the said Road, leading from Castle Bromwich to Birmingham; and afterwards all such Tolls and Monies collected and levied within the said First, Second, and Third Districts, and the Monies to be borrowed on the Credit thereof respectively, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the respective Road in the District wherein, or on account whereof, such Tolls are collected and levied, and for which such Monies are borrowed, and of executing the other Purposes of this Act, within, and in relation to, such District respectively; and afterwards all such Tolls and Monies to be collected and levied within the said Fourth District, from the said Village or Place called The Welch Harp to Stone Bridge, and the Monies to be borrowed on the Credit thereof, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, that Road only, and of putting

ting this Act in Execution in relation thereto; and all such Tolls and Monies to be collected in such Fourth District, from the Town of Castle Bromwich to the Town of Birmingham, and the Monies to be borrowed on the Credit thereof, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, that Road only, and of putting this Act in Execution in relation thereto, and to no other Use whatsoever, except as is herein after mentioned.

Surplus Tolls may be applied in repairing Roads in other Districts.

Provided always, and be it further enacted by the Authority aforesaid, That after the Road within any or either of the said respective Districts, or such respective Parts of the Road in the said Fourth District, shall be adjudged by the Trustees for such respective Districts, or any Seven or more of them, to be well and effectually repaired, altered, and widened, the Surplus of the Tolls and Monies hereby appropriated for repairing, altering, and widening the Road within such respective District, or such respective Parts of the Road in the Fourth District, so effectually repaired, altered, and widened, shall, after defraying the Expence of keeping such Road in good and effectual Repair, and of executing this Act within, or in relation to, such District, or such respective Parts as aforesaid, be applied in repairing, altering, and widening the Road in such other of the said Districts, or the Part of the Road in the Fourth District, which shall not be effectually repaired and widened, in such Manner and Proportions as the said Trustees for such District, wherein such Road, or such respective Parts, shall be so effectually repaired, altered, and widened, or any Seven or more of them, shall, from time to time, direct and appoint.

Trustees not to repair paved Streets, &c.

Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said respective Trustees, or any of them, to repair any of the Streets within the Towns of Birmingham, Newport, or Whitchurch, or the Street within Fifty Yards of the said Bars at Boughton, within the Liberties of the City of Chester.

Trustees may contribute to the building of Bridges in other Districts.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Seven or more of them, and they are hereby impowered, from time to time, as they shall see fit and convenient, to contribute, pay, and apply, any Sum or Sums of Money arising from the Tolls collected and levied within any of the said respective Districts, or any Part of the Road in the said Fourth District, or the Monies to be borrowed on the Credit of the said Tolls, as they the said respective Trustees, or any Seven

or

or more of them, shall think fit, for the building, erecting, repairing, and keeping in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, lying in any other of the said respective Districts, or any Part of the Road in the said Fourth District, and to pay such Sum or Sums of Money into the Hands of the Treasurer or Treasurers, Surveyor or Surveyors, for such respective District, or such Part of the Road in the said Fourth District, or otherwise, as the said respective Trustees, or any Seven or more of them, shall direct and appoint, to be applied for the Purposes aforesaid.

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

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Seven or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings, to be held for that Purpose, to lessen or reduce, within such respective Districts, all or any of the Tolls by this Act granted, and for such Time or Times as they the said respective Trustees, or any Seven 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 the said respective Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions, at the Turnpikes in such Districts respectively, as they the said respective Trustees, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made at any Time after the said First Meeting for such District respectively, unless the Person or Persons, who shall be intitled to Two Thirds of the Money which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Twenty Days previous Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected within such respective District by virtue of this Act, of the Intention to make such Reduction.

Tolls to be paid but Once a Day.

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 Horses,

Cattle, Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of this Act, upon the Road, and on the Sides thereof, in each respective District, and cross any Lane or Way leading into the same respectively; and that all and every Person and Persons, after having paid Toll Once, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all the Turnpikes in and belonging to the respective District wherein, or in relation whereto, such Tolls were paid; and which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

Proviso. Provided always, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times, with the same Cattle or Carriage, in the same Day, through any One Turnpike.

Trustees may compound with Travellers. And be it further enacted by the Authority aforesaid, That the respective Trustees for the said respective Districts, or any Seven or more of them, may and are hereby impowered, from time to time, as they shall see convenient, to compound and agree, for any Term not exceeding Two Years at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon such Part of the Road as lies within such District respectively, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly, in Advance, to the Treasurer of such District; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Trustees may lease the Tolls. And be it further enacted by the Authority aforesaid, That it shall be lawful for the respective Trustees for the said respective Districts, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to, such respective Districts, or any Part or Parts of such Tolls, 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 Times, and under such Covenants, and to such Person or Persons, as they the said respective Trustees, or any Seven or more of them, shall direct or appoint; and the Monies

Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on Persons going thro' or permitting private Passage.

And be it further enacted by the Authority aforesaid, 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 which 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 of 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 or Beasts, without Payment of Toll, or shall take off, or cause to be taken off, any Horse or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon or near to any Part of the said respective Roads, any Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety 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.

or giving or receiving Tickets,

or taking off Horses, to avoid Payment of the Tolls.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, loaden only with, or going unloaden for, or returning unloaden, having been loaden only with, on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships in which 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 Ploughs, Harrows, or Implements of Husbandry, or Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving of Lands; or for any Person or Persons residing in the Township in which either of the said respective Roads doth lie, going to or from their proper parochial Church,

Church, Chapel, or other Place of Religious Worship, or attending the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; or for any Post-horse, or Vehicle, carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or 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 Counties of Chester, Salop, Stafford, or Warwick, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded: And if any Person shall claim, and take the Benefit of, any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Twenty Shillings.

Penalty on making illegal Claims.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the respective Trustees for the said respective Districts, or any Seven or more of them, at their First or any subsequent Meeting, for or in relation to such Districts respectively, upon the Credit of the Tolls arising within or in relation to the said respective Districts, in such Manner as they the said respective Trustees, or any Seven or more of them, shall think proper, to borrow and take up, at legal or less Interest, such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may, and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls, arising within such respective District, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said respective Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, after such First Meeting, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes within the District for which such Monies shall be borrowed, at least Twenty Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assign-

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

ment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest-money thereby secured; and all and every Person and Persons, to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such respective Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies. No undue Preference to be given.

Provided always, and be it further enacted by the Authority aforesaid, That no Monies shall be borrowed on the Credit of the Tolls generally arising within the said Fourth District; but that Monies shall be separately and distinctly borrowed upon the Credit of the Tolls arising upon the Road from the Welsh Harp to Stone Bridge, and upon the Road from Castle Bromwich to Birmingham respectively; and such Tolls shall be separately and distinctly assigned for securing the Payment of the Monies so respectively borrowed, and the Monies shall be applied in such Manner as the Tolls so assigned are herein before directed and authorized to be applied. Tolls in the Fourth District to be separately assigned.

And be it further enacted by the Authority aforesaid, That the Trustees for the said respective Districts, or any Seven or more of such Trustees, may from time to time appoint such Officers, and other Persons, as they shall think necessary to employ in the Execution of this Act, within and for each such respective District, and from time to time remove such Officers and other Persons, and appoint others in their Stead; and, out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons, as to them the said respective Trustees, or any Seven 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 Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven 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 Trustees to appoint Officers, and remove them, and appoint others.

shall remain in their respective Hands to the Trustees for such respective Districts, or any Seven 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 respective Trustees, or any Seven or more of them (which Oaths the said Trustees, or any Two or more of them, are hereby impowered 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 respective Trustees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act; in each, any, or either of the said Cases, any One or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Inquiry 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 impowered and required to administer without any Fee or Reward) and if any such Officer or Person 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 respective Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said respective Trustees, or any Seven or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, and given Satisfaction in respect thereof to the said respective Trustees, or any Seven or more of them.

Officers to account upon Oath.

Officers refusing to account,

Justices to enquire into the Default;

and commit the Offender,

until he shall conform, or compound for the same.

Provided always, That no such Collector, Surveyor, or other Officer, shall gain a Settlement in any Parish or Place by reason of his being appointed to, or serving in, such Office.

Officers not to gain any Settlement.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and 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 proper.

Treasurer to give Security.

Provided

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall be lawful for any Seven or more of the Trustees for such District respectively, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the Trustees for such District, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls. Trustees may appoint Officers, tho' not at a publick Meeting.

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee, shall be capable of holding any Place of Profit under this Act. No Victualler, &c. shall hold any Place of Profit.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for each respective District, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Road lies, or in any neighbouring Parish, Town, or Place, without paying any thing for the same; such Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also by Order of the Trustees for such respective Districts, or any Seven or more of them, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands over which any Materials, gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said respective Trustees, or any Seven or more of them, shall adjudge reasonable. Surveyors may take Gravel, &c. from Waste Grounds, &c. without paying for the same; levelling the Pits;

And be it further enacted by the Authority aforesaid, That it shall be lawful for the Trustees for such respective Districts, or any Seven or more of them, or the said Surveyor Surveyors may remove Annoyances.

Surveyor or Surveyors, and such Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from such Trustees, or any Seven 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 into, along, 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 make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Road, or in the Hedges or Banks adjacent thereto; and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and 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 respective Trustees, Surveyor or Surveyors, shall require, 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 respective Trustees, or any Seven 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 are herein after directed to be recovered and applied; 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.

and cut down Trees, &c.

Owners neglecting to do the same after to Days Notice.

Charges to be reimbursed the Surveyor, to be levied by Distress and Sale.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for such respective Districts, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the Trustees for such Districts respectively, or any Seven or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Ground of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Grounds respectively not being the

Surveyors may make Causeways,

widen the narrow Parts of the Road,

Ground whereon any House stands, or 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 as a public Highway, whilst the old Road is repairing or widening: And also by the Order of any Seven or more of the said Trustees to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross any Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the Trustees for the District wherein or in relation whereto such Works, Matters, and Things, shall be done or performed, or any Seven or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground.

and erect Bridges, &c.

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the Trustees for such Districts respectively, or any Seven or more of them, shall be and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the Road, within the said respective Districts, through any Wood or Waste Ground, without making any Satisfaction for the same; and also through any Private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose, it shall be lawful for the said respective Trustees, or any Seven or more of them, to contract and agree 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 the diverting, turning, or altering, the Course or Path of any Part or Parts of such Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in,

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

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

any such Lands or Hereditaments; to contract with the said respective Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding. And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be diverted, turned, or altered, shall, for the Space of Two Months next after such Notice given or left, 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 such Case, the said respective Trustees, or any Seven or more of them, shall cause such Damage and Recompence to be inquired into, and ascertained, by a Jury of Twelve indifferent Men of the County wherein such Lands or Hereditaments do lie. And, in order thereto, the said respective Trustees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine, upon Oath, all and every such Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and such 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 Information in the Premisses: And after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said

Where Persons shall refuse, or neglect to treat,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

respective Trustees, or any Seven or more of them, shall, and they are hereby authorized and required, upon the Return of the Inquisition, to hear and examine the Matter thereof, and thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict, or Inquisition, and Judgement, Order, or Determination, thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said respective Trustees, or any Seven or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before the said Trustees, within the respective District, 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 summoned, impanelled, 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, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve: And all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said respective 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 upon 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 appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving, their

Verdict of the Jury to be binding and conclusive.

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

Jurors may be challenged.

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

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, shall refuse or neglect to appear, or, appearing, shall refuse to be examined, or to give Evidence, and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for, or assessed, as aforesaid, shall be paid out of the Tolls arising within or upon account of the respective District wherein such Road is intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Parties or Persons respectively intitled to such Monies, or to their Agents; and, upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to the said respective Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorized by Writing under the Hands of the said respective Trustees, or any Seven or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter or Thing, with relation to such Lands or Hereditaments, as the said respective Trustees, or any Seven or more of them, shall think fit: And the said respective Trustees, or any Seven or more of them, shall cause such Parts of the said Road as shall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments, which shall be made a Part or Parts of the said Road by virtue of this Act, shall be for ever thereafter, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, in such Manner as the Road hereby appointed to be repaired within such respective District is by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments: And after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said respective Trustees, or any Seven or more of them, for the best Price that can be gotten

Lands when purchased to be made Part of the Roads, &c.

and kept in Repair as such.

Old Road to be sold.

gotten for the same; and the Money arising by such Sale shall be applied to the Repair of the Road within such respective District; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Buildings not to be injured, &c.

Provided always, That no Person shall act as a Trustee in any Case, relating to the contracting for, or purchasing of, any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

Where a new Road shall be made, Inhabitants not liable to Repair of former Road, except, &c.

And whereas some Parts of the Road by this Act directed to be repaired lie over several Moors, Commons, Waste Grounds, open Fields, or Pastures; and if the same were to be inclosed, the said Road may not be left of a sufficient Breadth for the Accommodation of Travellers; be it therefore enacted, That when any Part of the said Road over any Moor, Common, Waste Grounds, open Fields, or Pastures, shall be made or repaired in pursuance of this Act, the said Road shall for ever thereafter be and remain Sixty Feet Broad, and be deemed a public and common Highway.

Road over Moors, &c. to be 60 Feet broad.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Road lies, and all other Persons liable to perform the Work commonly called Statute-work, upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and shall be liable to perform such Statute-work as Persons keeping

Rents and Money, &c. applicable to Repair of the Roads, to continue so.

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads do lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person, who, within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the Road hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the Trustees for such respective District, or any Seven or more of them, or the Surveyor or Surveyors for such District, shall from time to time direct and appoint; so that no more than Three Days Work shall be done by any One Person or Team on the said Road in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the Road within such District respectively, shall give Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; And every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said respective Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after mentioned; that is to say, Every Person who shall keep, or by virtue

Inhabitants to do Statute-work.

Penalty on Surveyors not delivering in such Lists.

Penalty on Persons not performing their Statute-work.

of this Act shall be deemed to keep, a Team or Teams, for every Day's Default, for each Team, the Sum of Ten Shillings; and every other Inhabitant, or Person not keeping, or being 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 every Person who shall, according to such public Notice as aforesaid, come as a Labourer, or with any Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Labourers found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the Trustees for the said respective Districts, or any Seven or more of them, to compound or 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 Road within the said Districts respectively, or with any Person or Persons for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively, as aforesaid (by and with the Consent of the Majority of the Inhabitants of such 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 the said respective Districts, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road within such Districts respectively; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the Road within such respective District; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may compound with Parishes, &c.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

Surveyors paying the Composition-money, how to be reimbursed.

Penalty on drawing Timber, &c. otherwise than on Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall have 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 (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel-carriages, to drag upon any Part of such Road, to the Prejudice thereof; or shall wilfully drive any loaded Waggon or Cart along any Foot or Horse Causeway, being Part of, or lying near, or adjoining to, the said Road; or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from, off, or on the Sides of the said Road, or such Causeway, as aforesaid; or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Road or Causeway; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, for the said respective Districts, or any Seven or more of them, may cause the said Road to be measured, and Stones or Posts to be set up in, upon, or near, the Sides thereof, at the Distance of One Mile from each other; with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and also to erect Guide or Direction Posts, with Inscriptions thereon, as the said respective Trustees, or any Seven or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage, any such Stone or Post, or obliterate any Inscription which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person so offending shall forfeit the Sum of Forty Shillings for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied: And in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than

Penalty on defacing Mile-stones, &c.

One

One Month, unless such Forfeiture, and all reasonable Charges, shall be sooner paid: And every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed; and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Seven or more of the Trustees for the District wherein or in relation whereto the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any Two of such Trustees, or such Justice, is or are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Seven or more of such Trustees, or of such Justice (which Warrant or Warrants such Trustees or Justice is or are hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Seven or more of the Trustees, for the District wherein or in relation whereunto such Offence shall be committed, or to their Treasurer, and applied in the Repair of the Road within such District: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Two Months, unless

less such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved, by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Ten intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer for the respective District; and within Four Days after such Notice, entering into a Recognizance, before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Security to be given to prosecute.

Distress not to be deemed unlawful for want of Form,

nor the Party distraining to be deemed a Trespasser *ab initio*.

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 Default or Want of Form in the Summons, Conviction, Notice, 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, may recover full Satisfaction for the special Damage in an Action upon the Case.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made by, or on Behalf of, the Party or Parties who shall have committed, or caused to be committed, any such

Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, at their Meetings for each respective District, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks for such respective District, at any Meeting of Seven or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders: Which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence, in all Courts whatsoever.

Commencement and Continuance of this Act.

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

Proceedings not to be quash'd for want of Form only;

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall 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.

nor removable by *Certiorari*.

Provided

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice shall be thereof 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 or Suit shall be laid or brought in the Counties of Chester, Salop, Stafford, or Warwick, or in the County of the City of Chester, and not elsewhere: And the Defendant and Defendants, in every such Action or Suit, shall and may, at his Election, plead specially, or 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 Twenty 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; 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 Suit, 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 recover Treble Costs; and have such other 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 Public Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.