Anno decimo

# Georgii III. Regis.

An Act for repairing and widening the Road from *Tunſtall*, in the County of *Stafford*, to *Boſley*, in the County of *Cheſter*; and from *Great Chell*, to *Shelton*, in the ſaid County of *Stafford*.

WHEREAS the Road leading from the preſent Turnpike Road in Tunſtall, in the County of Stafford, through Great Chell and Biddulph, by Biddulph Mill, and through Overton and Buglawton, over Limford Bridge, to the Turnpike Road leading from Leek to Macclesfield, in Boſley, in the County of Cheſter; and alſo the Road leading from Great Chell aforeſaid, by Bank Top and Sneyd Green, and through Hanley Green, to the Turnpike Road in Shelton, in the ſaid County of Stafford, are, in many Places, very ruinous, narrow, and incommodious, and in ſome Parts almoſt impaſſable for Carriages, and cannot be effectually repaired, widened, and kept in Repair by the ordinary Courſe of Law: 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 Preamble.



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Truſtees for the Firſt Diſtrict.

the ſame, That the Right Honourable James Smith Stanley commonly called Lord Strange, the Right Honourable Archibald Hamilton commonly called Lord Archibald Hamilton, Thomas Anſon, George Adams, Charles Bowyer Adderley, William Armett, Edward Arblaſter, Rowland Atkinſon, Cookſon Atkinſon, Thomas Armett, Charles Armett, John Antrobus, Philip Antrobus, Thomas Adams, Richard Adams Clerk, Joſeph Adams, Benjamin Adams, William Adams, John Adams, John Allen, the Right Honourable Thomas Bellaſis commonly called Lord Bellaſis, Sir William Bagot Baronet, Sir Thomas Broughton Baronet, Richard Wilbraham Bootle, Francis Brownſword Bullock, Brook Boothby, John Bagnall, Charles Biddulph, William Beard, Thomas Baddeley, Thomas Beech, John Baddeley, William Bill, James Brindley, John Brindley, Thomas Broom, George Broom, Joſeph Booth, John Baddeley, Enoch Booth, Enoch Booth junior, Hugh Booth, Richard Beech, William Bate, Joſeph Bucknall, Robert Bucknall, William Bourne, Thomas Bryan, Thomas Broad, the Reverend John Bullock, the Reverend William Bullock, Thomas Brooke, Thomas Baddeley, William Broadhurſt, Samuel Boyer, John Beckett, Luke Bennett, Nathaniel Beard junior, James Bent, James Bourne, John Bourne, Iſaac Barbor, Aaron Brown, John Breck Clerk, Thomas Baddeley, William Broadhurſt, John Badnall, Joſeph Badnall, John Birtles, Ralph Bagnall, Andrew Ball, William Baddeley, John Booth, Sampſon Bagnall, Sir Lynch Saluſbury Cotton Baronet, Sir John Chetwode Baronet, Thomas Cholmondeley, John Crewe, Charles Crewe, Smith Child, John Crewe of Boleſworth, William Clowes, Randolph Crew D. D. Joſeph Crew D. D. Iſaac Cope, John Cumberbach, John Clownam, Thomas Cartwright, John Cartwright, John Cook, Thomas Child, John Chatterley, Charles Chatterley, Ephraim Chatterley, John Clowes, Joſiah Clowes, William Clowes, John Copeland, Charles Cartwright, William Cornthwaite, John Cobb, John Clark, John Daniel Eſquire, Richard Davenport, Simon Debank, Lee Dickinſon, John Davenport, John Daintry, Michael Daintry, Thomas Daniel, Thomas Daniel junior, Sir Thomas Egerton Baronet, Samuel Egerton, Richard Edenſor, Thomas Fitzherbert, John Fenton, John Fenton junior, Thomas Fenton, Thomas Fenton, John Fenton, John Fernyhough Clerk, Thomas Fernyhough, Thomas Fletcher, Thomas Fletcher junior, James Ford, John Ford, Hugh Ford, Iſaac Ford, Hugh Ford, William Ford, Thomas Ford, Henry Fowler, Robert Fowler Clerk, William Fowler, Ralph Ford, Sir Nigel Greſley Baronet, the Honourable

able Booth Grey, the Honourable John Grey, Thomas Gilbert, George Greatback, James Godwin, Francis Gosling, Edward Gream, John Gresley Clerk, Thomas Greaves, Samuel Glover, Thomas Godwin, Sir Henry Harpur Baronet, Bryan Hodgson, Robert Hodgson, Samuel Huxley, Richard Hill, William Stonhewer Hall, John Henshall, Hugh Henshall, John Hales, John Hassells, Thomas Heath, Joshua Heath, Richard Hollins, John Hollins, Thomas Hollins, Joseph Hollins, Thomas Hatrell junior, Henry Hatrell, Thomas Heath, William Hyatt, Blest Hadderton, John Hancock, Thomas Handley, Thomas Harwar, John Hollins, Thomas Hollins junior, John Hand, Daniel Heath, Thomas Jolley, Thomas Johnson, Nathan Jackson, Nathan Jackson junior, the Right Honourable John Lord Viscount Kilmorey, William Kinnersley, Anthony Keeling, Peter Legh Esquire, Charles Legh, Peter Legh, Robert Lawton, John Lawton, Harry Langford, George Lee, Obadiah Lane Clerk, Myles Lonsdale Clerk, Richard Lateward, John Lovatt, Thomas Lovatt, William Leigh, Edward Lowndes, William Lowndes, Sir William Meredith Baronet, Thomas Mills, Edward Mainwaring, Hugo Meynell, Jon Murhall, John Massey, Robert Macclesfield, William Mills, Edward Mainwaring junior, Ralph Moreton, John Middleton Clerk, Thomas Middleton Clerk, John Mare, John Mare junior, Thomas Mutchill, Jesson Mason, Joseph Mellard, William Malkin, John Marsh, Thomas Marsh, Francis Mare, Joseph Mellor, John Mear, Joseph Myott, Ralph Moreton, the Mayor, Recorder, Justices, and Bailiffs of Newcastle under Line for the Time being, Daniel Nixon, Randle Oakes, Lord Chief Baron Parker, Richard Pennant, Thomas Parker, George Parker, Humphrey Palmer, Samuel Perry, Edward Pitt, John Porter, John Poole, John Parker, Thomas Plant, John Plant, Thomas Price, Ralph Pool, Thomas Pratt, Richard Pratt, John Pratt, Thomas Payne, Thomas Ravenscroft, Charles Roe, William Roe, William Richardson, Thomas Rowley, William Robinson Clerk, James Robison, Samuel Robison, Robert Robison, John Richards, Robert Rhodes, John Ripton, Sir John Thomas Stanley Baronet, Ralph Sneyd, William Swinnerton, Lawrence Stanley, Jeremiah Smith, Thomas Swinnerton, Edward Sneyd Clerk, Walter Sneyd, William Stanier, Francis Stanier, Thomas Stonhewer, Joshua Stonhewer, Thomas Stanier, Richard Stonier, Ambrose Smith, John Smith, James Staley, John Sherratt, Samuel Sherratt, John Stonehewer, John Shufflebotham of Bosley, John

Shufflebotham of Sutton, Thomas Swinnerton, Benjamin Swinnerton, John Sparrow, Thomas Shaw, William Sutton, John Simpſon, Thomas Simpſon, James Smallwood, William Smallwood, John Stafford, Joſeph Stone, Joſeph Snape, Daniel Shufflebotham, Thomas Sutton, Benjamin Sutton, Joſeph Smith, Simon Sherratt, George Tollett, Charles Tollett, George Twemlow, Thomas Twemlow, John Tilſtone, John Taylor, Samuel Tellwright, Samuel Turnock Clerk, John Tellwright, Enoch Tomkinſon, Benjamin Turnock, Joſeph Turnock, Adam Turnock, Thomas Unett, William Unett, James Varden, Sir John Wrotteſley Baronet, Sir Peter Warburton Baronet, Sir George Warren Knight of the Bath, Richard Whitworth, Thomas Whieldon, Bowyer Leftwich Wynne Whittacre Wright, Joſeph Whitall, John Wardle, Joſeph Ward Clerk, John Wheelock, John Ward Clerk, William Whieldon, William Whieldon junior, Stephen Wood, Richard Wedgwood, John Wedgwood, Thomas Wedgwood, Joſiah Wedgwood, John Wedgwood of Smallwood, Carlos Wedgwood, Thomas Warburton, Iſaac Warburton, Jacob Warburton, Jacob Warburton junior, John Weatherby, John Weatherby junior, John Woodhouſe, Joſeph Wardle, John Wardle, John Yates, Thomas Yearſley, Benjamin Yardley, Joſeph Yates, **and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and they are hereby appointed Truſtees, for repairing and widening the ſaid Road leading from** Tunſtall **to** Boſley **aforeſaid, and for putting all the Powers of this Act in Execution in relation to the ſaid Road, which ſhall be, and is hereafter called the Firſt Diſtrict of the Roads hereby intended to be repaired and widened: The Right Honourable Lord** Archibald Hamilton, Thomas Anſon, George Adams, Charles Bowyer Adderley, William Armet, Edward Arblaſter, Thomas Armet, Charles Armet, Thomas Adams, Richard Adams Clerk, Joſeph Adams, Benjamin Adams, William Adams, John Adams, John Allen, Sir William Bagot Baronet, Sir Thomas Broughton Baronet, John Bagnall, Charles Biddulph, William Beard, Thomas Baddiley, Thomas Beech, John Baddiley, William Bill, James Brindley, John Brindley, Thomas Broom, George Broom, Joſeph Booth, John Baddeley, Enoch Booth, Enoch Booth junior, Hugh Booth, Richard Beech, Joſeph Bucknall, Robert Bucknall, William Bourne, Thomas Bryan, Thomas Broad, Samuel Boyer, John Beckett, Luke Bennett, Nathaniel Beard junior, James Bent, James Bourne, John Bourne, Iſaac Barbor, Aaron Brown, John Breck Clerk,

Truſtees for the Second Diſtrict.

William

William Baddeley, John Booth, Sampſon Bagnall, Thomas Boulton, Hugh Bolton Clerk, Joſeph Barker, Thomas Barker, William Banks, Joſeph Bourne, Sir John Chetwode Baronet, John Crew, Charles Crew, Smith Child, John Clownam, Thomas Cartwright, John Cartwright, John Cook, Thomas Child, John Chatterley, Charles Chatterley, Ephraim Chatterley, John Clowes, Joſiah Clowes, William Clowes, John Cobb, John Clark, Thomas Corbett, John Daniel, Thomas Daniel, Thomas Daniel junior, Sir Thomas Egerton Baronet, Samuel Egerton, Thomas Fitzherbert, John Fenton, John Fenton junior, Thomas Fenton, Thomas Fenton, John Fenton, John Fernyhough Clerk, Thomas Fernyhough, Thomas Fletcher, Thomas Fletcher junior, Hugh Ford, Iſaac Ford, Hugh Ford, William Ford, Thomas Ford, Henry Fowler, Robert Fowler Clerk, William Fowler, Ralph Ford, Sir Nigel Greſley Baronet, the Honourable Booth Grey, the Honourable John Grey, Thomas Gilbert, George Greatbach, James Godwin, John Greſley Clerk, Sir Henry Harpur Baronet, Bryan Hodgſon, Robert Hodgſon, Richard Hill, John Henſhall, Hugh Henſhall, John Hales, John Haſſells, Thomas Heath, Joſhua Heath, Richard Hollins, John Hollins, Joſeph Hollins, Thomas Hollins, Thomas Hatrell junior, Henry Hatrell, Thomas Heath, John Harriſon, William Hyatt, Bleſt Hadderton, John Hancock, Thomas Handley, John Hand, Daniel Heath, William Kinnerſley, Anthony Keeling, Robert Lawton, John Lawton, Obadiah Lane Clerk, Richard Lateward, John Lovatt, Thomas Lovatt, William Leigh, Thomas Mills, Edward Mainwaring, Hugo Meynell, John Murhall, Robert Macclesfield, Edward Mainwaring junior, William Mills, Ralph Moreton, John Middleton Clerk, Thomas Middleton Clerk, John Mare, John Mare junior, Jeſſon Maſon, Joſeph Mellard, William Malkin, John Marſh, Thomas Marſh, Francis Mare, Ralph Moreton, the Mayor, Recorder, Juſtices, and Bailiffs of Newcaſtle under Line for the Time being; Daniel Nixon, Randle Oakes, Lord Chief Baron Parker, Thomas Parker, George Parker, Humphry Palmer, Samuel Perry, John Plant, Thomas Price, Ralph Pool, Thomas Payne, Thomas Pratt, Thomas Ravenſcroft, Thomas Rowley, William Robinſon Clerk, James Robiſon, Samuel Robiſon, Robert Robiſon, John Richards, Robert Rhodes, John Ripton, Ralph Sneyd, William Swinnerton, Lawrence Stanley, Jeremiah Smith, Walter Sneyd, Edward Sneyd Clerk, Thomas Swinnerton, William Stanier, Thomas Stonhewer, Joſhua Stonhewer, Thomas Stanier, Richard Stonier, Ambroſe Smith, John Stonhewer, Thomas Swinnerton, Benjamin

jamin Swinnerton, John Sparrow, Thomas Shaw, William Sutton, John Simpſon, Thomas Simpſon, James Smallwood, William Smallwood, Joſeph Stone, Joſeph Snape, Daniel Shufflebotham, Joſeph Smith, John Shorthoſe, George Twemlow, Thomas Twemlow, John Tilſtone, John Taylor, Samuel Tellwright, John Tellwright, John Turner, Thomas Unett, William Unett, Sir John Wrotteſley Baronet, Richard Whitworth, Bowyer Leftwich Wynn, Thomas Whieldon, John Wardle, John Ward Clerk, William Whieldon, William Whieldon junior, Stephen Wood, Richard Wedgwood, John Wedgwood, Thomas Wedgwood, Joſiah Wedgwood, John Wedgwood of Smallwood, Charles Wedgwood, Thomas Warburton, Iſaac Warburton, Jacob Warburton, Jacob Warburton junior, John Weatherby, John Weatherby junior, John Woodhouſe, John Yates, Benjamin Yardley, and their Succeſſors, to be elected in Manner herein after mentioned, ſhall be, and are hereby appointed Truſtees for repairing and widening the ſaid Road from Great Chell to Shelton aforeſaid, 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 Roads hereby intended to be repaired and widened.

Qualification of Truſtees.

Provided always 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 the Right his Wife, in the actual Poſſeſſion, or in the 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 entitled unto a Perſonal Eſtate 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 at Weſtminſter, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information; wherein no Eſſoin, Protection, 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

Penalty on acting, if unqualified.

Proof

Proof given of his having acted as a Trustee in the Execution of this Act.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees for the said First District, or any Five or more of them, shall meet together at the House of Matthew Henshall, known by the Sign of the Roe Buck in Congleton, in the County of Chester, Three Weeks next after the passing of this Act; and the Trustees for the said Second District, or any Five or more of them, shall meet at the House of Morewood, known by the Sign of the Swan in Hanley aforesaid, on the Thursday Three Weeks next after the passing of this Act, and respectively proceed to the Execution of this Act; and shall then respectively choose a Clerk or Clerks for each of the said respective Districts, to write their Orders, take Minutes, and make Entries of their respective Proceedings, and for other Purposes; 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 Five or more of them, shall think proper: Provided, that no such Meeting shall be adjourned for any longer Time than Three Months from the Day on which such Adjournment shall be made; and that no Business shall be done or proceeded upon at any of the said Meetings, before the Hour of Ten in the Forenoon; and that no Adjournment shall be made to any Hour later than Two in the Afternoon of the Day on which such Meeting shall be appointed to be held; and if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees respectively, shall, from Time to Time, as often as such Case shall happen, by Notice in Writing, to be fixed upon all the Turnpike-gates which shall then be erected upon or across the Roads in each respective District, 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 the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein, such

In Default of a sufficient Number to act, Trustees may adjourn to another Day.

Trustees to defray their own Expences.

Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall concur in revoking or altering the same; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

No Order to be revoked unless 9 Trustees concur.

Trustees not to accept of a Place of Profit.

Trustees may act as Justices.

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

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees for the said Districts respectively, or any Five or more of them, by Writing under their Hands and Seals, to elect one other Person, qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said respective Trustees, by affixing the same upon all the Turnpikes in or upon the Roads in each 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.

Notice of Election to be given.

Trustees may erect Turnpikes and Toll-houses,

And be it further enacted by the Authority aforesaid, That the said Trustees for the said First District, or any Five or more of them, shall and may, from Time to Time, cause to be erected one or more Turnpike or Toll-gate, Turnpikes or Toll-gates, in, upon, or across, any Part or Parts of the Roads in the said First District, and on the Side or Sides thereof, or across any Lane or Way leading out of the same, and also a Toll-house or Toll-houses, in, upon, or on the Sides of the same Roads, and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and the said Trustees for the said Second District, or any Five or more of them, shall and may cause one Turnpike or Toll-gate to be erected across the said Road in the said Second District, at or near the House of Ralph Pool, situate in Hanley aforesaid, and also one other Turnpike or Toll-gate upon or across the said Road in the said Second District, at such Place as they, or any Five or more of them, shall think proper; and one or more Turnpike or Toll-gate, Turnpikes or Toll-gates,

on

on the Side or Sides of the said Road in the said Second District, or across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses upon or on the Side of the said Road, near the Places where each of the said respective Turnpikes shall be erected; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, except the said Turnpike and the Toll-house to be erected near the House of the said Ralph Pool, to be taken down, removed, or altered; and that the Tolls following shall and may be demanded and taken before any Cattle or Carriages shall be permitted to pass through any of the same Turnpikes or Toll-gates respectively; (that is to say) and take Tolls thereat.

For every Horse, Mare, Gelding, Mule, or other Beast drawing in any Carriage, the Sum of Three-pence. The Tolls.

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, Swine, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure or Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure or Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattels 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 and levied by virtue of this Act shall be, and are hereby vested in the said respective Trustees, and Tolls may be levied by Distress. Distress may be sold after 4 Days. Tolls vested in the Trustees.

and shall be applied or may be assigned in such Manner as herein after mentioned.

Half Toll only to be taken from Persons going to Market, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no more than the Sum of One Penny Halfpenny shall be taken at any Turnpike or Toll-gate to be erected on the said respective Roads, for any Horse or other Beast drawing any Carriage not travelling for Hire, going laden to the Towns of Newcastle under Line, Congleton, or Macclesfield, on their respective Market or Fair Days, with Corn, Grain, or Provisions, or returning from the same, having been laden as aforesaid, or going to or returning from any Corn Mill or Corn Mills erected upon or contiguous to the said Roads; nor more than the Sum of One Halfpenny for any Horse, Mule, or other Beast, laden or unladen, and not drawing, also going to or returning from the said Towns on their respective Market or Fair Days, as aforesaid, or to or from any such Corn Mill or Corn Mills; nor shall more than the said respective Tolls last-mentioned be taken for any Horses, Beasts, Cattle or Carriage, respectively, laden, or going for or returning having been laden with Coals only, at any Turnpike or Toll-gate to be erected upon, or on the Side or Sides of the said Roads in the said First District, nor more than the Sum of Two-pence for any Horse or other Beast drawing in any Carriage, laden with, or going for, or returning, having been laden with Coals, at any Gate to be erected upon, across, or on the Side or Sides of the said Road in the said Second District.

or to Corn Mills,

or at certain Gates, for Carriages, &c. laden with Coals.

No Toll for only crossing the Roads.

Provided also, and be it further enacted by the Authority aforesaid, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads.

Tolls to be paid but Once a Day, at the same or next Turnpike.

Provided also, and be it further enacted by the Authority aforesaid, That no Person shall be liable to pay Toll more than Once for passing at any Time or Times with the same Horses, Cattle, or Carriages, in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, through any one Turnpike or Toll-gate to be erected by virtue of this Act; but all and every such Person and Persons, after having paid such Toll or Tolls respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment, afterwards pass with such Horses, Cattle, Beasts, or Carriages, Toll-free during such Day, to be computed as aforesaid, through the respective Gate where such Payment was made, and also through the next Turnpike or Toll-gate, erected on or in relation to the Road in the

same District, to the said Turnpike or Toll-gate where such Payment was made as aforesaid; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on Receipt of the Toll.

No Person liable to pay Toll more than Twice a Day at the Gates in the First District, or more than Once in the Second District.

Provided also, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Twice, for passing or repassing at any Time or Times in one Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock of the succeeding Night, with the same Horses, Cattle, and Carriages, through all or any of the Turnpikes to be erected by virtue of this Act, upon or in relation to the Road comprised in the said First District; or more than Once for passing at any Time or Times in one Day, to be computed as aforesaid, with the same Horses, Cattle, and Carriages, through all or any of the Turnpikes to be erected by virtue of this Act upon or in relation to the Road in the said Second District.

Property of the Turnpikes and Toll-Houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses to be erected or provided by virtue of this Act within the said respective Districts, and of the Materials of which the same shall consist, and also all Rails, Stiles, Posts and Fences which shall be in or belonging to the said Districts respectively, and also all Materials which shall be actually got or collected for repairing the said Roads within such Districts, or any Part thereof, shall be and are hereby vested in the said Trustees for such District respectively; 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 any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them, the said Trustees, in the Possession thereof.

How the Expences of obtaining this Act shall be paid.

And be it further enacted, by the Authority aforesaid, That out of the Tolls collected and levied upon or in respect of the said respective Districts, or the Monies to be borrowed on account thereof, or on the Credit of this present Act, the said respective Trustees shall, in the first Place, pay all the Costs, Charges and Expences of obtaining and passing this Act, or any wise relating thereunto; and that One Moiety of such Expences shall be defrayed out the Monies arising within or on account of the said First District, and the other Moiety out of the Monies arising within or on account of the said Second District; and all the Residue of the said Money shall

Application of Monies.

be paid, laid out, and expended in repairing and widening the said respective Roads in the District wherein or on account whereof, such Tolls are collected or levied, and for which such Monies are borrowed, and the other Purposes of this Act, within and in relation to such District respectively, and to or for no other Use, Intent or Purpose whatsoever.

Trustees may vary the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Five 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 Districts respectively, all or any of the Tolls hereby granted, and for such Time or Times as they the said respective Trustees, or any Five or more of them, shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before-mentioned; and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as said respective Tolls are herein before directed to be collected, levied and applied; but no such Reduction shall be made after such 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 Ten Days Notice at least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act within such District respectively, expressing the Intention to make such Reduction.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five 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 One Year at any one Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages, travelling upon the said respective Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Horses, Cattle, Beasts, or Carriages, 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 or Treasurers of the said respective Roads; 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-money ſhall be applied in ſuch Manner as the Tolls, in reſpect whereof ſuch Compoſition is made, are directed to be applied.

Truſtees may leaſe Tolls.

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, from Time to Time, by Writing under their Hands and Seals, to leaſe the Tolls ariſing within or in relation to the ſaid reſpective Diſtricts, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, for One Year, 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; of which Letting, Ten Days Notice, at leaſt, ſhall be given in Writing, to be affixed upon all the Turnpike-gates which ſhall then be erected by virtue of this Act within ſuch Diſtrict reſpectively, and at the Market-croſſes in the Towns of Newcaſtle under Line and Congleton: And the Monies ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are directed to be applied.

Penalty on permitting, or going through, private Paſſage, &c.

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 Hereditaments, 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 Lands, Grounds, or Hereditaments, 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 virtue of this Act to be given, 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 or Beaſt, 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 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 or any of the Caſes aforeſaid ſhall, for every

every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are hereby directed to be applied.

Penalty on evading the Tolls.

And be it further enacted by the Authority aforesaid, That no Waggon, Cart, or other Carriage, travelling for Hire upon the said respective Roads, shall be drove or turned out of the same, into any of the Roads adjacent, not being Turnpike Roads, in order to avoid, and thereby avoiding, Payment of the Tolls and Duties appointed by this Act to be paid at any Gate or Turnpike which shall be erected for collecting and receiving the same; upon Pain of forfeiting any of the Horses drawing such Waggon, Cart, or Carriage, not being the Shaft or Thill Horse, with all his Geers and Accoutrements, to and for the sole Use and Benefit of any Person or Persons who shall seise and distrain the same.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Tolls shall be taken for any Horse, Cattle, Beast, or Carriage, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the same Day, Gravel, Stone, or other Materials, for repairing the said respective Roads, or any Part thereof, or any of the Roads in the Parishes in which the said Roads do lie; or with Hay, Straw, or Corn in the Straw only, or Muck, Dung, Compost, or other Manure, for the Improvement of Land (except Lime) not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof, or for any Ploughs, Harrows, or Implements of Husbandry; or for any Person or Persons going to, or returning from, their proper Parochial Church, Chapel, or other Place of religious Worship, or attending the Funeral of any Person or Persons who 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 conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers 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 Staf-

ford

ford or Chester, during the Time of such Election, or on the Day before or Day after such Election shall begin, or be concluded; nor shall any Toll be demanded or taken at any Gate to be erected on or across the Road leading from the upper Part of Hanley aforesaid towards Bucknall, for any Cart or Carriage laden with, or going for, or returning, having been laden with any Clay, Flint, or Earthen Ware, for the Use of, or belonging to, any of the Potters living East of such Gate, within the Liberty of Hanley aforesaid, or for any Saddle Horse belonging to any of the said Potters; nor for any Cattle or Carriages going to or returning from Biddulph Mill, at any Gate to be erected within Two hundred Yards of the said Mill: And if any Person shall claim, or 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 Forty Shillings.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Seven or more of them, may, and are hereby impowered, at their first or any subsequent Meeting, to borrow and take up at Interest any Sum or Sums of Money, upon the Credit of the Tolls arising within or in relation to the said respective Districts by virtue of this Act, and may and are hereby impowered, from Time to Time, by any Writing or Writings under their Hands and Seals, to assign over and convey the said respective Tolls, or any Part or Parts thereof, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons who shall advance or lend their Monies thereon, 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 borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances 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 on the Credit of the said Tolls, after such first Meeting respectively, unless Notice be for that Purpose fixed in Writing upon all the Turnpikes or Toll-gates within the District for which such Money shall be borrowed, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons, to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby

Assignments to be entered in Books.

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, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said respective Trustees, within Thirty Days after the Date thereof; who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Assignments, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Money due thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies thereon due.

Assignments may be transferred.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

And be it further enacted by the Authority aforesaid, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said respective Tolls, in respect to the Priority of advancing such Sum or Sums of Money, but that all Persons to whom such respective Mortgages or Assignments shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the said respective Tolls in equal Degree one with another.

Trustees not subject to the Payment of Debts contracted upon this Act.

Provided always, That nothing herein contained shall extend, or be construed to extend, to charge or subject the said respective Trustees, or Persons appointed to receive the said Money, or any Part thereof, to any Payment of the same, by reason of their, or any of their signing or sealing any such Assignments or Securities to be made in pursuance of this Act, or any of them.

And be it further enacted by the Authority aforesaid, That said respective Trustees, or any Five or more of them, may from Time to Time, by Writing under their Hands, appoint One or more Collector or Collectors of the said respective Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said respective Roads, and such other Officers, as the said respective Trustees, or any Five or more of them, shall think necessary; and from Time to Time to remove any such Officers and other Persons, and appoint others in the Room of such of them as shall be removed or shall die; and out of the Monies to arise by virtue of this Act, to make such Allowances to the said Officers and Persons, as to them the said respective Trustees, or any Five or more of them, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said respective Trustees, or any Five or more of them, shall direct, deliver to such respective Trustees, or such Person or Person as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing, of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands, to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereto required by the said respective Trustees, or any Five or more of them, which Oath the said respective Trustees, or any One or more of them, are hereby impowered to administer, verify their said Accounts; and if any such Officer or Person shall not render, or make, 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 Five or more of them, within Twenty-one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said respective Trustees, or any Five or more of them, or as they shall direct or appoint, then and

Trustees to appoint Officers;

and may remove them and appoint others.

Collectors to account on Oath.

On Neglect or Refusal to account,

in

in any of the Cases aforesaid, such respective Trustees, or any Five or more of them, may, and are hereby authorised and impowered to bring or cause to be brought any Action or Actions in the Name of such Trustees, or in the Name or Names of any Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justice or Justices may, and is and hereby authorised and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the respective Trustees, or any Five or more of them, by virtue of this Act might have done: And if upon the Confession of the Party or Parties, 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) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorised and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, or cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of levying the same, then and in either of the Cases 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 compound with the said respective Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as they

Justices to inquire into the Default.

On Non-payment, to be levied by Distress.

For want of Distress, Offender to be committed.

they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof, to the said respective Trustees, or any Five or more of them.

Treasurer. &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said respective Trustees, or any Five or more of them, shall appoint.

Trustees may appoint Officers, and may remove them, and appoint others.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five 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 the Recovery thereof, as the Person he shall succeed was vested with, until the said respective Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Penalty on Toll-gatherers not removing on Notice.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or Person appointed by the said respective Trustees, or any Five or more of them, in Manner herein before mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment conformable to the Orders of the said respective Trustees, or any Five or more of them, and deliver up the Possession of the Turnpike, or Toll-gate, and Toll-house, to the said respective Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal, before One or more Justice or Justices of the Peace of the County or Place where such Neglect or Refusal shall be, either upon Confession of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tything-man, or other Officer or Officers of the Peace of the said County or Place, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike, or Toll-gate, and Toll-house, and deliver the Possession thereof to such Person or Persons as the said respective Trus-

tees, or any Five or more of them, shall have directed and appointed in Manner aforesaid; and also to bring such Toll-gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour, for any Time not exceeding the Space of Three Calendar Months.

Victuallers, &c. not to enjoy Places of Profit.

Provided always, and be it further enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said respective Districts, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said respective Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said respective Roads, out of and from any Waste Grounds, Stone Quarries, or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said respective Roads do lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyors or other Person filling up the Pits, and levelling the Ground from which 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 if such Quantities of Furze, Heath, Stone, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Road intended therewith to be repaired; then and in such Case the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said respective Trustees, or any Five or more of them, dig and make Pits, get, gather, take and carry away any such Materials as aforesaid, in, upon, or out of and from the Stone-quarries and Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted or set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for such 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

without paying for the same, levelling the Pits;

or from Private Grounds,

making Satisfaction to the Owners.

ſaid reſpective Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them) to remove and prevent all Annoyances on any Part of ſuch reſpective Roads, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to convert the ſame to his and their Uſe and Uſes; and to turn any Watercourſes, Sinks or Drains running along, into, or out of the ſaid reſpective Roads, 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, not being a Garden, Orchard, Plantation or Avenue to a Houſe, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes 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, and to remove ſuch other Annoyances, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, or the Surveyor or Surveyors ſhall require, for the Space of Fourteen 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 Five or more of them, ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures 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 Forty Shillings.

Surveyors may remove Annoyances, &c.

cut down and lop Trees.

Owners neglecting to remove the ſame after Notice.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors for the ſaid reſpective Roads, or ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them) to make Cauſeways, and alſo Ditches and Drains, in

Surveyors may make Cauſeways, &c.

and

and upon the said Roads, and also through any Ground lying contiguous thereto, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in Width; and also to make a Road through any of the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground heretofore planted, and set apart as a Nursery for Trees) to be made use of as a Publick Highway, whilst the old Road is repairing and widening; and also, by Order of any Five or more of the said respective Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making such Recompence to the Owners or Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said respective Trustees, or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Moor or Waste Ground.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five 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 said Roads within their respective Districts, through any Moor 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 Five 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 Roads, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees or Feoffees

Trustees may contract for the Purchase of Lands, to widen the Roads.

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 Femes Covert, Infants, or Issue unborn, Lunatics, Ideots, 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, any such Lands or Hereditaments, to contract with the said respective Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any 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, Corporations 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 Roads are intended to be diverted, turned or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every such Case, the said respective Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein such Lands and Hereditaments do lie: And in order thereto, the said respective Trustees, or any Five or more of them, are hereby impowered and required, from Time to Time, as Occasion shall

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

Where Persons refuse to treat, &c.

Jury to assess the Damage and Recompence;

Witnesses may be examined upon Oath.

shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined, concerning the Premises; which Oath any One or more of the said respective Trustees are hereby impowered to administer: And such respective Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all Ways and Means, as well for their own as for the said Jury's Information in the Premises: And after the said Jury shall have enquired of, and assessed such Damage and Recompence, they the said respective Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, and other Persons interested in 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 any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever: And for summoning and returning such Juries, the said respective Trustees, or any Five 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 such respective Trustees, or any Five 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 respective Trustees, or any Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be a 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 Standers-

Verdict of Jury to be final.

Trustees to issue their Warrant to the Sheriff for impanelling a Jury.

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 Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who shall not appear, or refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons, who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or 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 Five Pounds nor less than Forty Shillings on any One Person for One Offence.

Jurors may be challenged.

Trustees may impose Fines on the Sheriff or Jurors, &c. neglecting their Duty.

Fine not to exceed 5 *l.*

Provided always, and it is hereby enacted by the Authority aforesaid, That if the said Jury, upon such Inquest, shall find or assess an equal or less Sum of Money for such Damage and Recompence than hath been by the said respective Trustees, or any Five or more of them, or their Treasurer, or other Person or Persons by virtue of their Order, tendered to the Party or Parties so refusing or neglecting to treat as aforesaid, then and in such Case the Person or Persons so refusing or neglecting to treat, shall pay the Costs occasioned by such Refusal or Neglect; which Costs shall be settled and ascertained by the said Jury, and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

Expence of Juries how to be borne.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, after deducting the Costs as aforesaid thereout, shall be paid out of the Tolls arising within or upon Account of the respective District in which the 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

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

upon Payment, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks to the said respective Trustees, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons, authorised by Writing under the Hands of the said respective Trustees, or any Five or more of them, to divert or turn such Road through 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 respective Trustees, or any Five or more of them, shall think fit; and the said respective Trustees, or any Five 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 or 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 hereafter, to all Intents and Purposes, a common Highway; and shall be repaired, and kept in Repair, in such Manner as the Roads hereby appointed to be repaired are, 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, except to the Mines of Coal or other Minerals lying under any such private Grounds, which are hereby reserved to the said respective Land-Owners, without Injury, nevertheless, to the said respective Roads: 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 the said respective Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; saving nevertheless to the Person or Persons who was or were entitled to the Coals and other Mines and Minerals under such old Road, his her, and their full Right and Title to the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned; 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.

Lands purchased to be deemed Part of the Roads, and kept in Repair as such.

Old Road may be sold.

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

Trustees not to act where interested.

chasing of any Lands or Hereditaments, wherein he shall be particularly concerned or 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. Inhabitants not liable to repair Roads over Moors, &c.

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 respective Roads, 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 respective Roads lie, and all other Persons liable to perform the Work commonly called Satute-work upon the said Roads, 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 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 Fourteen 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 said Roads hereby intended

Persons liable to repair the Road, to continue so.

Persons renting 50 l. a Year, deemed Teamholders.

Surveyors, &c. to give in Lists of Persons liable to do Statute-work.

What Statute-work shall be done.

ed to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner and at such Times as the said Trustees for such respective District, or any Five or more of them, or the said Turnpike 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 any Part of the said Roads, in any One Year; and so that no more than One Day's Work shall be done by any of the Inhabitants of the Middle Division of the Parish of Biddulph, and the Township of Buglawton, in any One Year from and after the said Road shall be completed, through the said Division and Township; nor more than One Day's Work by any of the Inhabitants of Abby Hulton and Norton: And the said Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor for such Townships, Parishes or Places respectively, within Fourteen Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, within such District respectively, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Five Pounds; and every Person who shall neglect or refuse to do such Work at such Time and Place, and in such Manner as shall be appointed by the said respective Trustees, or any Five 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 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 deemed to keep a Team, for every Day's Default, the Sum of One Shilling; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team to work on the said respective Roads, 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

Penalty on Surveyors, &c. not delivering in such Lists.

Penalty on Persons not performing their Statute-work.

Persons found idle to be discharged.

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 said respective Forfeitures beforementioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors or Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Roads within such District 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, Parishes, or Places, first had at a Vestry, or other Publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said respective Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall, from Time to Time, be paid in Advance, and shall be applied in the Repair of the said Road in respect whereof such Composition-monies are paid; 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.

Proviso.

Provided also, and be it further enacted, That in case the said Trustees for the said First District, or any Five or more of them, shall, at any Time hereafter, divert or turn the Course or Path of the said Road leading from Limford Bridge to Bosley aforesaid, and make a new Road over the Lands of the Right Honourable the Earl of Harrington in Bosley aforesaid; then and in such Case the Inhbitants of Bosley aforesaid shall not be liable to do any Satute-work on such new Road; nor shall such new Road be made without the Consent of the said Earl,

his

his Heirs or Assigns; any Thing herein before contained to the contrary notwithstanding.

Penalty on haling Timber, &c. otherwise than on Wheel-carriages, &c.

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

Road to be measured, and Milestones erected.

And be it further enacted, That the said respective Trustees, or any Five or more of them, may, and they are hereby impowered and required to cause the said respective Roads 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 and Direction Posts, with Inscriptions thereon as the said respective Trustees, or any Five 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 that 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 where such Offences 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 Penalties shall

Penalty on defacing Milestones.

not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction within the County wherein such Offence shall be committed, there to remain without Bail or Mainprize for any Space not exceeding Three Calendar Months, nor less than One Calendar 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 some Justice of the Peace of the County where such Offence shall be committed, 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 Penalties, Forfeitures, and Fines, hereby inflicted, or authorised to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered and required 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 Chattels; and the Penalties, Forfeitures and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid to any Five or more of the said respective Trustees, or to their Treasurer or Treasurers, and applied in Repair of that Part of the Road in relation whereunto, or in respect whereof such Offence shall be committed: And in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for any One Justice of the Peace

as aforesaid, and he is hereby authorised 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 within the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

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 Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said respective Trustees, and within Two Days after such Notice, entering into 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 pay such Costs as shall be awarded by the Justices at such Quarter-session: And the said Justices, at such 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-sessions shall be final, binding, and conclusive to all Intents and Purposes.

Notice of Appeal to be given.

Distress not to be deemed unlawful for want of Form nor the Party distraining 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

grieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover, if Tender of Amends has been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity, Trespass, or other Proceedings, 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 other wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and 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 Judgement 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 further enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for borrowing Money, or any Nomination, Contract, Bond, 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, or under the Hands and Seals, or Hand and Seal of, or only signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in a Book.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said respective Trustees, at their Meetings, 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, at any Meeting of Five or more of the said respective 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 the registering the said Mortgages, Assignments, and 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.

And

Proceedings not to be quashed for want of Form,

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 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 removeable by *Certiorari*.

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, for any Thing done in pursuance of this Act, unless Ten Days Notice shall be thereof given to the Clerk or Clerks to the said respective Trustees, or after sufficient Satisfaction or Tender 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 Stafford or Chester, and not elsewhere; and the Defendant or 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 Ten Days Notice shall be given thereof 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 than as aforesaid, 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 have 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.

Publick Act.

And be it further 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 whatsoever, without specially pleading the same.

FINIS.