Anno decimo

Georgii III. Regis.

An Act for repairing, widening and altering the Road from *Macclesfield*, in the County of *Cheſter*, to the Turnpike Road at *Randle Carr Lane Head* in *Fernille*, in the County of *Derby*, leading to *Chapel in the Frith*.

WHEREAS the Road leading from the New Bridge upon the Turnpike Road, at the Waters in Macclesfield, in the County of Cheſter, through Hurdſfield and Taxall, and the intermediate Townſhips in the County of Cheſter, to the Turnpike Road at Randle Carr Lane Head in Fernilee, in the County of Derby, leading to the Market Town of Chapel in the Frith, in the ſame County, is in a very ruinous Condition, and in many Places narrow, incommodious, and dangerous to Travellers, and the ſame cannot effectually be widened, altered, repaired, and kept in Repair by the preſent Methods preſcribed by 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 the ſame, That the Preamble.

Truſtees. Right honourable George Cavendiſh commonly called Lord George Cavendiſh, the Right honourable Frederick Cavendiſh commonly called Lord Frederick Cavendiſh, the Right honourable John Cavendiſh commonly called Lord John Cavendiſh, the Right honourable James Smith Stanley commonly called Lord Strange, the Right honourable George Cholmondeley commonly called Lord Malpas, the Right honourable Henry Belaſyſe commonly called Lord Belaſyſe, the Honourable James Cholmondeley, Sir John Thomas Stanley, Sir Peter Warburton, Sir Henry Mainwaring, Sir William Meredith, Baronets; Sir George Warren Knight of the Bath, John Arden the elder, John Arden the younger, Richard Arden, Eſquires; Rowland Atkinſon, Peter Brooke, Thomas Booth, Edward Byrom, William Brookſbank, John Beech, Eſquires; the Reverend George Barber, John Burſcoe, John Byron, Samuel Buckley, Clerks; John Brocklehurſt, Thomas Brocklehurſt, William Brocklehurſt, George Brocklehurſt, Alexander Barker, John Barker, Stephen Bellott, Joſiah Bradbury, William Bradbury, Thomas Bowden, Anthony Bellott, John Bullock, William Bennett, John Bennett, John Crew, Godfrey Bagnal Clarke, George Clarke, William Clowes, Eſquires; Philip Clowes, John Clulow, James Carrington, Thomas Calrow, John Creſwell, Philip Chandley, Richard Davenport, William Davenport, Thomas Davenport, Peter Downs, John Dickenſon the elder, John Dickenſon the younger, Eſquires; Philip Dean, Edward Dixon, James Dixon, John Dixon, Samuel Egerton, Rowland Eyre, Eſquires; Thomas Evanſon, William Fitzherbert, Richard Fitzherbert, William Fallowes, Thomas Froggatt, Eſquires; Samuel Foxlow, John Frith, Samuel Frith, Samuel Frith of Bank; Thomas Groſvenor, John Glegg the elder, John Glegg the younger, John Giſborne, Phillip Gell, Eſquires; the Reverend John Gee Clerk, George Goodman, Samuel Glover, John Gaſkell, Peter Gaſkell, Edward Green, Laurence Gaſkell, John Gould, Samuel Huſkley, Jaſper Hulley, Jonathan Hulley, John Hulley, John Hooley, William Harper, George Heard, Bryan Hodgſon, Robert Hodgſon, Peter Hordern, Thomas Huxley, Robert Harrop, Joſeph Harrop, Phillip Holland, James Houghton, Jonas Hall, William Hall, Michael Heathcote, Thomas Hudſon, Henry Heywood, the Reverend Simon Jackſon, Thomas Jennings, Clerks; Nathan Jackſon, Ferdinando Jackſon, Henry Kirk of Martin Side, Henry Kirk of Eaves, Hugh Kidd, Peter Legh of Lyme, Charles Legh, Peter Legh of Booths, George Legh, Thomas Legh of Wincham,

Peers Legh, Thomas Legh of Macclesfield, Ralph Leyceſter, George Leyceſter, Harry Langford, Eſquires; the Reverend Aſhburnham Legh Clerk, Samuel Lankford, John Lingard, Henry Longden, the Reverend Peter Mayer Clerk, John Macom, Matthew Motterſhead, Benjamin Mather, John Maſſey, George Maſſey, John Moult, William Norton Doctor in Phyſick, Daniel Nixon of Macclesfield, Robert Needham, Elias Needham, Edmund Nixon, Daniel Nixon of Rainow, Richard Orford, the Reverend John Parker, William Plumbe, John Palmer, Clerks; James Pickford, Cornelius Pickford, Robert Pott, Charles Roe, John Robinſon, Thomas Robinſon, Thomas Ryle, Joſeph Rowbotham, Laurence Stanley, Thomas Smythe, Eſquires; the Reverend John Swain Clerk, John Swain the younger, John Stafford, William Stafford, John Stonehewer, George Statham, Edmund Swann, Joſeph Street, Samuel Street, Charles Styles, Samuel Stone, Joſeph Stokes, Thomas Suckſmith, Edward Shaw, Matthew Summerſby, Thomas Stayley, John Birtles Sutton, Peter Steel, Adam Slack, Thomas Slack, William Tatton the elder, William Tatton the younger, Thomas Tatton, Henſhaw Thornicroft, Henry Thornhill, John Twigg, Eſquires; Richard Tennant, John Twemlow, Francis Tomaſſon, William Tomaſſon, Henry Tomaſſon, William Wright, Thomas Willis, John Wright, Thomas Wright, Eſquires; the Reverend Henry Offly Wright, John Watſon, Joſeph Ward, Clerks; James Watſon, Thomas Ward, Samuel Wright, Thomas Warburton, Peter Wright, Whitaker Wright, Ralph Whieldon, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, altering, amending, and keeping in Repair, the ſaid Road, and alſo for putting this Act in Execution; and they the ſaid Truſtees, or any Five or more of them, are hereby impowered to cauſe to be erected and ſet up a Turnpike or Turnpikes upon or acroſs any Part or Parts of the ſaid Road, for the Purpoſe of collecting the ſeveral and reſpective Tolls hereafter made payable; and alſo a Toll-houſe at or near each of the Places where ſuch Turnpike or Turnpikes ſhall be erected; and from Time to Time to remove or alter the ſame, as the ſaid Truſtees, or any Five or more of them, ſhall think expedient; and the Right and Property of all the ſaid Turnpikes and Toll-houſes which ſhall be erected by virtue of this Act, and the Materials for building the ſame, ſhall be and are hereby veſted in the ſaid Truſtees; and they, or any

Truſtees may erect Turnpikes and Toll-houſes.

Turnpikes &c. veſted in the Truſtees.

any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer, or cause to be preferred, Bills of Indictment against any Person or Persons who shall disturb or injure them in the Possession thereof, or to take, retain, or hold Possession thereof respectively, after being required, by the Order of any Five or more of the said Trustees, to deliver up the same.

And be it further enacted, That the Tolls following shall be paid at every such Turnpike, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, before any Horse, or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through the same; that is to say,

The Tolls.

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

For every Chaise, Chair, Calash or Hearse, drawn by One Horse or Beast, Three-pence.

For every Waggon, Wain, or other Carriage, with Four Wheels, loaden with, or going for, or returning unloaden, after having delivered any Coals, Lime, Flag Stone, or Slate, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling only.

For every Waggon, Wain, or Carriage, with Four Wheels, except as aforesaid, the Sum of One Shilling and Sixpence.

For every Cart or other Carriage, with Two Wheels, laden with, or going or returning unladen after having delivered any Coals, Lime, Flag Stone, or Slate only, drawn by Four Horses or other Beasts of Draught, Eight-pence; and by Three Horses or other Beasts of Draught, Sixpence; and by Two Horses or other Beasts of Draught, Four-pence; and by One Horse or other Beast of Draught, Two-pence.

For every Cart or other Carriage, with Two Wheels, (except as aforesaid) drawn by Four Horses or other Beasts of Draught, One Shilling; and by Three Horses or other Beasts of Draught, Nine-pence; and by Two Horses or other Beasts of Draught, Sixpence; and by One Horse or other Beast of Draught, Three-pence.

For

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

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

And 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.

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 all Monies to be raised by the said Tolls shall be and are hereby vested in the said Trustees; and shall be paid, applied, disposed of, or assigned to or for the several Uses and Purposes, and in such Manner as is hereinafter mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, after Demand thereof made shall neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to levy the Toll hereby required to be paid upon such Person or Persons so neglecting or refusing as aforesaid, or to deny or hinder him, her or them, from any Passage through the said Turnpikes respectively; until Payment thereof; which said Tolls shall and may be levied by Seizure of any Horse or Horses, or other Cattle, upon which such Toll is by this Act imposed, or upon any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and all such Horses, Cattle, or Goods, may be detained until such Toll, with the reasonable Charges of such seizing and keeping, shall be paid; and if such Tolls, and the reasonable Charges of such Seizure and of keeping the same, shall not be paid within the Space of Four Days after such Seisure made, the Person or Persons so seizing shall and may sell the Cattle or Goods so seized, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges of such seizing and keeping the same, and also of such Sale, shall be deducted.

Tolls vested in the Trustees.

Tolls may to be levied by Distress,

or Passage denied.

Distress may be sold after 4 Days.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any of the

Tolls to be paid but Once a Day.

the Tolls aforesaid, more than Once, for passing or repassing 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 in the succeeding Night, through any Gate or Turnpike to be erected by virtue of this Act; but that all and every such Person and Persons, after having paid Toll Once, and producing a Note or Ticket denoting the Payment of such Toll, shall afterwards pass with such Horses, Cattle, or Carriages, Toll free, during the Remainder of the Day (to be computed as aforesaid) in which such Toll shall be paid; which Ticket the Collector of the Toll is hereby required to give gratis upon Payment of such Toll.

Certain Carriages, &c. loaden with Lime, having paid upon the *Buxton* Road, exempted from Toll.

Provided also, and be it further enacted by the Authority aforesaid, That none of the Tolls or Duties aforesaid shall be collected or levied from any of the Inhabitants of the Townships of Hurdsfield, Bollington, and Rainow, in the said County of Chester, for any of the Carriages or Cattle aforesaid returning unloaden from the Turnpike Road leading from Buxton to Macclesfield aforesaid, having been loaden only with Lime from Buxton, or the Parts adjacent thereto, delivered at Macclesfield for Sale, or for their own Use and Consumption there; and that upon producing a Note or Ticket, denoting the Payment of the Toll collected at any of the Bars upon the said Buxton Turnpike Road, such Carriages and Cattle having been loaden only with Lime as aforesaid, shall afterwards pass through any of the Turnpikes to be erected by virtue of this Act, Toll-free.

Penalty on Persons evading the Tolls.

And be it further enacted, That if any Person or Persons shall, with any Horse or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or private Way, adjoining or lying near to any Turnpike to be by virtue of this Act erected; or if any Owner or Occupier of any Land, Ground, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly or wittingly permit or suffer any Person or Persons, with any Horse or other Cattle, or any Coach, Waggon, or other Carriage, to pass through the same, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge, counterfeit, or alter any Ticket herein before directed to be given by the Collectors of the said Tolls, with an Intent to avoid the Payment of any of the said Tolls, or any

Part thereof; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike, with any Horse or Cattle, without Payment of Toll, or producing such Ticket as aforesaid, or unload, or cause to be unloaden, any Sort of Goods or other Commodities; or shall take off, or cause to be taken off, any Horse or other Cattle, from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof; or shall leave, or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, or other Cattle, Goods, or other Commodities, with such Intent as aforesaid; or shall knowingly and designedly assault, interrupt, or obstruct any Person or Persons employed in the collecting or receiving any or either of the said Tolls, or otherwise in the Execution of his, her, or their Office or Offices of Receiver or Collector; every Person so offending shall, for every such Offence, forfeit the Sum of Five Pounds, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied; and it shall and may be lawful for the said Receivers or Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seise any Horse or Horses, Cattle, or Goods, or other Commodities belonging to, or in the Possession, or under the Care of, any Person or Persons so offending in the Premises, and then to apply to some Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to inquire into the same, as well by Examination of the Party or Parties, as by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby impowered to administer without Fee or Reward); and if the said Justice shall see Cause, to convict the Party or Parties complained of, in the Penalty aforesaid; and for Nonpayment thereof, and of the Tolls that shall be due (though the same shall not be demanded) by Warrant under his hand and Seal, to cause the said Horse or Horses, Cattle, or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seising and keeping the same, and of such Sale; rendering the Overplus (if any there shall be) to the Owner or Owners of the said Horse or Horses, Cattle, or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively was or were, when

Collectors, &c. may Seize.

Justice may inquire into the Default, and convict the Offender.

On Nonpayment, Distress may be sold.

when so seised as aforesaid; and if no such Seizure as aforesaid can or shall be made, then the aforesaid Penalties and Tolls shall be recovered by such Means, and applied in such Manner, as by this Act is directed for the Recovery and Application of Penalties and Forfeitures.

Trustees may compound with Inhabitants, &c.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to compound or agree with any of the Inhabitants of any Parish, Township, or Hamlet, wherein the Road hereby directed to be repaired doth lie, by the Year, for passing through any Bar, Gate, or Turnpike, to be erected by virtue of this Act; provided such Person or Persons shall not carry Goods for Hire, and shall always pay down One Year's Composition-money in Advance.

Trustees may erect Turnpikes, &c. and take Tolls thereat.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to cause to be erected One or more Turnpike or Turnpikes on the Side or Sides of the said Road, and cross any Lane or Way leading into the same; and cause such Tolls to be collected and recovered thereat, as are appointed by this Act to be taken, so as the same do not extend to a double Charge in case of passing through any other of the Turnpikes to be erected across the said Road.

Exemptions from Toll.

Provided also, and it is hereby declared, That no Toll shall be demanded or taken for any Carriage, Horse, or Cattle, loaden with, or passing empty or unloaden for, or returning the same Day empty or unloaden, after having been loaden with Gravel, Stone, or other Materials for repairing the said Road, or any other Road, in any of the Townships in which the Road hereby directed to be repaired, or any Part thereof, doth lie; nor for any Carriage loaden with, or passing empty or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with Grass, Hay, Straw, Corn in the Straw, only to be laid up in the Houses, Barns, or Out-houses, or to be set or stacked upon any Part of the Lands or Premises of the respective Inhabitants, Land-owners or Land-holders, in any of the said Townships, or for any Ploughs, Harrows, or Implements of Husbandry, or for any Carriage loaden with, or passing empty or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with any Mould, Marl, or Dung,

Dung, for manuring and improving of Lands, 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, in the said several Townships; or any Stone, Slate, Flag, or Timber, to be used and employed in building or repairing of any Houses, Out-houses, Buildings, or Fences, in such Townships; nor for any Horse or other Cattle, or Sheep, going to or from Water, Pasture, or Plough, or other Tillage, or Work in Husbandry, upon or in any of the Lands within any such Townships; nor for any Cattle or Carriages belonging to the Inhabitants of such Townships, passing to the Smith's Shop in order to be shod or repaired, or for the Return of such Cattle or Carriages; or for any such Cattle or Carriages going or returning to or from the Corn Mill, with Corn, Grain, Meal or Flour, or Malt, for the Use and Consumption of the Owner or Owners of such Cattle or Carriages only, and not for Sale; nor for any Person or Persons residing in the Townships in which any Part of the said Road doth lie, going to or from their proper parochial Church, Chapel, Meeting-house, 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 Townships; nor from any Person or Persons going to or returning from any Election of a Member or Members to serve in Parliament for the Counties of Chester and Derby, or either of them, during the Time of, or on the Day before or Day after such Election shall begin or be concluded; nor for any Post-horse carrying the Mail or Packet; or for the Horses of Soldiers passing, who are upon their March, or for Waggons, Wains, Carts, or Carriages, travelling with Vagrants sent by lawful Passes; or Prisoners sent to Gaol or House of Correction, or returning after having been so employed.

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

Provided also, That no Toll shall be taken at any Toll-gate or Turnpike to be erected by virtue of this Act, on the Side of any Part of the said Road hereby directed to be repaired, for any Horse, Cattle, or Carriage, which shall only cross the said Road; unless such Crossing shall be with Intent to avoid the Payment of Toll No Toll for crossing the Road only, unless to avoid the Payment thereof.

Toll at any of the said Turnpikes, and the Payment of such Toll shall be thereby avoided.

Time and Place of Trustees Meeting.

And be it further enacted, That the said Trustees shall hold their First Meeting at the House of Thomas Berchinall, known by the Sign of the King's Arms in Macclesfield aforesaid, upon the Fifth Day of June next after the passing of this Act; and at their First or any subsequent Meeting, any Five or more of them shall and may, by Writing under their Hands and Seals, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall be due and payable by virtue of this Act; and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit; and also a Surveyor or Surveyors to view the Condition of the said Road, and see that the same be repaired, and that the Money to arise by virtue of this Act be duly applied; and also such other Officers as the said Trustees, or any Five or more of them, shall think proper; and also may, from Time to Time, remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion, and shall and may in like Manner appoint new Ones in case of Death or such Removal; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising by the said Tolls, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or other Officers, so appointed, for and in Consideration of the Care and Pains respectively taken in Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Road to be amended and repaired, by advancing, lending, or laying out any Monies, or otherwise relating thereto, as to them shall seem good; and the Treasurer and Treasurers, and all other Persons appointed as aforesaid, and employed in the Receipt or Expenditure of any of the Monies to arise by virtue of this Act, shall, upon their respective Oaths if thereunto required by the said Trustees, or any Five or more of them, which Oaths the said Trustees, or any Five or more of them, are hereby impowered to administer, on the first Tuesday in May, or oftener if thereto required by the said Trustees, or any Five or more of them, produce and give up to such Trustees, full,

Trustees may appoint Officers;

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

full, true, and perfect Accounts in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, or how, to whom, and for what Purposes such Monies, and every Part thereof, have or hath been disposed of or applied, together with proper Receipts and Vouchers of such Payments; and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Use and Purposes as they, or any Five or more of them, shall direct and appoint: And if any such Officer or Person, being required so to do, shall refuse or neglect to render and give up, or to verify upon Oath, any such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his, her, or their Hands; then, and in any or either of the said Cases, it shall and may be lawful, upon the Complaint of any Five or more of the said Trustees, for any One Justice of the Peace for the County where such Officer or Person shall be or reside, and such Justice is hereby required, to make Inquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath, which Oath the said Justice is hereby impowered and required to administer without any Reward; and upon Conviction such Justice shall commit every such Officer, or other Person so convicted, to the Common Gaol of the said County where such Offence shall be committed; there to remain until he shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them for the same, and paid such Composition-money to the said Trustees, or their Treasurer; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

and pay the Balance.

Officers not making Account and Payment,

Justices to inquire into Default,

and on Conviction, to commit the Offender, until Payment or Composition made.

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

Victuallers, &c. not to hold any Place of Profit.

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

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

without paying for the same;

filling up the Pits;

or from private Grounds,

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

Penalty on Persons carrying away Materials got by the Surveyor.

Provided always, and be it further enacted, That in case the Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall, at any Time, take or carry away any Gravel, Furze, Heath, Sand, Stone, or other Materials which any such Surveyor or Surveyors, or Person or Persons employed by him or them, hath or have got or gathered, or dug out of any Waste or Common Land, River or Brook, or private Ground, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, or carry away any

any Gravel, Sand, Stones, or other Materials out of any Pit, Hole, or Quarry which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor, or his Workmen, shall have discontinued getting any such Materials thereout, or working therein, for the Space of Thirty Days; except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorised to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale; every Person and Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, from Time to Time, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and 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 Premises shall neglect to top or lop, cut down and remove such Trees, Shrubs, or Bushes, and to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Twenty Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to 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

turn Watercourses,

cut down and lop Trees;

Owners neglecting to do the same after Notice.

Surveyors to be reimbursed.

Penalty on a subsequent Offence.

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 Two Pounds.

Surveyors may make Causeways, &c.

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 Road, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them, to make Causeways, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Road, by opening, cleansing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto; 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 Ground whereon any House stands, or 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; to be made use of as a publick Highway whilst the old Road is repairing or widening; and also, by Order of any Five 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 said 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 Waste Ground.

turn and widen the Road,

make a temporary Road,

and erect Bridges, &c.

making Satisfaction to Owners.

Road may be turned over Waste Grounds,

And be it further enacted by the Authority aforesaid, That the said 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 Road, 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 Trustees, or any Five or more of them,

without making Satisfaction.

to

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 or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands or Grounds, or any Part thereof, or for their Interests therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be, or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid interested in any such Lands or Grounds, upon Notice to him, her, or them, given by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Grounds intended to be taken in and added to any Part of the said Road, or through which any Part of the said Road shall be intended to be turned as aforesaid, shall, for the Space of Twenty-one Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, liable

On Refusal, &c. to treat,

Jury to settle the Damages.

ble to serve upon Juries, wherein such Lands or Grounds are situate, which Oaths, any Two or more of the said Trustees are hereby impowered and required to administer, what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands or Grounds into the said Road, or of turning of such Road, or any Part thereof, through the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises; which Oath any Two or more of the said Trustees are hereby impowered to administer; and they the said Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means as well for their own, as for the said Jury's better Information in the Premises; and the said Trustees, or any Five or more of them, shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Grounds, according to such Verdict and Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final and binding to all Parties and Persons whatsoever, claiming or to claim, in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical, or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands and Hereditaments do lie, thereby commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons liable to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place, as in such Warrant or Warrants shall be appointed; and such Sheriff, or

Witnesses may be examined upon Oath.

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff for impannelling a Jury, &c.

or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impanneled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted, That all Persons concerned, shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, who shall not appear or refuse to be sworn on the said Jury, or being sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or refuse to be examined, and to give Evidence; and from Time to Time to levy and dispose of such Fine or Fines in such Manner as the Penalties and Forfeitures are herein after directed to be levied and disposed of; so that no such Fine be more than Ten Pounds, nor less than Two Pounds upon any one Person for one Offence.

Penalty on Sheriff, &c. making Default.

Fine not to be more than 10*l.* nor less than 2*l.*

And be it further enacted, That all and every Sum and Sums of Money or Recompence, to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged upon the Tolls by this Act granted, or upon the Monies to be borrowed upon the Credit of such Tolls; and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof by the said Trustees, or any Five or more of them, or by their Clerk or Clerks, to such Persons or their Agents, and in case of Refusal to accept the same, upon leaving the

Satisfaction-monies to be paid out of the Tolls.

On Payment or Tender thereof, Lands to be taken into the Roads.

the same in the Hands of the Clerk or Clerks, to be appointed by virtue of this Act, for the Time being, for the Use of such Person, and after Twenty-one Days Notice thereof given by the Clerk or Clerks to the Trustees to such Persons, or left with the Occupier or Occupiers of the Premises, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, or add to such Road, such Lands or Grounds, and to do all and every such Acts, Matters and Things with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments so taken into and made Part of the said Road, shall be deemed and taken to be, and shall be, to all Intents and Purposes, a Publick and Common Highway; and shall be repaired and kept in Repair by such Ways and Means, as the Road hereby appointed to be repaired and widened is, by this or any other Law, to be repaired; and after such new Road shall be compleated, the Lands and Grounds constituting the former Road, unless the same leads to some other Village, Town, or Place, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls, hereby appropriated to the Repair of the said Road, are directed to be applied.

Old Road may be sold.

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

Giving Preference to Owners of adjoining Lands.

Provided

Provided also, That nothing herein contained shall authorise the Trustees to take down any Dwelling-house or other Building, or take into the said Road any Part of any Garden, Park, Orchard, Yard, Paddock, Planted Walk, or Avenue to a House without the Owner's Consent. Dwelling houses, &c. not to be insured.

Provided always, That in case the said Trustees, or any Five or more of them, shall think it necessary to alter the Course of the said Road, so as to turn it into or through a Parcel of Land called Elly Bank, which is Part of the Park of Peter Legh, of Lyme, in the said County of Chester Esquire, called Lyme Park, lying and being within the Township of Lyme-Hanley, in the said County of Chester, (to which the said Peter Legh hath consented) or in case the said Trustees, or any Five or more of them, shall turn the said Road through any other inclosed Grounds within the same Township, (through which Township no Part of the said Road doth now lie) nothing herein contained shall extend, or be construed to extend, to make the Inhabitants, or Owners or Occupiers of any Lands, Tenements, or Hereditaments, within the said Township of Lyme-Hanley, or any of them, liable to the Repair of, or to do Statute-duty in, such Part or Parts of the Road so to be altered or turned, as shall lie within the said Lyme Park, or other inclosed Grounds in Lyme-Hanley aforesaid, but that the same shall be repaired and kept in Repair, by and out of the Money to be raised by virtue of this Act. Power to turn Road through Mr. *Legh's* Park.

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

BY virtue of an Act made in the Tenth Year of the Reign of His Majesty King *George* the Third, *to repair, widen, and alter the Road from* Macclesfield, *in the County of* Chester, *to the Turnpike Road at* Randle-carr Lane Head Form of Assignment.

Head *in* Fernilee, *in the County of* Derby, *leading to* Chapel in the Frith, *in the ſame County*, we, Seven of the Truſtees, do aſſign unto *A B*, his Executors, Adminiſtrators, or Aſſigns, in Conſideration of the Sum of from this Day of in the Year of our Lord until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum* ſhall be repaid, ſuch Proportion of all the Tolls ariſing by virtue of the ſaid Act, as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

And all and every Perſon and Perſons to whom the ſaid Truſtees, or any Seven or more of them, ſhall at any Time make ſuch Aſſignment or Aſſignments, ſhall be equally intitled to their Proportion of the ſaid Tolls, according to the reſpective Sums in ſuch Aſſignment mentioned to be advanced, to ſecure the Repayment thereof, with Intereſt as aforeſaid, without any Preference by reaſon of Priority of Aſſignment, or on any other Account whatſoever; and the Money ſo borrowed, together with the Tolls, ſhall be applied, in the firſt Place, in diſcharging the Expences incurred in and in relation to the obtaining of this Act, and afterwards in amending the ſaid Road, and otherwiſe executing this Act, and to no other Uſe or Purpoſe; and Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees; which ſaid Book or Books ſhall and may be peruſed at all ſeaſonable Times by all Perſons whomſoever, without Fee or Reward; and all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from Time to Time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, indorſing on the Back of ſuch Security before One credible Witneſs, the following Words, or Words to the like Effect:

Application of Money.

Aſſignments to be entered in a Book.

Form of the Transfer.

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due, to his Executors, Adminiſtrators,

tors, or Assigns. Dated this Day of
Witness, *G H.* *A B.*

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

Sums not exceeding 50*l.* may be transferred without Entry or Witness.

Notice to be given of borrowing Money.

Provided

Proceedings to be entered in a Book.

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

Trustees may vary the Tolls.

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

Notice thereof to be given, &c.

Trustees may lease, &c. the Tolls.

And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, on Notice in Writing to be fixed on all the Turnpikes which shall be then erected, and on the Market Cross in the said Towns of Macclesfield and Chapel in the Frith, and also in some public News-paper, of their Intent to let the said Tolls, or any Part thereof, at least Twenty-one Days before their Meeting for such Purpose; and from Time to Time, by Writing under their Hands and Seals, to demise and lease the said Tolls, or any Part or Parts thereof, to any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Price that can be got for the same, payable at such Times, and under such Covenants

nants as they the said Trustees, or any Five or more of them, shall direct or appoint; which Monies, so to be paid, shall be applied as the said Tolls are directed to be applied; provided that such Lettings or Agreements be signed by the Person or Persons taking or farming such Tolls; and that if any Letting, or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void, and the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, in the same Manner as is by this Act directed for the accounting for the said Tolls by the Collectors thereof, and for the levying and recovering the same upon and of them.

Trustees may act as Justices.

And be it further enacted, That all the said Trustees who are or shall be in the Commission of the Peace for the County of Chester or Derby, may act as Justices of the Peace for the putting this Act in Execution, notwithstanding their being Trustees.

On Death of Trustees others to be chosen.

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

Notice thereof to be given, &c.

Time and Place of Trustees Meeting.

And be it further enacted, That the several Meetings of the Trustees for the Purposes of this Act, shall be held at some convenient Publick House in the Market Town of Macclesfield aforesaid; and that the said Trustees, or any Five or more of them, may adjourn themselves

selves from Time to Time, and meet as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear a sufficient Number of Trustees to act at any such Meeting, and to adjourn to another Day, the Clerk to the said Trustees shall, from Time to Time, as often as such Case shall happen, by publick Notice in Writing to be affixed on all the Turnpikes upon the said Road, and on the Market-cross in Macclesfield and Chapel in the Frith aforesaid, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in Macclesfield aforesaid, on that Day Three Weeks from the Day on which such Meeting was appointed to have been held; and that the Trustees at their Meetings shall defray their own Charges.

In Default of a sufficient Number to act, Notice to be given of another Meeting

Trustees to defray their own Expences.

Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only; and if a Meeting of the said Trustees shall be thought necessary to be held, for the better Execution of this Act, before the Time appointed by virtue of any Adjournment shall come, or in case no Adjournment shall have been made; then, and in every such Case, the said Trustees, or any Five or more of them, or the Clerk at their Request, shall and may give Twenty-one Days Notice at least, in Writing, to be affixed on all the Turnpikes erected across the said Road, and also on the Market-cross in the said Towns of Macclesfield and Chapel in the Frith, of the Time and Place of the holding such Meeting; and in every such Notice shall be specified the particular Business intended to be done and transacted thereat, and which Business the said Trustees, or any Five or more of them, may do and transact; and the Business so done and concluded, shall have the same Effect, as it could have had in case it had been done at a Meeting of the Trustees herein otherwise authorised and directed to be held; but any Business done at such Meeting, other than what shall be so specified, shall be to all Intents and Purposes void and of none Effect.

Meetings on Emergencies.

Notice thereof to be given

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

No Trustee to accept of any Place of Profit.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution

Qualification of Trustees.

Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of Lands, Tenements, and Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes; or intitled to 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 true Intent and Meaning hereof, every Person, for such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt or on the Case, Bill, Plaint, or Information, wherein no Essoin or Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Trustee in the Execution of this Act.

Penalty on acting if not qualified.

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

Roads to be measured and Mile-stones erected.

Penalty on defacing Mile-stones.

Society shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

Persons liable to do Statute-work, to continue so.

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 and 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 or Team for every Fifty Pounds per Annum so held and occupied, and 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 Road doth 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 Twenty-one Days after Demand made to him or them respectively, in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, 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 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 said Trustees, or any Five

Persons renting 50*l. per Ann.* deemed Teamholders, &c.

Surveyors of the Highways to give in Lists of Persons liable to do Statute-work.

or

or more of them, or the said Turnpike Surveyor or Surveyors, 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 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 Twenty-one 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 Road, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township 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 the Sum of Ten 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 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 not deemed to keep a Team, for every Day's Default, the Sum of One Shilling and Sixpence; 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 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 said respective Forfeitures before-mentioned.

Penalty on neglecting to deliver in such Lists.

Labourers found idle, to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them to compound and agree

Trustees to compound for Statute-work.

by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements or Hereditaments, which are or shall be liable to, or chargeable with the Repair of any Part of the said Road, or 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 public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said 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 Road; all which Composition-monies, shall be from Time to Time 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.

Composition-money, how to be applied.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures imposed by this Act, touching which no Provision is herein particularly made, shall be recovered and be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Chester or Derby, wherein such Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant on the Information of One or more credible Witness or Witnesses upon Oath, and which Oath the said Justice and Justices is and are hereby impowered and required to administer; and the Penalties and Forfeitures, when recovered, shall be applied for and towards the amending the said Road; and the Overplus raised by such

such Distress and Sale shall, upon Demand, be returned to the Party whose Goods and Chattels shall be so distrained and sold, the reasonable Charges of such Distress and Sale, to be settled and allowed by the said Justice or Justices, being first deducted.

Persons aggrieved may appeal to the Quarter-sessions.

Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act, Order, or Judgement of the said Trustees, or any of them, or of any Surveyor or Surveyors to be by them appointed, or of any Justice or Justices of the Peace in the Execution of any of the Powers hereby to him or them given, such Person or Persons may appeal in all Cases to the Justices at the next General Quarter Sessions of the Peace for the said County of Chester or Derby; every such Person, so appealing, first causing Eight Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given unto the Person or Persons upon whose Oath or Oaths, or Evidence, such Act, Order or Judgement shall be done, made, or awarded, and to some or One of the Collectors of the Tolls; which said Justices at their Sessions, upon due Proof of such Notice being given as aforesaid, shall hear and determine the Causes and Matters of the said Appeals, and every of them, and shall give such Costs to the Parties appealing or appealed against, as they in their Discretion shall think proper, and their Orders and Judgements therein shall be final and conclusive to all Parties concerned, and shall not be removed into any superior Court by Writ of Certiorari.

Notice thereof to be given.

Writings to be without Stamps.

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

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

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

Form of Conviction.

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, Trustee or Trustees, before whom any Person or Persons

sons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words, to the same Effect:

County of } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A B* is convicted before of His Majesty's Justices of the Peace of the County aforesaid, or before the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Tenth Year of the Reign of His Majesty King *George* the Third, to [*specifying the Offence, and Time and Place when and where the same was committed*]. Given under Hand and Seal, or Hands and Seals, the Day and Year aforesaid.

Proceedings not to be quashed for want of Form;

Which said Form and Conviction, or any other Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or Order made touching any of the Matters aforesaid, by virtue of this Act, shall not be vacated or quashed for Want of Form, or 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 removeable by *Certiorari.*

Contracts to be binding.

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

filling his said Contract, any Law or Usage to the contrary in any wise notwithstanding.

Proceedings not to be deemed unlawful for want of Form;

And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the special Damage, in an Action upon the Case.

nor the Party be deemed a Trespasser *ab initio*, for subsequent Irregularity.

Limitation of Actions.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Clerks, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties grieved, or after Six Calendar Months next after the Fact committed; and every such Action shall be laid in the County wherein the Cause of Action arose and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead, at his Election, specially or the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or that such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought elsewhere than in the County where the Cause of Action arose; then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

And be it further enacted, That this Act, and all the Powers therein contained, shall take place from and after the End of Fourteen Days next after the passing of this Act; and shall continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Publick Act. And be it enacted, 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 whomsoever, without specially pleading the same.

FINIS.