Anno ſecundo

Georgii III. Regis.

An Act for repairing, widening, and altering, the Road from *Sandon* in the County of *Stafford*, to *Bullock-Smithy* in the County of *Cheſter*; and from *Hilderſtone*, to *Draycott* in the Moors; and from *Wetley Rocks*, to *Tean*, in the ſaid County of *Stafford*.



WHEREAS the Road leading from the preſent Turnpike Road at Sandon in the County of Stafford, through Leek, over Ridgeward, otherwiſe Ridgeard, and Ruſhton Commons, to Rye-croft-Gate and Macclesfield, till it joins the preſent Turnpike Road at Bullock Smithy in the County of Cheſter; and alſo the Road leading out of the ſaid Road at Hilderſtone, to Draycott in the Moors, in the preſent Turnpike Road between Newcaſtle Underline and Uttoxeter, all in the ſaid County of Stafford; and alſo the Road leading out of the ſaid firſt-mentioned Road, at a Place called Wetley Rocks, in the Parish of Cheddleton, through Cheadle, to Tean, in the ſaid Turnpike Road between Newcaſtle Underline and Uttoxeter aforeſaid, all in the ſaid County of Stafford; Preamble.

Stafford; are become very deep and ruinous, and are in many Places very narrow, and cannot be ſufficiently widened, altered, repaired, 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 the ſame, That the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable Thomas Parker, commonly called Lord Viſcount Parker; the Right Honourable Archibald Hamilton, commonly called Lord Archibald Hamilton; the Right Honourable Spencer Hamilton, commonly called Lord Spencer Hamilton; the Right Honourable Earl of Donegall; the Right Honourable James Smith Stanley, commonly called Lord ~~Strange~~; the Right Honourable George Cholmondeley, commonly called Lord Malpas; the Right Honourable Lord Viſcount Vane, the Right Honourable Thomas Bellaſis, commonly called Lord Bellaſis; the Honourable Booth Grey, the Honourable William Richard Chetwynd, the Honourable Richard Barry, the Honourable John Smith Barry, the Honourable James Cholmondeley, the Honourable George Lane Parker, Edward Arblaſter, William Armett, Thomas Anſon, George Adams, John Arden, Richard Arderne, Eſquires; the Reverend John Addenbrook D. D. William Armiſhaw, William Alcock, John Aſton, William Armett of Sutton, John Acton, Rowland Atkinſon, Gentlemen; Brook Boothby, Richard Wilbraham Bootle, William Bagott, John Birtles, Peter Brook, Peter Brook junior, Eſquires; John Badnall, John Bayley, Thomas Bourne, Ralph Bradley, Samuel Bradley, Ralph Bagnall, John Bagnall, William Bill, William Bowers, William Blurton, Gentlemen; the Reverend John Bill Clerk, Thomas Broadhurſt, John Brownlow, James Ballantine, John Barbor, George Barnett, John Broadhurſt, Samuel Braddock, John Braddock, Buckley Bower, Gentlemen; John Burſcoe Clerk, John Breſcie, John Brocklehurſt, Gentlemen; William Chetwynd, Edward Coyney, George Challinor, Charles Chorley, Gilbert Cheſhire, Thomas Cholmondeley, John Chetewood, Robert Clowes, Eſquires; James Clowes, William Clowes, Andrew Clark, William Condlyffe, Iſaac Cope, William Cotton, William Clark, Thomas Crompton, Nicholas Chapman, Samuel Cooper, Joſeph Comberbach, Gentlemen; Richard Davenport, John Downes, John Dickenſon ſenior, John Dickenſon junior, William Davenport, Eſquires; John Daintry, Michael

Truſtees Names.

Michael Daintry, John Davenport, William Daviſon, Simon Debank, Joſeph Dale, **Gentlemen**; **the Reverend** John Downes, Jonathan Davenport, **Clerks**; Samuel Egerton, Philip Egerton, **Eſquires**; Joſhua Ellis **Gentleman**, **the Reverend** George Everard **Clerk**, Henry Fowler, John Fletcher, **Eſquires**; Thomas Fernyhough, William Fallows, **Gentlemen**; **Sir** Nigell Greſley **Baronet**, Thomas Gilbert, Edward Groſvenor, Thomas Groſvenor, John Glegg, **Eſquires**; William Gent, Joſhua Groſvenor, Thomas Godwyn, John Gilbert, Samuel Glover, William Greaves, John Gaſkell, George Greaves, George Gray, **Gentlemen**; George Hunt, Henry Haworth, **Eſquires**; John Hollins, William Hide, William Stonehewer Hall, Samuel Hilditch, Thomas Hammerſley, William Hambleton, John Hyatt **ſenior**, John Hyatt **junior**, Robert Hurſt, John Hulme, Thomas Hordern, Peter Hordern, John Hicken, Richard Howard, Samuel Huxley, John Hully, Jaſper Hully, John Hovley, George Heard, Joſeph Hobſon, **Gentlemen**; William Hall **Clerk**, Swinfen Jervis, William Jervis, **Eſquires**; Joſeph Ingleby **Gentleman**, William Kay, John Kinnerſley, John Kendrick, **Gentlemen**; **Sir** Peter Leyceſter **Baronet**, Francis Leigh, Peter Legh **of** Lime, Charles Legh, Thomas Legh, George Legh, Ralph Leiceſter, Peter Legh **of** Booths, Harry Langford, **Eſquires**; **the Reverend** John Leigh, **the Reverend** Obadiah Lane, **the Reverend** Langley, **Clerks**; Samuel Lucas, James Lucas, James Lockett, Ralph Leek, James Lander, Edward Leigh, Francis Lycett, Richard Lunt, Barnabas Lowe, Thomas Legh **of** Macclesfield, **Gentlemen**; John Latham **Clerk**, **Sir** Henry Manwaring, **Sir** William Meredith, **Baronets**; Hugo Meynell, Thomas Mills, William Murhall, **Eſquires**; **the Reverend** Theophilus Meredith, **the Reverend** Simon Mills, **the Reverend** Samuel Moſs, **the Reverend** Peter Mayers, **Clerks**; John Maddock, James Myott, Richard Myott, Nathanael Mayers, John Macom, Matthew Motterſhead, **Gentlemen**; William Norton, Robert Newton, Francis Nicholſon, Daniel Nixon, **Gentlemen**; **the Reverend** Ralph Nicholſon **Clerk**, Thomas Parker, George Parker, John Parker, **Eſquires**; **the Reverend** John Parker **Clerk**, Thomas Pratt, John Philips **of** Tean, John Philips **of** Heath-houſe, Thomas Plant, Charles Potts, Thomas Percivall, **Gentlemen**; **the Reverend** John Rogers, **the Reverend** Legh Richmond, **the Reverend** James Rowe, **Clerks**; Peter Robinſon, Charles Rowe, John Robinſon, William Read, **Gentlemen**; **Sir** John Thomas Stanley **Baronet**, Thomas Stanley, Ralph Sneid, Thomas Swettenham, Edmund Swettenham,

ham, Eſquires; Joſhua Strangman, Edward Sikes, John Stevenſon, William Spencer, Thomas Silveſter, James Simpſon, John Stafford, Staffurth, John Stonehewer, Joſeph Stokes, Nathan Sutton, Benjamin Sutton, George Stratham, James Stayley, Thomas Stayley, Richard Shufflebotham, John Shufflebotham of Sutton, John Shufflebotham of Boſley, Joſeph Street, Charles Styles, Gentlemen; William Trafford, William Tatton, Thomas Tatton, Henſhaw Thornycroft, Eſquires; George Taylor, John Toft, Joſhua Toft, Robert Turnock, Joſeph Turnock, Stephen Townſhend, Samuel Turnock, Adam Turnock, Gentlemen; the Reverend Daniel Turner Clerk, George Venables Vernon Eſquire, the Reverend Unit Clerk, Sir Peter Warburton Baronet, Sir George Warren Knight of the Bath, Ralph Williamſon, William Wright, Henry Offley Wright, Eſquires; the Reverend Joſeph Ward, the Reverend John Ward, Clerks; Joſeph Wardle, John Wardle, Thomas Walthall, Richard Walthall, Peter Walthall, James Whitehall, William Wood, Ralph Wood, Benjamin Luke Winter, John Williamſon, Richard Williamſon, Ralph Waller, John Woolf, Samuel Wright, Thomas Warburton, Robert Woodis, Joſeph Woodis, Joſeph Wilkinſon, Whitaker Wright, Gentlemen; Enock Yardley, George Young, William Young, Gentlemen; Sir Walter Bagot Baronet, Sir Henry Harpur Baronet, Walter Bagot Clerk, John Sneyd Eſquire, Ralph Weſton, George Venables Vernon junior, Clement Kynnerſley, Edward Southwell, Colonel Gardener, the Reverend Doctor Cotton, Richard Davenport Eſquire, Bernard Granville Eſquire, Ralph Williamſon Eſquire, Thomas Doxſey Eſquire, George Hunt Eſquire, Thomas Baimbridge Eſquire, William Gardner Eſquire, the Reverend David Miles, the Reverend Evans of Mathfield, the Reverend Malben of Uttoxeter, ſhall be, and they and their Succeſſors to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, turning, altering, amending, and keeping in Repair the Roads aforeſaid, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee, in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or poſſeſſed of, or intitled unto, a Perſonal Eſtate alone,

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

Penalty on acting if not qualified.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall meet together at the Houſe of William Daviſon, known by the Sign of the Cock in Leek aforeſaid, on the Day Three Weeks next after the paſſing of this Act, and proceed to the Execution of this Act, and ſhall then chuſe a Clerk or Clerks, to write their Orders, and take Minutes, and make Entries of their 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 the ſaid Roads, as they the ſaid Truſtees, or any Seven or more of them, ſhall, from time to time, think moſt convenient for putting this Act in Execution: And if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act and to adjourn to another Day, the Truſtee or Truſtees then preſent, or the Clerk or Clerks to the ſaid Truſtees, ſhall, from time to time, as often as ſuch Caſe ſhall happen, by Notice in Writing, to be affixed upon all the Turnpikes which ſhall then be erected upon or acroſs the ſaid Roads, at leaſt Ten Days before the next Meeting, appoint the Truſtees 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 Truſtees in Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch

Times and Place of Truſtees Meeting.

In Default of a ſufficient Number to act,

Notice to be given of another Meeting.

Truſtees to defray their own Expences.

Majority not being less than the Number of Trustees by this Act authorized, to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time 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 repealed unless 7 Trustees are present.

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

On Death or Removal 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, or any Seven 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 Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, 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 to be given of such Election.

Trustees may erect Turnpikes and Toll-houses; and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may from time to time cause to be erected, on each and every of the said Roads, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, and on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses in, upon, or on the Side or Sides, or across the same Roads; and may cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken before any Cattle or Carriages shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively; that is to say,

The Tolls.

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

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

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

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

Tolls to be paid but Twice a Day between *Leek* and *Cheadle*.

But ſuch Tolls or Duty ſhall be paid only Twice in every Day between Leek and Cheadle; that is to ſay, At One Turnpike intended to be erected by virtue of this Act, between Leek and Wetley Rocks, and Once at One other Turnpike alſo intended by virtue of this Act to be erected between Wetley Rocks and Cheadle; nor ſhall any Turnpike or Turnpikes be erected, or any of the Tolls or Duties aforeſaid be collected or levied between Cheadle and Lean aforeſaid, nor nearer to the Town of Leek aforeſaid, in the Road leading from thence to Bull ck Smithy aforeſaid, than Rudyard High Moor in the ſaid County of Stafford; nor between Sandon aforeſaid, and the South End of Hilderſtone aforeſaid: Nor ſhall any of the Tolls or Duties aforeſaid, be collected or levied from any of the Inhabitants of the Townſhips of Boſley and Sutton, in the Pariſh of Preſtbury, in the County of Cheſter aforeſaid, for any of the Carriages or Cattle aforeſaid, going over Hugbridge into the County of Stafford aforeſaid, unloaden for, or returning being loaden only with, Lime or Coal for their own particular Uſe and Conſumption.

Tolls may be levied by Diſtreſs and Sale.

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

Diſtreſs may be ſold after 4 Days.

upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted. And all the Tolls collected or levied by virtue of this Act, shall be, and are hereby vested in the said Trustees, and shall be applied, or may be assigned, in such Manner as is herein after mentioned.

Tolls vested in the Trustees.

Coal exempt of from Part of the Toll.

Provided always, and be it further enacted by the Authority aforesaid, That all Cattle and Carriages which shall pass loaden only with, or going unloaden the same Day for, Coal, Slack, or Bennel, through the Turnpike intended to be erected by virtue of this Act, between Leek and Wetley Rocks, and through the Turnpike also intended to be erected by virtue of this Act, between Wetley Rocks and Cheadle, shall pay the full Toll by this Act granted, at such of the said Turnpikes as they shall first pass through, and only half such Toll at the other; any Thing herein before contained to the contrary notwithstanding.

No Toll to be paid for crossing the Road only.

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

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

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees; and they, or any Seven or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of 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.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied upon, or in respect of, the Road between Sandon and Bullock Smithy, and the Road between Hilderstone and Draycott, or the Monies to be borrowed in respect thereof, the said Trustees, or any Seven or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to the obtaining of this Act; and afterwards all the Tolls and Monies to be collected and levied within, upon, or in respect of, all the Roads hereby directed to be repaired, and the Monies to be borrowed upon the Credit thereof, shall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houses,

and

and of repairing, widening, altering, turning, and keeping in Repair, the same Roads, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Seven or more of them, shall from time to time direct.

Trustees may apportion the Tolls between *Rushton Common* and *Congleton*.

And whereas a Bill is now depending in Parliament, for widening and repairing the High Road from Ashborne in the County of Derby, to Leek in the County of Stafford, and from the Turning off from the Macclesfield Road on Rushton Common, to Congleton in the County of Chester; and also the Road leading from Hanging Bridge, near Ashborne, to the Turnpike Road from Uttoxeter to Newcastle Underline, at Spath in the County of Stafford; and also the Road leading through the Town of Cheadle, to the Turnpike Road at Blyth Marsh in the said County of Stafford; and also the Road leading by Blore in the County of Stafford, over Cold Wall Bridge, to the Turnpike Road from Ashborne to Buxton in the County of Derby; therefore be it enacted by the Authority aforesaid, That in case the said Bill shall pass into a Law, then, and in such Case, if any Gate or Turnpike shall be erected by virtue of this Act, upon any Part of the Road between Leek and the Turning off from the Macclesfield Road towards Congleton, upon Rushton Common aforesaid, the Trustees appointed to put this Act in Execution, for the time being, or any Five or more of them, shall pay, or cause to be paid, yearly, during the Continuance of the said Acts, to the Trustees who shall have the Care of the said Road from Ashborne to Leek, and from Rushton Common to Congleton as aforesaid, or any Five or more of them, or to such Person or Persons as shall be by them authorized to receive the same, One Fourth Part of the Tolls to be collected at such Gate or Turnpike, after all Charges incident to the erecting such Turnpike, and collecting of the said Tolls, shall be deducted thereout; and the Treasurer or Clerk for the time being to the Trustees appointed to put this Act in Execution, shall, and he is hereby impowered and required to state, or cause to be stated, an Account, and to deliver the same to the Trustees for the time being of the said Road from Ashborne to Leek, and from Rushton Common to Congleton as aforesaid, in every Year during the Continuance of the said Acts, at one of their publick Meetings assembled, of the gross Sum collected in the preceding Year, at such Gate or Turnpike between Leek and the Turning off from the Macclesfield Road upon Rushton Common towards Congleton aforesaid, and verify the same on Oath, if thereunto required by the Trustees of the said Road, leading

from Aſhborne to Leek, and from Ruſhton Common to Congleton aforeſaid, or any Five or more of them; which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered to adminiſter; and that, if any Part of the ſaid Fourth Part of the Tolls herein before directed to be paid as aforeſaid, by the Truſtees having the Care of the Roads directed by this Act to be repaired, ſhall be behind and unpaid for the Space of Twelve Months after the ſame ſhall be due and be demanded, it ſhall be lawful for the Truſtees having the Care of the ſaid Road from Aſhborne to Leek, and from Ruſhton Common to Congleton aforeſaid, or for ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by Writing under their Hands and Seals, appoint, to ſeize the ſaid Gate between Leek and the Turning off from the Macclesfield Road on Ruſhton Common towards Congleton as aforeſaid, and to collect and receive the Tolls by this Act authorized to be taken thereat, till the Sum ſo remaining due and unpaid, and all reaſonable Charges attending ſuch Collection and Perception ſhall be fully paid; and no longer; any thing in this Act contained to the contrary thereof notwithſtanding.

Application of the Monies.

Provided always, and be it further enacted by the Authority aforeſaid, That the Money ſo paid to the ſaid Truſtees for the ſaid Road from Aſhborne to Leek, and from Ruſhton Common to Congleton, as aforeſaid, ſhall be by them laid out and applied to the Repair of the Road from Ruſhton Common to Congleton, and to no other Uſe and Purpoſe whatſoever.

Proviſo.

Provided always, That the firſt yearly Payment of the ſaid Fourth Part of the ſaid Tolls collected at the ſaid Gate or Turnpike, ſhall be made on or before the Twenty fifth Day of March, One thouſand ſeven hundred and ſixty three.

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

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their firſt Meeting, and, from time to time, aſſembled at any ſubſequent Meeting or Meetings to be held for that Purpoſe, to vary, leſſen, or reduce, all or any of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper, and may afterwards, from time to time, advance all or any of the Tolls ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates herein before-mentioned, and to order and direct ſuch Tolls ſo leſſened and reduced, or advanced, to be collected, received, taken, and laid out, and applied for the Purpoſes of this Act, in ſuch

Manner

Manner as they ſhall think fit; but no ſuch Reduction ſhall be made at any Time after ſuch Firſt Meeting, unleſs the Perſon or Perſons who ſhall be intitled to Two Thirds of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch Reduction ſhall be made, unleſs Twenty Days Notice at the leaſt ſhall be given in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act, of the Intention to make ſuch Reduction.

Tolls to be paid but Once a Day.

Provided always, That no Perſon ſhall be liable to pay Toll more than Once, for paſſing at any Time or Times with the ſame Horſe, 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 one Turnpike to be erected by virtue of this Act; but all and every ſuch Perſon and Perſons, after having paid ſuch Tolls or Toll reſpectively as aforeſaid, ſhall, upon producing a Note or Ticket, Notes or Tickets, denoting ſuch Payments or Payment, afterwards paſs with ſuch Horſes, Cattle, Beaſts, or Carriage, Toll-free, during ſuch Day, to be computed as aforeſaid, through the reſpective Gates or Gate where ſuch Payments or Payment reſpectively were or was made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they ſhall ſee convenient, to compound and agree for any Term, not exceeding Two Years at any One Time, with any Perſon or Perſons for any Carriages, Horſes, Cattle, or Beaſts, travelling upon the ſaid Roads, or any of them, for all or any of the Tolls to be paid for or in reſpect of ſuch Carriages, Horſes, Cattle, or Beaſts, ſo that no ſuch Compoſition ſhall be made for any Cattle or Carriages travelling for Hire; and all ſuch Compoſition-money ſhall be paid quarterly in Advance to the Treaſurer or Treaſurers of the ſaid 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.

Toll to be mitigated between *Pointon Lane Ends*, and *Norbury*.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Turnpike or Turnpikes ſhall be erected by virtue of this Act, upon that Part of the ſaid Road which lies between the School Houſe at

Pointon Lane Ends, and the End of a Lane leading out of the ſaid Road in the Townſhip of Norbury, in the ſaid County of Cheſter, by or near Norbury Chapel, and called Mill Lane; then all Cattle and Carriages which ſhall paſs loaden only with, or going unloaden the ſame Day only for, Coal, Slack, or Kennel, over that Part of the ſaid Road between the ſaid School Houſe at Pointon Lane Ends, and Mill Lane aforeſaid, and no further, or over any Part thereof, ſhall pay only One Half of the Toll by this Act granted; any thing herein contained to the contrary notwithſtanding.

The Inhabitants of *Sutton* and *Boſley* may paſs through certain Gates for Half Toll.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the Inhabitants of the ſaid Townſhips of Sutton and Boſley, and every of them, with any of the Cattle or Carriages aforeſaid, to paſs from the ſaid Townſhips of Sutton and Boſley, or either of them, to Leek, for the Payment of One Toll, and from the ſame Townſhips of Sutton and Boſley, to Bullock Smithey, without paying more than One Toll upon the Road hereby directed to be repaired; any thing herein contained to the contrary notwithſtanding.

Truſtees may leaſe, *&c.* the Tolls.

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

Penalty on Perſons going thro' or permitting private Paſſage,

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Land, Ground, or 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 Ground, Land, 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 of any Part thereof, ſhall be avoided; or if any Perſon or Perſons

or giving or receiving Tickets,

ſhall

ſhall forceably paſs through any ſuch Turnpike, with any Horſe, or other Cattle, or Beaſts, without Payment of Toll; or ſhall take off, or cauſe to be taken off, any Horſe, or other Cattle or Beaſt, from any Carriage; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Roads, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or of any Part thereof; or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or ſecrete any Goods chargeable with any ſuch Toll; every Perſon ſo offending in each of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; whereof One Moiety ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein directed to be applied.

or taking off Horſes, &c. to avoid paying the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Toll ſhall be taken for any Carriage, or any Horſe, Cattle, or Beaſt, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the ſame Day, Gravel, Stone, or other Materials, for repairing the ſaid Roads, or any of the Roads in the Townſhip in which ſuch Roads do lie, or with Hay, Straw, or Corn in the Straw only, or Muck, Dung, Compoſt, or other Materials (Lime only excepted) for the manuring and improving of Land, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, for manuring, cultivating, or improving of Land, or for any of the Carriages or Cattle aforeſaid, going to or from any Corn Mill or Mills, upon or contiguous to the ſaid Roads, or any of them; or to or for any Perſon or Perſons reſiding in the Townſhip in which any of the ſaid Roads do 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; or for any Poſt-horſe or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Paſture; or for the Horſes of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in the conveying of Vagrants ſent by legal Paſſes; or for any Coach, Landau, Berlin, Chariot, Calaſh, Chaiſe, or Chair, or Paſſenger on Horſeback, going to, or returning from, any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Stafford or Cheſter, during the Time of ſuch Election, or on the Day

Exemptions from the Tolls.

before or Day after ſuch Election ſhall begin or be concluded; or for any Carriage, or any Horſe, Cattle, or Beaſt, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, Peates or Turves, to be dug up and got upon a Waſte or Common in the ſaid County of Cheſter called Dinſmoſs, for Fuel for the Inhabitants of the Townſhips of Sutton and Macclesfield, in the ſaid County of Cheſter; or for any Carriage, or any Horſe, Cattle, or Beaſt, loaden only with, or going unloaden only for, or returning unloaden, having been only loaden with, any Stone, Brick, Tiles, Slate, or Timber, for the Repair only of any Houſes, Out-houſes, or Buildings, or the making or repairing of Fences within the ſaid Townſhips of Sutton and Boſley, or either of them (ſo as ſuch Materials are not conveyed more than Two Miles upon any Part or Parts of the Road hereby directed to be repaired) or for any of the Carriages or Cattle of the Inhabitants of Sutton and Boſley aforeſaid, or either of them, returning unloaden, after having been loaden with Lime from Buxton, or the Parts adjacent thereto, in the County of Derby, delivered at Macclesfield for Sale: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit, for every ſuch Offence, the Sum of Twenty Shillings.

Penalty on claiming Exemptions, not being intitled thereto.

Tolls may be aſſigned for Money borrowed.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven or more of them, at their Firſt, or any ſubſequent Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue of this Act, to borrow, and take up at Intereſt, ſuch Sum and Sums of Money, as they, or any Seven or more of them, ſhall think fit; and may, and are hereby impowered to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof (the Coſts and Charges of ſuch Aſſignments or Mortgages to be paid out of ſuch Tolls, as a Security to any Perſon or Perſons, or their Truſtees, who ſhall advance the ſame) by the following Words of Aſſignment under their Hands, or by any other Words for that Purpoſe:

Form of Aſſignment.

BY virtue of an Act made in the Year of the Reign of His Majeſty King GEORGE the Third, for we of the Truſtees, do aſſign unto *A. B.* his Executors, Adminiſtrators, or Aſſigns, in conſideration of the Sum 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 the Tolls ariſing by virtue of this Act, between as the ſaid Sum of ſhall bear to the whole Sum advanced on the Credit of the ſame.

Aſſignments to be entered in a Book.

And Copies of all ſuch Mortgages or Aſſignments, ſhall be entered in a Book or Books to be kept for that Purpoſe, by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls, after ſuch firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing upon all the Turnpikes in or upon ſuch Roads, for which ſuch Monies ſhall be borrowed, at leaſt Twenty Days before the borrowing thereof; and all and every Perſon or Perſons, to whom any ſuch Aſſignment or Aſſignments ſhall be made, as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whatſoever, indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect;

20 Days Notice to be given of borrowing Money.

Aſſignments may be transferred.

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

Witneſs *G. H.* *J. K.*

Form of Transfer.

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 Seven or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and in caſe any Sum or Sums ſo aſſigned ſhall not exceed the Sum of Fifty Pounds, it ſhall and may be lawful to and for the

Entries to be made of all Aſſignments.

Clerk's Fee.

respective Person or Persons then intitled to such Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Assignment or Assignments to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignments respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls (on the Credit whereof such Sum or Sums are advanced) in equal Degree one with another, and shall have no Preference in respect of the Priority of any such Monies.

All Creditors to be deemed equal in Degree.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and from time to time to remove any or either of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act make such Allowances to the said Officers and Persons, as to them the said Trustees, or any Seven or more of them, shall seem reasonable: And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such 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

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereunto required by the ſaid Truſtees, or any Seven or more of them (which Oath the ſaid Truſtees, or any Two or more of them, are hereby impowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or refuſe to verify upon Oath, any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven or more of ſuch Truſtees, all the Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act; 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 Truſtees, or any Seven or more of them, or as they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch Truſtees, or any Seven or more of them, may and are hereby authorized 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 One 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 are hereby authorized 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 and 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 Truſtees, or any Seven 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

Officers refuſing to account,

may be ſued;

or, if Complaint be made,

Juſtices to enquire into the Default;

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 are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cauſe ſuch Money to be levied and raiſed by Diſtreſs and Sale of the Goods and Chattles of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattles of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing 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 Truſtees, or any Seven or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Seven or more of them, are hereby impowered to make) or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, and given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Seven or more of them.

and commit the Offender to Gaol,

until he ſhall conform, or compound for the ſame.

Officers not to gain a Settlement under this Act.

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

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven 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 Truſtees, or any Seven or more of them, ſhall appoint.

Truſtees may appoint Officers, tho' not at a publick Meeting.

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 Seven or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint any other Perſon to collect ſuch Tolls, and the Perſon ſo appointed ſhall have the ſame Authority for Recovery thereof, as the Perſon he ſhall ſucceed was veſted with, until the ſaid Truſtees, or any Seven or more of them, ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls.

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

Provided alſo, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial

menial Servant of any Truſtee, ſhall be capable of holding any Place of Profit under this Act.

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

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

without paying for the ſame;

levelling the Pits.

If ſufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven 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 Seven or more of them) to remove and prevent all Annoyances on any Part of the ſaid Roads, 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

Surveyors may remove Annoyances,

along, into, or out of the said 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 Roads, or in the Hedges or Banks adjacent thereto, and to take and carry the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors shall require for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owner or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

and cleanse Drains;

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges;

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said 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 Trustees, or any Seven or more of them) to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any 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 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, planted and 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 Seven or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any

Surveyors may make Causeways, &c.

and widen the narrow Parts of the Roads

erect Bridges, &c.

Part

Part or Parts of the ſaid Roads, 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 Seven or more of them; but that no Satisfaction ſhall be made, for doing or performing any of the Works aforeſaid, upon or through any Wood or Waſte Ground. making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall be, and are hereby fully impowered to divert, turn, or alter, the Courſe or Path of any Part or Parts of the ſaid Roads, through any Wood or Waſte Ground, without making any Satisfaction for the ſame, and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and for that Purpoſe, it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to contract and agree with the Owners of, and Perſons intereſted in, any Lands or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners of 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 Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Truſtees, and Froſtees 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, Lunaticks, 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 Truſtees, or any Seven or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Seven or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole,

Truſtees may contract with Perſons for the Purchaſe of Lands, &c. to be laid into the Road, &c.

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

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 Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politic, 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 Two Months next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating, then, and in every ſuch Caſe, the ſaid Truſtees, or any Seven 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 Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every ſuch Perſon and Perſons whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſſes; which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter; and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View, or otherwiſe, uſe all Ways and Means, as well for their own, as for the ſaid Jury's Information in the Premiſſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven 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, in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks,

Where Perſons refuſe to treat, &c. for Sale of ſuch Lands, &c.

Damages to be ſettled by Jury.

Witneſſes to be ſummoned and examined upon Oath.

Verdict of the Jury to be binding and concluſive.

Lunatiks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever: And for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Seven or more of them, at ſuch Time and Place, as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall, and they are hereby impowered and required, to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men, of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Seven or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and 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 to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are hereinafter directed to be levied and applied, ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Twenty Shillings, on any One Perſon for One Offence.

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 10 *l.*

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed

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

for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing within or upon account of the Road ſo intended to be diverted, turned, or altered, or out of the Monies to be borrowed upon the Credit of ſuch Tolls, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and 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 Truſtees, for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons authorized by Writing under the Hands of the ſaid Truſtees, or any Seven or more of them, to divert or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit: And the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be diverted or turned through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Roads by virtue of this Act, ſhall be for ever thereafter, to all Intents and Purpoſes, a common Highway, and ſhall be repaired and kept in Repair, in ſuch Manner as the 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; and after any ſuch new Road ſhall be compleated, the Lands conſtituting the former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road doth not lead, ſhall be veſted in, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Seven or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale, ſhall be applied 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, &c. when purchaſed, to be made Part of the Road,

and kept in Repair as ſuch.

Old Road to be ſold.

Buildings, &c. not to be injured.

Truſtees not to act where intereſted.

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

Provided

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

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.

Roads over Moors, &c. to be 60 Feet Broad.

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

Perſons, &c. chargeable to the Highways 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 or maintaining any Part or Parts of the ſaid 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 Roads lie, and all other Perſons liable to perform the Work, commonly called Statute-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 Seven Days after Demand made to him or them reſpectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, 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

Perſons renting 50 *l. per Annum*, to be deemed Teamholders.

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

Inhabitants to do Statute-work.

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 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 Seven 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 Roads in any One Year: And the ſaid Surveyor or Surveyors of the Highways, Churchwardens, or Overſeers of the Poor for ſuch Townſhips, Pariſhes, or Places reſpectively, within Seven Days after Notice ſhall be given to him or them by ſuch Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of ſuch Perſons are to do ſuch Work upon any Part or Parts of the ſaid Roads, 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 the Sum of Five Pounds; and every Perſon who ſhall neglect or refuſe to do ſuch Work, at ſuch Times and Places, and in ſuch Manner, as ſhall be appointed by the ſaid Truſtees, or any Seven or more of them, or by ſuch Turnpike Surveyor or Surveyors, every ſuch Perſon ſhall forfeit and pay the reſpective Sums herein after mentioned; that is to ſay, Every Perſon who ſhall keep, or by virtue of this Act ſhall be deemed to keep a Team or Teams, for every Day's Default, for each Team the Sum of Ten Shillings; and every other Inhabitant or Perſon not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default, the Sum of One Shilling and Six Pence: And every Perſon who ſhall, according to ſuch publick Notice as aforeſaid, come as a Labourer, or with a Team, to work on the ſaid 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 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,

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

and on Perſons not performing Statute-work.

Perſons found idle to be turned off.

Perſon, or the Owner of ſuch Team, Draught, or Cart, ſhall be liable to the ſaid reſpective Forfeitures before mentioned; 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 with Pariſhes for Statute-work.

Provided always, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to compound or agree by the Year, or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or ſhall be liable to, or chargeable with, the Repair of any Part of the ſaid Roads, 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 Truſtees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Roads; all which Compoſition-monies ſhall be, from time to time, paid in Advance, and ſhall be applied in the Repair of the ſaid Roads 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.

Surveyors with Conſent of Inhabitants may compound for Statute-work.

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

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

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone (Mill-ſtones excepted) 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 Roads, to the Prejudice thereof; or ſhall wilfully drive any loaded 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 Roads, or ſuch Cauſeway as aforeſaid, or ſhall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh,

biſh, or other Matter or Thing whatſoever, on the ſaid Roads or Cauſeway, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered and required to cauſe the ſaid 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 or Direction-Poſts, with ſuch Inſcriptions thereon, as the ſaid Truſtees, or any Seven or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage any ſuch Stone or Poſt, or obliterate any Inſcription 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 wherein 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 not be forthwith paid, ſuch Juſtice of the Peace ſhall commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, for any Space not exceeding Two Months, nor leſs than One Month, unleſs ſuch Forfeiture, and all reaſonable Charges, ſhall be ſooner paid; and every ſuch Offender, in either of the ſaid Caſes, ſhall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Perſon or Perſons who ſhall ſee any ſuch Offence committed, and ſhall be immediately delivered to a Conſtable or other Peace Officer, who ſhall convey ſuch Offender to be dealt with according to the Directions of this Act.

Penalty on defacing Mile-ſtones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be impoſed, if the Manner of Levying, and Recovery thereof, is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively, before

before any Seven or more of the said Trustees, or 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 any Two or more of such Trustees, or such Justice, is or are hereby impowered and required to administer without Fee or Reward, be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hands and Seals, or Hand and Seal, of any Seven or more of such Trustees, or of such Justice, which Warrant or Warrants such Trustees, or Justice, are or 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 Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be, if not otherwise directed to be applied by this Act, from time to time, paid to any Seven or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the 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 be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions, &c.

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 Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten entire Days Notice, at the least, in Writing, of his or her Intention to bring such Appeal,

Notice of Appeal to be given.

Appeal, and of the Matter thereof, to the Clerk or Treasurer of that Part of the said Roads where such Cause of Complaint shall arise; and within Four 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 to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions: 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.

Distress not to be deemed unlawful for want of Form;

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

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

Plaintiff not to recover, if Tender of Amends hath 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 the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit: Whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for borrowing Money, or any Nomination,

Contract,

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, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said 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 Seven or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Books directed to be kept for 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.

Proceedings not to be quash'd 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 be 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 or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the Counties of Stafford or Chester, and not elsewhere: And the Defendant and Defendants, in every such Action or Suit, shall and may, at his Election, plead specially, or the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial

General Issue.

to be had thereupon; and that the ſame was done in purſuance, and by the Authority of this Act: And if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Twenty Days Notice ſhall be thereof given, as aforeſaid, or after a ſufficient Satisfaction made or tendered, as aforeſaid, or after the Time limited for bringing the ſame, as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Treble Coſts.

Publick Act.

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

FINIS.