Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the High Road leading from *Aſhborne*, in the County of *Derby*, to the Town of *Leek*, in the County of *Stafford*, and from *Ryecroft Gate*, upon *Ruſhton Common*, to *Congleton*, in the County of *Cheſter*; and alſo the Road leading from *Blyth Marſh*, in the County of *Stafford*, through *Cheadle*, *Oakamoor*, and *Blore*, to the Turnpike Road from *Aſhborne* to *Buxton*, near *Thorp*, in the County of *Derby*.

WHEREAS the High Road leading from Aſhborne, in the County of Derby, to the Town of Leek, in the County of Stafford, and from Ryecroft Gate, upon Ruſhton Common, to Congleton, in the County of Cheſter, and alſo the Road leading from Blyth Marſh, in the County of Stafford, through Cheadle, Oakamoor, and Blore, to the Turnpike Road from Aſhborne to Buxton, near Thorp, in the County of Derby, are narrow and incommodious, and cannot be properly widened and repaired by the ordi- Preamble.

nary 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 Edward Arblaſter, the Reverend John Addenbrook D. D. John Alſop, William Armett, John Alſager, John Antrobus, Philip Antrobus, Lord Bellaſis, Sir William Bagott Baronet, John Buxton, Thomas Bainbridge, Edward Buxton, Boothby Brooke, William Bill, John Bill, John Buxton of Compton, Edward Ball, Richard Berresford, Theophilus Brough, Richard Ball, William Ball, John Barnes, Robert Brough, Samuel Brittain, Anthony Bradley, George Buxton, Samuel Buxton, John Buxton of Thorp, Thomas Beard, John Bertles, William Beach, Charles Barnes, George Bradſhaw, John Bennit, German Buxton, John Beach, Leſtwich Wynn Bowyer, William Bayley, William Burton, John Bednal, Samuel Bradley, Ralph Bradley, Thomas Bourne, Ralph Bagnall, John Bagnall, John Brooke, John Barrett, Joſeph Bramhall, the Reverend Walter Bagott, William Bagott, John Badnall, John Bayley, Samuel Braddock, John Braddock, William Banks, John Brindley, Thomas Ball, Charles Bill, Thomas Beard, William Barbor, George Calton, Wenman Cooke, Lord George Cavendiſh, Lord Frederick Cavendiſh, Lord John Cavendiſh, Uriah Cauden, Edward Coyney, George Challenor, William Challenor, William Cotton Doctor of Laws, Richard Carter, William Chawner, William Clark, Richard Carter, John Carter, Thomas Cholmondeley, the Reverend Joſeph Crewe, William Contliff, Gilbert Cheſhire, Charles Chorley, James Clowes, Andrew Clark, Andrew Condlyffe, Iſaac Cope, Thomas Crompton, Robert Dale, James Davenport, Richard Davenport, John Davenport, Robert Dockſey, Robert Dale, Joſeph Dale, Samuel Dawſon, Simon Debank, Edward Dolphin, Michael Daintry, John Deantry, William Daviſon, William Etches, William Etches junior, the Reverend Edmund Evans, Charles Enſor, Philip Egerton, Samuel Egerton, Richard Edenſor, Joſhua Ellis, William Fitzherbert, the Reverend John Fitzherbert, James Fitzherbert, the Reverend Farnworth, Hugh Fletcher, John Fletcher, Henry Fowler, James Ford, Richard Fitzherbert, Hugh Ford, Charles Ford, George Gould, William Gould, John Goodwin, George Goodwin, William Goodwin junior, Thomas Gilbert, John Gilbert, Edmund Buxton Goodwin, Tertius Gittliff, the Honourable Booth Grey, Samuel Goodwin, John Greaſley, Philip Gell, the Right Honourable

Truſtees Names.

able John Manners Eſquire, commonly called Marquis of Granby; Edward Groſvenor, Joſhua Groſvenor, Thomas Goodwin, William Goodwin ſenior, Sir Nigil Greaſley Baronet, Thomas Greaves, the Reverend George Gretton, Thomas Gell, William Gent, the Right Honourable George Harry Grey, commonly called Lord Grey; Bernard Granville, Greenwood Holmes, John Hurd, Edward Hurd, Nicholas Hurt, Robert Hurſt, Richard Hall, John Allen Hoolbrook, Leighton Hayne, James Holmes, Robert Hurd, William Hall, John Holmes, George Holmes, Richard Hayne, Thomas Harvey, Hugh Hayward, Thomas Harwar, William Hyde, John Hollings, William Hall, Richard Hall, Nathaniel Hall, Sir Henry Harpur Baronet, William Hancock, William Stonehewer Hall, Randle Harriſon, George Hunt, Samuel Hilditch, William Hambleton, John Hulme, Richard Howard, William Hill, Richard Hill, Francis Johnſon, Joſeph Ingleby, Henry Knifton, William Key, the Reverend Langley, Francis Leigh, Edward Leigh, John Leigh, John Lees, John Leeſe, Robert Longdon, William Lees, William Lomas, Thomas Lea, Harry Lankford, William Lowndes, John Lowndes, Samuel Leadbeter, Ralph Leyceſter, Samuel Lucas, James Locket, James Lucas, James Lockett, Ralph Leek, William Maſgreave, William Manifold, Hugo Meynell, George Milnes, Samuel Milnes, Thomas Mills, William Mills, the Reverend Simon Mills, John Milward, Thomas Milnhouſe, John Marſhall, William Moreton, Sir William Moreton Knight, Sir Hervey Mainwaring Baronet, the Mayor and Juſtices of Congleton for the time being, Richard Martin, the Reverend Samuel Moſs, Edward Mainwaring, the Reverend Malbon, John Maddock, Richard Myott, George Malbon, John Muſgrave, John Morris, Ralph Oakden, Leake Okever, Marcellus Oſborne, the Right Honourable Thomas Parker, commonly called Lord Parker; the Honourable George Lane Parker, Job Peacock, William Plant, William Plant, George Port, the Reverend Peter Parr, Thomas Pratt, John Phillips, John Phillips junior, the Reverend William Rawlings, Thomas Rivett, Francis Rivett, Richard Ridleſden, John Ridley, James Rowley, William Richardſon, Peter Robinſon, the Reverend John Rogers, Richardſon, William Shore, Sutton, Thomas Stanley, John Spencer, Richard Smith, Lord Robert Sutton, David Stone, William Spencer, Charles Swift, Joſhua Stonhew, Thomas Stonhew, William Stonhew, John Scott, William Scott, the Reverend George Sparrow, Joſhua Strangman, Edward Sikes, William Smith, the Right Honourable James

Smith Stanley Eſquire, commonly called Lord Strange; James Staley, John Sidebotham, James Simpſon, Edward Southwell, William Silveſter, George Smith ſenior, George Smith junior, John Smith, Ralph Tunicliſt, the Reverend Doctor John Taylor, Paul Taylor, William Taylor, John Taylor, George Taylor, John Twigg, William Tomlinſon, Loton Tipper, Thomas Tatton, the Reverend Terrick, John Toft, Joſhua Toft, William Trafford, Robert Turnock, Joſeph Turnock, Samuel Turnock, Adam Turnock, the Reverend Daniel Turner, William Turner, William Townſend, William Tunicliffe, the Right Honourable Lord Viſcount Vane, George Venables Vernon, George Venables Vernon junior, John Vardon, James Vardon, John Walker, John Walker junior, William Walker, John Wheldon, Sampſon Wheldon, John Wheeldon, the Reverend Thomas Winder, Robert Wood, the Reverend John Ward, Thomas Watſon, John Watſon, Richard Wilkinſon, John Wilkinſon, Edward Wheldon, John Willox, Randle Wilbraham, John Wilſon, Richard Wedgwood, Sir Edward Wilmott Baronet, Wilmot junior, Edward Wilmot, Sir Robert Wilmot, Sir Eardley Wilmot, the Reverend Grindon Whitaker, John Wolleſcroft, William Wolleſcroft, Joſeph Wolleſcroft, Thomas Walthall, Peter Walthall, Richard Walthall, James Whitehall, John Wood, Joſeph Wardle, John Wardle, William Wood, Ralph Wood, Ralph Waller, Samuel Weſton, John Whieldon, Sampſon Whieldon, Stephen Wood, Luke Winter, Ralph Williamſon, ſhall be, and they and their Succeſſors, to be elected in the Manner herein after mentioned, are hereby appointed Truſtees for repairing, widening, and keeping in Repair, all the ſaid Roads, and for putting in Execution all the Powers hereby granted.

Qualification of Truſtees.

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 actually ſeiſed in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds; or poſſeſſed of or intitled unto a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Value of One thouſand Pounds, after Payment of all Debts, 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 and fifty Pounds: And if any Perſon, not being ſo qualified, ſhall preſume to act, contrary to the Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds

Penalty on acting if not qualified.

to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherin no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Blackmoor's Head Inn in Aſhborne aforeſaid, on Thurſday Six Weeks from the Time of the paſſing of this Act, and proceed to the Execution of this Act; and the ſaid Truſtees, or any Five or more of them, may then, and from time to time afterwards, adjourn themſelves, to meet at ſuch Place or Places upon or near any Part of the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, think moſt convenient; and ſhall alſo, if they ſee Cauſe, ſubdivide and diſtribute themſelves, and the other Truſtees not then preſent, to act ſeparately between Aſhborne and Congleton, and alſo between Blyth Marſh and the Turnpike Road from Aſhborne to Buxton near Thorp; nevertheleſs, not thereby to reſtrain the ſaid Truſtees, or any of them, from acting as ſuch, in any other Part or Place for putting this Act into Execution: And if at any Meeting or Meetings, to be appointed 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 ſo happen, by publick Notice in Writing, to be affixed upon ſome publick Place or Places in or near unto the ſaid Roads, at leaſt Six Days before the next Meeting, appoint the Truſtees to meet at the Houſe where the laſt Meeting was appointed to be held, or at ſome other convenient Houſe upon or near ſome Part of the ſaid Roads, on the Day and Time in the ſaid Notice to be ſpecified; and that the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences.

In Default of a ſufficient Number of Truſtees to act,

Notice to be given of another Meeting.

Truſtees to bear their own Expences.

Provided always, and be it further enacted by the Authority aforeſaid, That all Orders and Determinations of the ſaid Truſtees in Execution of any of the Powers hereby granted, ſhall be made at Meetings to be held in

No Truſtee to act unleſs at a publick Meeting.

purſuance

purſuance of this Act, and not otherwiſe; and that no ſuch Order or Determination ſhall be valid, unleſs the Majority of the Truſtees preſent at ſuch Meetings ſhall concur therein, ſuch Majority not being leſs than the reſpective Numbers in this Act authorized to make ſuch Orders or Determinations.

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

Provided alſo, That no Perſon ſhall be capable of acting as a Truſtee, during ſuch Time as he ſhall hold any Place of Profit under this Act, or in relation thereto.

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

And be it further enacted by the Authority aforeſaid, That ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of Derby, Stafford, and Cheſter, ſhall and may act, nevertheleſs, as Juſtices of the Peace in the Execution of this Act, except only in ſuch Caſes where they ſhall be perſonally intereſted.

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

And be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, from time to time, to elect One other Perſon, qualified as aforeſaid, to be a Truſtee in the Room of the Truſtee ſo dying or refuſing to act; but

15 Days Notice to be given of ſuch Election.

Notice of the Time and Place of Meeting for every ſuch Election ſhall be affixed in Writing under the Hand of the Clerk or Clerks to the Truſtees, upon all the Turnpikes which ſhall be erected by virtue of this Act, at leaſt Fifteen Days before every ſuch Meeting; and all Perſons who ſhall be ſo choſen, ſhall be joined with ſuch ſurviving or remaining Truſtees, and are hereby impowered to act in the Execution of this Act to all Intents and Purpoſes, in as full and ample Manner as if ſuch Perſons had been particularly appointed Truſtees by this Act.

Truſtees may erect Turnpikes and Toll-houſes,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, from time to time, cauſe to be erected One or more Turnpike or Turnpikes, in, upon, or acroſs, each and every of the ſaid Roads; and alſo a Turnpike or Turnpikes on the Sides of the ſaid Roads, and croſs any Lane or Way leading into the ſame; and alſo to be erected or provided a Toll-houſe at or near each Turnpike; 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 at every ſuch Turnpike, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall, from time to time, appoint for that

and inſert the following Toll thereof.

Purpoſe,

Purpoſe, before any Cattle, Beaſts, or Carriages ſhall be permitted to paſs through the ſame; that is to ſay,

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

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

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

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, to ſeize, take, or diſtrain, any Horſe or Horſes, or other Cattle, or any Goods or Carriages, upon which any 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 the Horſe or Horſes, or other Cattle, Carriages, Goods, and Chattles, to detain and impound; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure, Diſtreſs, and Impounding, ſhall not be paid within the Space of Four Days after ſuch Seizure or Diſtreſs made, the Perſon or Perſons ſo ſeizing or diſtraining ſhall and may make Sale of the Horſe, Cattle, Carriages, Goods, or Chattles, ſo ſeized or diſtrained, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure or Diſtreſs and Impounding, ſhall be deducted; and that 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 may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Tolls 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 for building the ſame, and of all Materials which ſhall be actually got or collected for repairing the ſaid Roads, ſhall be and are hereby veſted in

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

the ſaid Truſtees, and they, or any Five or more of them, are hereby impowered to bring or cauſe to be brought any Action or Actions, in the Name or Names of 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 in the Poſſeſſion thereof, or retain or hold Poſſeſſion thereof, after being required, by the Order of any Five or more of the ſaid Truſtees, to deliver up the ſame.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the Tolls collected and levied by virtue of this Act, or of the Monies to be borrowed upon the Credit thereof, the ſaid Truſtees, or any Five or more of them, ſhall in the firſt Place pay all the Expences incurred in and in relation to the obtaining this Act, and afterwards ſuch Tolls and Monies ſhall be applied in defraying the Expences of erecting and providing the Turnpikes and Toll-houſes, and of repairing, altering, turning, widening, and keeping in Repair the ſaid Roads, and building and repairing of Bridges, and of executing the Purpoſes of this Act, and to no other Purpoſe whatſoever; that is to ſay, That all the Tolls which ſhall be collected upon that Part of the Road which lies between Blyth Marſh and the Turnpike Road from Aſhborne to Buxton, near Thorp, in the County of Derby, and the Money to be borrowed on the Credit thereof, ſhall be applied in widening, mending, and repairing, that Part of the ſaid Road only; and that all the Tolls which ſhall be collected upon that Part of the Road which lies between Aſhborne and Congleton aforeſaid, and the Money to be borrowed on the Credit thereof, ſhall be applied in widening, mending, and repairing, that Part of the ſaid Road only, according to the true Intent and Meaning of this Act.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, upon Fourteen Days Notice to be given thereof, by Writing affixed upon all the Turnpikes erected by virtue of this Act, from time to time, to aſſign, leaſe, demiſe, let, farm, or ſet out, for any Term not exceeding Three Years, the Tolls and Duties by this Act granted, or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, for the beſt Price ſuch Truſtees can get, payable at ſuch Times, and in ſuch Manner, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit;

sit; which Monies shall be applied as the said Tolls and Duties are directed to be applied, and to no other Use whatsoever.

Trustees not to repair paved Streets, &c.

And be it enacted by the Authority aforesaid, That nothing in this Act contained, shall authorize the said Trustees, or any of them, to repair or amend the Pavements in the Streets of any Town through which the said Roads lead.

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 to and for the said Trustees, or any Five or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, to lessen and reduce the Tolls and Duties by this Act made payable at any Turnpike or Toll-bar; and to order and direct the same to be collected, received, and taken, in such Manner, Parts, and Proportions, as they shall think proper; and also, if the said Trustees find it necessary, to raise and increase again the said Tolls and Duties, so that the same do not exceed the Tolls and Duties granted and made payable by this Act.

and raise them again.

Proviso.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the said Trustees for the Purposes aforesaid.

Tolls to be paid but Twice a Day between *Blyth Marsh* and *Buxton*, &c.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Twice, for passing or repassing, at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, through the Turnpikes to be erected by virtue of this Act, cross and on the Sides of the said Road, and cross any Lane or Way leading into the same respectively, between Blyth Marsh and the Turnpike Road from Ashborne to Buxton, near Thorp, in the County of Derby; nor more than Twice in any One Day, to be computed as aforesaid, with the same Cattle or Carriage, through the Turnpikes to be erected by virtue of this Act cross and on the Sides of the said Road, and cross any Lane or Way leading into the same respectively between Ashborne and Congleton aforesaid; but all and every such Person and Persons, after having paid Toll Twice, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage Toll-free, during such Day, through the said Turnpikes upon that Part of the Road

for

for which ſuch Toll ſhall have been paid; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Truſtees may compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and are hereby impowered, from time to time, as they ſhall ſee convenient, to compound and agree for any Term, not exceeding 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-monies ſhall be applied in ſuch Manner as the Tolls, in reſpect whereof ſuch Compoſition is made, are directed to be applied.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Toll ſhall be demanded or taken for any Carriage or Cattle going unloaden for, and returning loaden only with, Stones, Gravel, or other Materials for repairing of the ſaid Roads, or any Highway in any of the Pariſhes through or into which any Part of the ſaid Roads lead, or in any of the neighbouring Townſhips; or going unloaden for, and returning loaden only with Hay, or Corn in the Straw, to be laid up in the Houſes, Out-houſes, Barns, or other Places, belonging to any of the Inhabitants of any of the ſaid reſpective Pariſhes; or going unloaden for, and returning only loaden with, any Dung, Mould, or Compoſt, of any Nature or Kind whatſoever, to be uſed in manuring or improving of Land in ſuch Townſhips (Lime only excepted) nor for any Carriage or Cattle going for, or paſſing with, any Plough, Harrow, or other Implement of Husbandry only, which ſhall belong to the Inhabitants of any of the Townſhips through or into which the ſaid Roads lead; nor ſhall any Toll be demanded or taken for any Poſt-horſe carrying the Mail or Packet; nor for any Cattle going to or from Water or Paſture; nor for the Horſes of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes; nor for any Coach, Landau, Ber-

lin, Chariot, Calaſh, Chaiſe, or Chair, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of Derby, Stafford, and Cheſter, during the Day or Days of ſuch Election: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, every ſuch Perſon ſhall forfeit the Sum of Twenty Shillings. Penalty on making illegal Claims.

Provided always, and be it enacted by the Authority aforeſaid, That the Inhabitants of the Pariſhes of Calwick, Mathfield, Ellaſton, and Alveton, ſhall not pay Toll at any Turnpike that may be erected on Hanging Bridge, for paſſing through the ſaid Turnpike on Market Days to or from Aſhborne. Exemptions to the Inhabitants of *Calwick*, *Mathfield*, *Ellaſton*, and *Alveton*;

Provided always, and be it enacted by the Authority aforeſaid, That the Inhabitants of Blore, Okeover, and Okeover Woodhouſes, ſhall paſs through any Gate or Turnpike which may be fixed between them and Swineſcoe Moor, with Furze or Turf, without paying Toll; and only paying half-toll for Lime, Stone, and Slack, for their own Uſe; the other half of the Toll to be paid if they paſs through Oakamoor Gate. and to thoſe of *Blore*, *Okeover*, and *Okeover Woodhouſes*;

Provided alſo, That the Inhabitants of Calton and Blore, ſhall go free through any Gate or Turnpike that may be erected at or near Blore paſſing to and from Okeover, Mappleton, and Aſhborne; and provided alſo, that the Inhabitants of the Townſhip of Ilam ſhall paſs free to Aſhborne Market. alſo to thoſe of *Calton*, *Blore*, and *Ilam*.

Provided always, and be it enacted by the Authority aforeſaid, That a Gate or Turnpike ſhall be erected at Oakamoor Bridge, and only Half the Toll ſhall be taken for Horſes and Carriages laden with Lime, or with Slack to burn Lime; and that no Toll ſhall be taken for any Cattle or Carriages going empty for Lime, or Slack to burn Lime, or returning back empty after having unloaded ſuch Lime or Slack. Lime or Slack to pay Half-toll only at *Oakover* Bridge; empty Carriages or Horſes employed therein to paſs free.

Provided always, and be it enacted and declared by the Authority aforeſaid, That nothing herein contained ſhall extend or be conſtrued to charge or affect any of the Horſes, Oxen, Cows, Sheep, or other Cattle, nor any of the Carts, Waggons, or other Carriages, of or belonging to any of the Inhabitants of the Pariſhes of Horton or Biddulph, or Townſhip of Rudyard, in the ſaid County of Stafford, or any of them for the time being; nor any Horſes, Carts, or other Cattle or Carriages going empty or unloaden for or returning loaden only with Coals, Kennel, Timber, Stone, or other Materials for Building; Exemptions to the Inhabitants of *Horton*, *Biddulph*, and *Rudyard*. Cattle or Carriages employed in carrying Coals, Timber, or other Materials for Building,

or Hay, &c. to pass free at *Harpur's* Gate.

Building; Hay, Straw, Corn in the Straw, Lime, Dung, or any Compost for the manuring or Improvement of Land, to or with the Payment of any Toll or Duty at any Turnpike to be erected in pursuance of this Act, at or near to Harpur's Gate in Horton or Rudyard aforesaid; but all the respective Horses, Cattle, Carts, and Carriages, of or belonging to the Inhabitants of the respective Parishes or Township aforesaid, and all the Horses, Cattle, Carts, and Carriages employed as aforesaid, shall be freed and absolutely discharged and exempted from paying any Toll or Charge, at any Turnpike to be erected in pursuance of this Act, at or near to Harpur's Gate in Horton or Rudyard aforesaid.

Exemptions to the Inhabitants of *Ellaston*, *Farley*, and *Whiston*.

Provided always, and be it enacted by the Authority aforesaid, That no Toll shall be taken of the Inhabitants of the Townships or Hamlets of Ellaston, Farley, and Whiston, at any Gate or Turnpike that may be erected at Oakamoor, or between that Place and Cheadle; but for Cattle or Carriages travelling for Hire, for the Use of Persons not residing in the said Townships or Hamlets.

Cattle or Carriages travelling for Hire for Non-Inhabitants, to pay.

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 Cattle or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to, or lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly or willingly permit or suffer any Person or Persons with any Cattle or Carriage whatsoever, to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if

or giving or receiving Tickets;

any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket, by this Act directed to be given by the Collectors of the Tolls, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse or other Cattle, without Payment of

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

Toll, or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Roads, any Carriage, Horse, or other Cattle, or any Goods, or any Coals or Lime, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof, 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,

former, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein directed to be applied.

Truſtees may erect Side-gates,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Truſtees, or any Five or more of them, to erect or cauſe to be erected One or more Gate or Gates, Turnpike or Turnpikes, on the Sides of the ſaid Road, and at the End of or croſs any Lane or Way leading into or out of the ſame, and there to receive ſuch Tolls as are appointed by this Act to be taken, ſo as the ſame be not paid more than Twice in One Day, in caſe of paſſing through any other of the Turnpikes or Gates.

and take Tolls thereat.

No Toll to be taken for croſſing the Roads 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.

Roads over Moors, &c. may be fenc'd off, and to be

And whereas ſeveral Parts of the ſaid Roads lead over Moors, Commons, or Waſte Ground, and the Payment of the Tolls or Duties by this Act impoſed, may, by reaſon of the Width of the ſaid Moors, Commons, or Waſte Grounds, be eaſily avoided; be it enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall and may, if they ſee Occaſion, fence off ſuch Parts of the ſaid Moors, Commons, or Waſte Grounds, as they ſhall think neceſſary, ſo that the Payment of the ſaid Tolls or Duties may not be avoided.

40 Feet in Breadth.

Provided always, That the ſaid Road ſo fenced off ſhall not be leſs than Forty Feet in Breadth.

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, upon the Credit of the ſaid Tolls, in ſuch Manner as they ſhall think proper, 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 they or any Seven or more of them are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or aſſign over the ſaid Tolls, or any Part or Parts thereof (the Charges of ſuch Mortgages or Aſſignments to be paid out of ſuch Tolls) to any Perſon or Perſons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof as aforeſaid; and Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees; but no

Aſſignments to be entered in a Book.

Money

Notice to be given of borrowing Money.

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 ſaid Turnpikes, at leaſt Fourteen Days before the borrowing of ſuch Money; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, is and are hereby impowered from time to time, by Aſſignment under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, which ſhall be executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer his, her, or their Right to the Principal and Intereſt-money thereby ſecured, to any Perſon or Perſons whomſoever; all which Aſſignments or Transfers ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Thirty Days after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments; for which the Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Six Pence, and no more, and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected without any Fee or Reward; and after ſuch Entry made, ſuch Aſſignment or Transfer 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 or transfer again, and ſo toties quoties, and it ſhall not be in the Power of any Perſon, who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies thereon due.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

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

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the Truſtees, or any Five or more of them, may, and are hereby impowered, from time to time, to appoint

a Collector or Collectors of the Tolls, and a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Roads, and ſuch other Officer or Officers as they ſhall think neceſſary or convenient, and ſhall take ſuch Securities for the due Execution of their reſpective Offices as they ſhall think fit; and may remove ſuch Collectors, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, or any or either of them, from time to time, and appoint others in their Stead (but Seven Days Notice ſhall be given of every Meeting where any ſuch Appointment or Removal ſhall be made, after the Firſt Meeting of the ſaid Truſtees, upon all the ſaid Turnpikes) and may and are hereby impowered out of the Tolls, or the Monies to be borrowed on the Credit thereof, to allow to ſuch Collectors, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon and Perſons as ſhall be aſſiſting in or about the repairing, widening, or altering the ſaid Roads, or executing this Act, ſuch Salaries, Rewards, and Allowances, as to them the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable and convenient.

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

And be it further enacted by the Authority aforeſaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding any Place of Profit under this Act.

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

And be it further enacted by the Authority aforeſaid, That all Perſons whatſoever, who ſhall receive or be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint, produce and deliver to ſuch Truſtees, or ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing under their reſpective Hands, of all the Monies which ſhall have been by ſuch Perſons, ſo directed to deliver ſuch Accounts reſpectively, had, collected, or received, and how, to whom, and for what Purpoſes ſuch Monies ſhall have been applied, together with the proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as, upon the Balance of ſuch Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or to ſuch Uſes and Purpoſes, as they, or any Five or more of them, ſhall direct and appoint; and that all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, if required, upon their ſeveral Oaths (which Oaths the ſaid Truſtees, or any Two or more of them, are hereby impowered

Officers to account upon Oath.

Officers refusing to account,

powered to administer) verify their said Accounts, and the particular Articles thereof: And if any such Officer or Person shall refuse or neglect to give a true and perfect Account in Writing as aforesaid, or shall knowingly deliver a false or imperfect Account, or shall refuse or neglect to produce or deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof upon his Oath, or shall refuse or neglect to pay over, in Manner as aforesaid, all the Monies which shall appear to remain in his Hands; and if any Clerk or other Officer to the said Trustees, shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required, by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in each or any or either of the said Cases it shall be lawful for any One or more of the Justices of the Peace for the said Counties, and such Justice or Justices, upon Complaint thereof to him or them made, is and are hereby required to make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Reward) and if any such Officer or Person shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to any Common Gaol or House of Correction in any of the Counties of Derby, Chester, or Stafford, there to remain without Bail or Mainprize, until he shall give a true and perfect Account in Writing, 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, and shall have paid such Composition to such Trustees, or to any Five or more of them, or according to their Appointment (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

may be committed, till Satisfaction be made.

Treasurers to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from their Treasurer or Treasurers, as the said Trustees, or any Five or more of them, shall think fit.

And

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

Surveyors may dig Gravel, &c.

without paying for the same,

levelling the Pits,

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That it shall be lawful for 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 from the Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and also to turn any Watercourses, Sinks, or Drains, running into, along, or out of the same, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees or Bushes growing in the said Roads, or in the Hedges or

Surveyors may remove Annoyances,

and cut down Bushes, &c.

or Banks adjoining thereto, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to remove the ſame, or to top or lop, or to cut down and carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch reſpective 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 in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if, after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

the Owners neglecting to remove the ſame after Notice;

Surveyors to be reimburſed the Charges.

And be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to make or cauſe to be made Cauſeways and Drains in and upon the ſaid Roads, and alſo Ditches and Drains through any Ground lying contiguous thereto, and to erect Bridges or Arches in or upon the ſaid Roads, and alſo croſs any ſuch Ditch or Drain where neceſſary, and alſo to make or cauſe to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the ſaid Roads (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) to be made uſe of by all Paſſengers, Cattle, and Carriages, as a publick Highway, whilſt the old Road is repairing or widening, and till ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs through the ſame; making ſuch Recompence to the Owners and Occupiers of the Ground reſpectively through which any ſuch Drain or temporary Road ſhall be made, or on which any ſuch Arch or Bridge ſhall be erected, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them.

Surveyors may make Cauſeways,

erect Bridges, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforeſaid, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall think proper to widen, turn, or alter, any Part or Parts of the ſaid Roads, ſuch Truſtees, or any Five or more of them, are hereby impowered, from time to time, to contract and agree with the ſeveral Owners,

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

Occupiers of, and Perſons intereſted in, any Lands or Hereditaments lying contiguous or near to the ſaid Roads, or any Part thereof, for the Purchaſe of any ſuch Lands or Hereditaments, or for the Loſs or Damage ſuch Owners, Occupiers, and Perſons intereſted, ſhall thereby ſuſtain; and out of the ſaid Tolls ariſing by virtue of this Act, or the Money to be borrowed on the Credit thereof, to pay for ſuch Lands or Hereditaments, and for ſuch Loſs or Damage, and alſo the Charges attending ſuch Agreement and Purchaſe: And it ſhall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Truſtees, and Feoffees in Truſt, Guardians, and Committees for Lunaticks or Ideots, Executors, Adminiſtrators, Guardians, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, or Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon or Perſons whatſoever, and to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, and ſell to them, or any Five 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 or Corporate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be, and are hereby indemnified for what they ſhall do by virtue of this Act: And if any ſuch Body Politick or Corporate, Corporation Aggregate or Sole, Truſtees, Feoffees, Guardians, 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 ſuch Body Politick or Corporate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, or Hereditaments, intended to be taken in, and added to, any Part of ſuch Roads, or through which any Part of ſuch Roads is intended to be turned or altered) ſhall, for the Space of Thirty Days after ſuch Notice given, or left, neglect or refuſe to treat, or ſhall not

Bodies Politick, &c. impowered to treat for the Sale of ſuch Lands.

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

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 Five or more of them, shall cause such Damage and Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said Counties; and, in order thereto, the said Trustees, or any Five 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 Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and such 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 Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, 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, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick or Corporate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, Contingency, or otherwise, their Heirs, Executors, and Administrators: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff or any Coroner of the said Counties, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies,

Damages to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

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

or

or Coroner, is and are hereby required to impanel, summon, and return, such Number of Persons accordingly; and to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, or Coroner, shall return other honest and indifferent Men of the Standers-by, 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; and the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputies, Bailiffs, or Agents, or Coroner, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall 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 neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be examined or to give Evidence; and to levy and apply such Fine or Fines, in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Five Pounds, nor less than Forty Shillings, upon any One Person for One Offence.

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

Fine not to exceed 5*l.*

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for, or ascertained, as aforesaid, shall be, and is hereby charged upon the said Tolls, or upon the Monies to be borrowed upon the Credit thereof; and that upon Payment or Tender of such Money or Recompence to the Person or Persons intitled thereto, or to his, her, or their Agent or Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk or Clerks to the Trustees, for the Use of such Person or Persons, and after Twenty Days Notice thereof given to such Person or Persons, or left with the Occupier or Occupiers of the Premisses, it shall be lawful

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

for any Person or Persons, authorized by Writing under the Hands of the said Trustees, or any Five or more of them, to take into, or add to, such Roads, or to turn such Roads 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 Five or more of them, shall think fit: and such Lands or Hereditaments, so taken into or made Part of the said Roads, shall be, 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 and widened, are by this or any other Law to be repaired: and after any such new Roads shall be completed, the Lands constituting the former Road, unless the same leads to some Village, Town, Place, or private Lands, 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 Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale, shall be applied in such Manner as the said Tolls are hereby directed to be applied.

and deemed a public Highway,

and kept in Repair as such.

Old Road may be sold.

Buildings, &c. not to be damaged.

Provided always, and be it enacted, That in widening, turning, or diverting, any Part or Parts of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House, unless the Owner or Owners thereof shall consent thereto.

Trustees not to act where interested.

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

Lands, &c. liable to the Highways to continue so.

And be it further enacted by the Authority aforesaid, That all Persons, and the Inhabitants of every Parish and Place, and Bodies Politick and Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Executors, Administrators, and all other Persons who, before the making of this Act, have used, or of Right ought, by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part of the Roads hereby intended to be repaired, shall still be liable to such Repairs, in the same Manner as they have heretofore usually been, or ought to be: And that the Inhabitants of the several Parishes and Places through or into which the said Roads lead, who by Law are or shall be liable to perform Statute Work,

Inhabitants to do Statute-work.

shall still be subject to and perform the same Work, and are hereby required to perform such and so many Days Work in such Parts of the said Roads as lie within such Parishes or Places, at such Times, and in such Manner, as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint: And that every Inhabitant of the said Parishes and Places respectively, 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 he shall so rent, hold, or occupy, and shall perform such Work in the repairing the Highways of the several Parishes and Places in which he or she respectively resides, as any Person or Persons keeping a Team or Teams is or are obliged by Law to do: And the Surveyors of the Highways for each of the said Parishes and Places are hereby required Once in every Year, at such Time and Place as shall be appointed by the said Trustees, or any Five or more of them, Ten Days previous Notice at least, in Writing, being given thereof to such Surveyor or Surveyors, to deliver to the said Trustees, or any Five or more of them, or to their Surveyor or Surveyors, true and perfect Lists in Writing, under the Hands of such Surveyors for such Parishes and Places respectively, of the Names of all the Inhabitants who are liable to do Statute-work upon the Highways within every such Parish and Place, and shall in all such Lists distinguish and set forth which of the said Inhabitants shall, and by this Act are 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 if any such Surveyor for any Parish or Place shall not deliver in to the said Trustees, or to their Surveyor or Surveyors as aforesaid, true and perfect Lists of such Inhabitants, in the Manner and at such Times as shall be appointed as aforesaid; every such Surveyor for any Parish or Place shall forfeit for every such Default, the Sum of Five Pounds: And if any Inhabitant of any such Parish or Place, being liable by Law to do Statute-work upon the Highways, shall not do such Statute-work in and upon the said Roads, at such Times and Places, and in such Manner, as shall be appointed and directed by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, every such Inhabitant shall for every such Default forfeit the several Sums herein after mentioned; that is to say, Every such Inhabitant who shall

Persons renting 50*l.* per Ann. deemed Team-holders.

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

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

Penalty on Persons not performing Statute-work.

keep, or by virtue of this Act be deemed to keep, a Team or Teams, for every Day's Work for every such 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 Work the Sum of One Shilling: And if any Person who shall come or be sent to work with a Team, or as a Labourer on the said Roads, shall be found idle or negligent by the Turnpike Surveyor or Surveyors, in such Case such Surveyor or Surveyors may and is and are hereby impowered and required to discharge every such Person; and it shall be esteemed and taken as if such Team or Labourer had not come or been sent to work on such Road.

Trustees may compound with Parishes for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, being impowered so to do by the said Trustees, or any Five or more of them, may and is and are hereby impowered to compound with the several Inhabitants of the said Parishes and Places, or any of them, or with any of the Possessors or Occupiers of such Lands or Hereditaments, as are or shall be liable or chargeable to the Repair of any Part of the said Roads, or with any Body Politick or Corporate, Corporations Aggregate or Sole, Trustees and Feoffees in Trust, Guardians, Executors, Administrators, and all other Persons whatsoever, for a certain Sum of Money, by the Year or otherwise, in lieu of their Statute or other Work to be done on the said Roads; which said Money shall be instantly paid, and shall be applied to the Repair of the Roads for or in relation to which such Composition was made.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person or Persons, for every such Offence, shall forfeit 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 Five or more of them, shall 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 Inscrip-

tions

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tions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; And if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscriptions which shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for any of the said Counties (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 and Forfeitures are herein after directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction in any of the Counties of Derby, Chester, or Stafford, there to remain without Bail or Mainprize, for the Space of One Calendar Month; 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 Milestones, &c.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures hereby inflicted (the Manner of levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace of any of the said Counties, either by Confession of such Party or Parties, or by the Oath of One Witness (which Oath any such Justice is 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 Hand and Seal of such Justice of the Peace; which Warrant or Warrants any such Justice is hereby impowered to grant for those Purposes; and the Overplus, after such Penalties and Forfeitures, 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 and Forfeitures,

Penalties and Forfeitures how to be recovered and applied.

feitures, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to the said Treasurer or Treasurers, and applied in Repair of the said Roads; 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 such Justice of the Peace, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the House of Correction, there to remain without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved, by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace, to be held for the County or Place wherein the Cause of Complaint shall arise, within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving or causing to be given Fourteen intire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Six Days after such Notice, entering into a Recognizance before some Justice of the Peace for any of the said Counties, with Two sufficient Sureties, in a Sum not exceeding Twenty Pounds, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be binding and conclusive to all Intents and Purposes.

14 Days Notice of Appeal to be given.

Proceedings not to be quash'd for want of Form; or removable by *Certiorari*.

And be it further enacted, That no Order, Conviction, Judgement, or other Proceedings, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form, nor shall be removed or removable by Certiorari, or other Writ or Process, into any of His Majesty's Courts of Record at Westminster: And where any

any Distress shall be made for any Sum or Sums of Money to be levied by 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 Want of Form in, or Defect of, Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity as aforesaid, Trespass, or other wrongful Proceedings, by virtue of this Act, if Tender of Amends shall be made, before such Action is brought, by or on Behalf of the Party or Parties who shall commit or cause to be committed any such Irregularities, Trespass, or wrongful Proceedings.

Proceedings to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, by or on the Behalf of the said Trustees, or any of them, and all Orders, Acts, and Proceedings of such Trustees, in the Execution of this Act, shall be entered in One or more Book or Books to be kept for that Purpose by the said Clerk or Clerks; and that all and every Person and Persons whomsoever may take Copies of all or any Part of such Book or Books, paying for every Copy, not exceeding One hundred Words, Six Pence, and so proportionably for any greater Number of Words; and such Acts, Orders, and Proceedings, so entered, shall be signed by the said Clerk or Clerks; and being so signed, shall be deemed and taken to be Originals; which said Books, and also the Books directed to be kept for entering the said Assignments and Transfers, shall be admitted as Evidence in all Courts whatsoever.

Writings to be without Stamps.

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

And

No Order to be repealed unless 5 Trustees are present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Five or more of them, in, for, or concerning the Execution of the Trusts and Authorities of this Act, shall be revoked, repealed, altered, or set aside, by any subsequent Order of the Trustees, unless Five Trustees shall be present at a Meeting to be held for that Purpose; of which Fourteen Days previous Notice shall be given upon all the Turnpikes erected by virtue of this Act.

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 passing of this Act, for and during the Term of Twenty One Years, and from thence to the End of the then next Session of Parliament.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done, or to be done, by virtue or in pursuance of this Act, or in relation to the Matters herein contained, every such Action and Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the said Counties of Derby, Chester, or Stafford, and not elsewhere; and the Defendant or Defendants in all such Actions and Suits, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, on 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 if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County than as aforesaid, the Jury or Juries shall find for the Defendant or Defendants: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit; or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.