Anno ſexto

Georgii III. Regis.

An Act for repairing and widening the Road leading from the Bottom of *Church Lane*, in the Town of *Newcaſtle under Lyne*, in the County of *Stafford*, to the Turnpike Road leading from *Woor* to *Cheſter*, near the Town of *Namptwich*, in the County of *Cheſter*; and from *Cheſterton* through *Audley* and *Balterly* to *Ghorſty Hill*.

WHEREAS the Roads from the Bottom of the Church Lane, in the Town of Newcaſtle under Lyne, in the County of Stafford, through Keel, Wrinehill, and Betley, to the Turnpike Road leading from Woor to Cheſter, near the Town of Namptwich, in the County of Cheſter; and alſo from Cheſterton through Audley and Balterley to Ghorſty Hill, are, in moſt Parts thereof, ſo ruinous and deep, that Carriages or Perſons on Horſeback cannot paſs without great Danger; and there are many deep hollow Ways in the ſaid Roads, which are very narrow and incommodious, ſo that the ſaid Roads cannot, by the ordinary Courſe of Law, be effectually amended and repaired: 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, Preamble.

in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable George Harry Grey, commonly called Lord Grey; Thomas Anſon, George Adams, Edward Arblaſter, William Armitt, Eſquires; the Reverend Thomas Allen, Thomas Adams, the Reverend Richard Adams, Benjamin Adams, Joſeph Adams, William Adams, John Alſager, Sir Walter Wagſtaff Bagot Baronet, William Bagot Eſquire, the Reverend Walter Bagot, Brook Boothby Eſquire, Thomas Bourne, John Bagnall Eſquire, George Boughey, Ralph Bagnall, William Bill, Thomas Baddeley, John Baddeley, John Brindley, Thomas Broom, George Broom, John Baddeley, Joſeph Boon, James Brindley, Joſeph Booth, Hugh Booth, Richard Beech, William Bate, Joſeph Bucknall, Robert Bucknall, William Bourne, Thomas Bryan, Thomas Boulton, Joſeph Bourne, William Banks, Joſeph Barker, Thomas Parker, John Beech, Samuel Boyor, John Beckett, John Beckett junior, Luke Bennett, William Beard Eſquire, Nathaniel Beard junior, John Bowyer, Iſaac Barber, Aaron Brown, John Breck Clerk, John Bourne, Samuel Burgen, James Bent, George Booth, William Burgeſs, Sir John Chetwode Baronet, William Clowes, John Clownam, Ralph Cartwright, John Cook, John Cantrell, Randle Cotelough, Thomas Corbett, Sir Thomas Delves Baronet, Thomas Daniel, Richard Daniel, Sampſon Daniel, Robert Daviſon Eſquire, Richard Edenſor, Thomas Edwards, Henry Fowler Eſquire, Hugh Ford, Iſaac Ford, William Ford, John Fenton Eſquire, John Fenton junior, Thomas Fenton, Thomas Fenton, John Fenton, Robert Fowler Clerk, John Fernyhough Clerk, Thomas Fernyhough, William Fowler, Thomas Fletcher, Thomas Fletcher junior, Sir Nigel Graſley Baronet, the Honourable Booth Grey, the Honourable John Grey junior, Thomas Gilbert Eſquire, John Gilbert, George Greatbach, James Godwin, John Gibſon, John Gray, Thomas Grocott, John Hollins, John Hales, John Haſſels, Joſhua Heath, Thomas Hill, John Harriſon, Richard Hollins, Thomas Heath, John Harding, Thomas Hollins, Thomas Hatrell, Thomas Hatrell junior, Henry Hatrell, Thomas Heath of Hanley, William Hyatt, Bleſt Hadderton, John Henſhall, Hugh Henſhall, William Key, Anthony Keeling, William Kennerſley, Edward Leigh, Richard Lateward, John Lovatt Clerk, John Lovatt, Thomas Lovatt, Thomas Mills Eſquire, Simon Mills Clerk, Joſeph Mallard, John Murhall Eſquire, John Middleton, John Mare, Richard Myatt, Thomas Mellor, Hugo Meynell, Ralph Mereton Eſquire, John Mellor, Thomas Maſon, Telſon Maſon, John Marſh, Edward Main-

Mainwaring Eſquire, Edward Mainwaring junior Eſquire; the Mayor, Recorder, Juſtices, and Bailiffs of Newcaſtle under Line for the time being; Lord Chief Baron Parker; Thomas Parker Eſquire, George Parker Eſquire, Humphry Palmer, Henry Penlington, Samuel Perry, Thomas Pickin, Thomas Pratt, Thomas Plant, Thomas Price, John Plant, Francis Rogers, James Robiſon, Robert Robiſon, Samuel Robiſon, John Richardſon, William Robiſon Clerk, Robert Rhodes, Ralph Sneyd Eſquire, Edward Sneyd Eſquire, William Swinnerton Eſquire; Thomas Swinnerton, Joſeph Swinnerton, John Swinnerton, Benjamin Swinnerton, John Sparrow, John Simpſon, Thomas Simpſon, Joſeph Stone, Joſeph Stephens, John Shrigley, John Smith, Ambroſe Smith, Jeremiah Smith Eſquire, William Sutton, Thomas Shaw Grocer, Thomas Shaw, William Smallwood, James Smallwood, John Taylor, Thomas Taylor, George Twinlow, Thomas Twinlor, Joſeph Taylor, John Terrick, John Turner, Thomas Unett, William Unett, William Unett junior, Walter Unett, Sir John Eardley Wilmot Knight, Robert Wilmot Eſquire, William Wright Clerk, John Wood, John Ward Clerk, Stephen Wood, Thomas Whieldon Eſquire, William Whieldon, William Whieldon, Thomas Wedgwood, Thomas Wedgwood, John Wedgwood, Richard Wedgwood, John Wedgwood, Joſiah Wedgwood, Carlos Wedgwood, Thomas Warburton, Iſaac Warburton, Jacob Warburton, Jacob Warburton, Bowyer Leftwich Wynn Eſquire, Samuel Whalley Eſquire, John Yates, Philip Arden, Thomas Arden Gentleman, the Reverend Samuel Aderſey, John Allen, Clerks; George Audley Gentleman, Richard Wilbraham Bootle, Peter Broughton, James Bayley, John Bayley, Samuel Barrow, Peter Brooke, Thomas Bromhall, William Bayley of Wiſtaſton, Eſquires; Edward Barrow, John Broadbent, William Bayley of Namptwich, Jonathan Brayne, Richard Beckett, Thomas Britain, William Baker, John Boughey Gentleman, the Reverend Joſeph Brereton Clerk, the Honourable James Cholmondeley, Sir Lynch Saluſbury Cotton, Sir John Chetwode, Baronets; Thomas Cholmondeley, Robert Saluſbury Cotton, Charles Crewe, William Cotton, William Corbet of Darnhall, Crewe Chetwode, James Croxton, John Clark, Eſquires; the Reverend Joſeph Crewe Doctor of Divinity, the Reverend Randle Crewe Doctor of Laws, Daniel Cabinel, Smith Child junior, Richard Church, William Cooke, William Cobbe, George Cobbe, James Caldwall, Richard Cooper, John Cliffe of Audlem, Thomas Cliffe of the Coronorage Gentleman, Richard Davenport of Cavely Eſquire, John

Darlington of Aston, Abram Darlington of Audlam Gentleman, Philip Egerton of Oulton, John Egerton of Broxton, Samuel Egerton of Tatton, Alexander Elcock of Cholmondeley, Esquires; the Reverend Ralph Eddowes Clerk, John Eddowes, William Egerton Gentleman, Thomas Falconer Esquire, Richard Grosvenor Esquire, Thomas Grosvenor Esquire, Samuel Garnett, Thomas Gorst, George Gibbons, George Garnett, the Reverend John Gleave Clerk, Sir Lister Holt Baronet, George Hunt, Thomas Hunt, Robert Heath, Allen Holford, Esquires; Jonathan Hall, John Hall, William Hewit, Thomas Hollins Gentleman, Joseph Jackson, John Hockenhull of Namptwich, John Hockenhull of Poole, Humphry Hales, Samuel Harding Gentleman, the Right Honourable Thomas Lord Viscount Killmorrey, Andrew Kenrick Esquire, William Kent, Randle Kent, John Kent Gentleman, Ralph Leicester of Toft, Robert Lawton, Robert Lawton junior, Esquires; the Reverend Obediah Lane, Samuel Lea, Clerks; George Lowe, Richard Leverage, Gentlemen; Sir William Meredith Baronet, Thomas Maisterson, Charles Mainwaring, John Mainwaring, Esquires; the Reverend Robert Moreton, William Massie, James Meakin, Plant Maddox, James Maddock, Roger Maddock, Thomas Massie of Namptwich, John Oulton, Richard Ollerhead, Gentleman, Lawrence Noucon, William Penlington, Thomas Pratchett, George Payne, John Poole of Snape, Ellison Poole, Thomas Pool junior, John Reade Esquire, the Reverend Jones Read Doctor of Divinity, Thomas Roylance, Thomas Rowley, William Rogers, Gentlemen; Edward Salmon Esquire, the Reverend Matt Salmon, Henry Salmon, Clerks; George Salman, William Salmon, Charles Salmon, George Salmon junior, Ambrose Sparrow, Randle Stonely, George Steele, Richard Sutton, Thomas Sutton, Gentlemen; Robert Townsend, George Tollett, Charles Tollett, Massie Taylor, James Tomkinson, Esquires; Robert Taylor of Chester, Henry Tomkinson, Thomas Tagg, James Turner, John Turner, Benjamin Turner, Thomas Roylance, Robert Taylor of Nantwich, Ralph Vernon Esquire, George Wilbraham, Randle Wilbraham, Roger Wilbraham, Peter Walthall, Richard Walthall, Nathaniel Wettenhall, John Windsor, Esquires; the Reverend John Wilbraham Clerk, Hugh Whishaw, William Watkins, Thomas Wickstead senior, Thomas Wickstead junior, Richard Wrunch, Thomas Mainwaring Wilding, Peter Mainwaring Wilding, William Widdens, William Walley, Richard Wickstead junior of Namptwich, George Widdig, Gentlemen; William Yoxall, Thomas Yoxall, Gentlemen;

firth; shall be, and they and their Successors to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, widening, repairing, and keeping in Repair, the said Road, and for putting in Execution all other the Powers of this Act.

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

Penalty on acting if not qualified.

Times and Places 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 together at the House of John Jackson, known by the Sign of the Black Horse in Batley aforesaid, on the Day fortnight 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 adjourn themselves, from time to time, as they, or any Five or more of them, shall think proper: And if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing, to be fixed upon all the Turnpikes which shall then be erected upon or across the said Roads,

In Default of a sufficient Number to act,

Clerk to give Notice of another Meeting.

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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 Day Fortnight 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 the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless a superior Number of Trustees, than concurred in the making such Order or Determination, shall concur in revoking or altering the same; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

No Act valid unless made at a publick Meeting.

No Order to be made unless a Majority of the Trustees present shall concur therein.

No Order made to be revoked, unless by a greater Number of Trustees than were present at the making thereof.

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

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

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 Hand 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 Road, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

On Death or Removal of Trustees, others to be chosen.

Notice of Election shall be given.

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 Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Roads, and on the Side or Sides thereof, or across any Lane or Way leading out of the same, and also a Toll-house or

Trustees may erect Turnpikes and Toll-houses.

Toll-

Toll-houses, in, upon, or on the Side of Gates, 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 and may be demanded and taken, before any Cattle or Carriage shall be permitted to pass through any of the same Toll-gates, or Turnpikes respectively; that is to say,

and take Tolls thereat.

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

The Toll.

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of the Toll: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to levy or distrain any Horse, Beast, or other Cattle, or any Goods, or Carriage, upon which any such Tolls by this Act imposed, or any of the Goods or 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 retaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Goods and Chattles, so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted; and all the Tolls collected and levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied, or may be assigned or charged in such Manner as is herein after mentioned.

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

Tolls vested in the Trustees.

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Gates, Turnpike or Turn-

No Gate to be erected within a certain Distance of the Places here mentioned.

pikes, shall be erected upon the said Road, within the Distance of One Mile from the Town of Newcastle under Lyne aforesaid, or upon Madeley Heath, or upon that Part of the said Road leading from Madeley Heath to Madeley in the said County of Stafford, or within One Mile of the said Road from Wood to Chester, near the Town of Namptwich; any thing herein contained to the contrary notwithstanding.

Inhabitants of *Audley* to pay but Half Toll.

Provided always, and be it enacted by the Authority aforesaid, That no Gate or Turnpike shall be erected upon any Part of the said Road, within One Mile of the Town of Audley in the said County of Stafford; and that the Inhabitants of the Parish of Audley shall pay Half Toll only for any Horse or other Beast, going to or returning from Newcastle aforesaid, at any Gate or Gates to be erected between the Town of Audley and the Village of Chesterton aforesaid.

No Toll for crossing the Roads.

Provided also, and be it enacted by the Authority aforesaid, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads; nor more than One Penny Halfpenny for the Passage of any Horse or other Beast through any Gate or Turnpike upon the said Roads in the same Day, drawing any Carriage, going empty for, or returning laden with, or returning after having been laden with, Coals; nor more than One Halfpenny for the Passage of any Horse or other Beast, going for, or carrying, or returning after carrying, Coals.

Tolls payable for Carriages laden with, or going unladen for, Coals or Cannel at the Gates here mentioned.

Provided always, and be it further enacted by the Authority aforesaid, That no more than the Sum of One Halfpenny shall be taken for any Horse or other Beast, drawing any Carriage loaden with, or going unloaden for, any Coals or Cannel, at any Gate or Gates to be erected between Wrine Hill and Hazeley Brook, in the Parish of Madeley; nor shall any Toll be taken for any Horse or other Beast, drawing any Carriage laden with Coals or Cannel, more than Once in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the succeeding Night, at any of the Turnpike Gates to be erected by virtue of this Act.

No Toll to be paid for Coals, &c. for the Use of the Inhabitants of *Newcastle under Lyne*, &c.

Provided always, and be it further enacted, That no Toll shall be taken for any Horse, Cattle, Beast, or Carriage, loaden only with, or going unloaden for, any Coals or Cannel, for the Use of any of the Inhabitants of the Town of Newcastle under Lyne aforesaid, at any Gate or Gates to be erected betwixt the Town of Audley and the Village of Chesterton aforesaid.

Turnpikes, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the said Turnpikes and Toll-houses to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also all Rails, Stiles, Posts, and Fences, which shall be in or belonging to the said Roads, and also all Materials which shall be actually got or collected for repairing the said Roads, or any Part thereof, shall be, and are hereby vested in 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, the said Trustees in the Possession thereof.

Application of Monies.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied upon or in respect of the said Roads, or the Monies to be borrowed on Account thereof, or on the Credit of this present Act, the said Trustees shall, in the First Place, pay all the Costs, Charges, and Expences, of obtaining and passing this Act, or any wise relating thereunto; and all the Residue of the said Money shall be paid, laid out, and expended, in repairing and widening the said Roads, and the other Purposes of this Act, and to or for no other Use, Intent, or Purpose, whatsoever.

Trustees 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 Five or more of them, at their First Meeting, and from time to time assembled at any subsequent Meeting or Meetings to be held for that Purpose, to 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 Five or more of them, shall think proper; and may afterwards from time to time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates herein before mentioned; and to order and direct such Tolls so lessened or reduced or advanced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made 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 Ten Days Notice at least shall be given in Writing to be affixed

and raise them again.

upon

upon all the Turnpikes which shall be then erected by virtue of this Act, expressing 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 Horses, Cattle, or Carriages, in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through any One Turnpike to be erected by virtue of this Act; but all and every such Person and Persons, after having paid such Toll or Tolls respectively as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, afterwards pass with such Horses, Cattle, Beasts, or Carriages, Toll-free, during such Day, to be computed as aforesaid, through the respective Gate or Gates, where such Payment or Payments respectively was or were made; 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, &c.

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 One Year at any One Time, with any Person or Persons, for any Horses, Cattle, Beasts, or Carriages, travelling upon the said Roads, or any Part thereof, for all or any of the Tolls to be paid for or in respect of such Horses, Cattle, Beasts, or Carriages, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly in Advance, to the Treasurer or Treasurers of the said 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.

Trustees may lease, &c. 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, from time to time, by Writing under their Hands and Seals, to lease the Tolls, 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 not exceeding Three Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and

to

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.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage, paſs through any Land, Ground, or Hereditaments, lying near any Turnpike which ſhall be erected by virtue of this Act (the ſame not being a publick Highway) or if any Owner or Occupier of any ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, to paſs through the ſame; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike with any Horſe, or other Cattle or Beaſt, without Payment of Toll; or ſhall take off, or cauſe to be taken off, any Horſe, or other Cattle or Beaſt, from any Carriage; or ſhall leave, or cauſe to be left, upon or near to any Part of the ſaid Roads, any Carriage, Horſe, Cattle, or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or any Part thereof; or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or ſecrete any Goods chargeable with any ſuch Toll, every Perſon ſo offending in each or any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings; One Moiety whereof ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein directed to be applied.

Penalty on permitting, or going thro' private Paſſages, &c.

or giving or receiving Tickets, &c.

or taking off Horſes, &c.

to avoid paying the Tolls.

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

Penalty on Perſons evading the Tolls.

proceed in like Manner, and be intitled to the like Remedies, as are directed and given by an Act of Parliament made in the Fifth Year of the Reign of His Majesty King George the First, intituled, An Act for making more effectual the several Acts passed for repairing and amending the Highways of this Kingdom.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Horse, Cattle, Beast, or Carriage, loaden only with, or going unloaden for, or returning unloaden, having been only loaden with, on the same Day, Gravel, Stone, or other Materials for repairing the said Roads, or any Part thereof, or any of the Roads in the Parishes in which the said Roads do lie; or with Hay, Straw, or Corn in the Straw only; or Muck, Dung, Compost, or other Manure, for the Improvement of Land, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry, for cultivating or improving of Land; or for any Person or Persons going to, or returning from, their proper parochial Church, Chapel, or other Place of religious Worship; or attending the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriage employed in Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Stafford or Chester, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken at any Gate or Turnpike to be erected across a certain Lane or Way leading from the Top of Rocket's Hollow, to the Town of Madeley, for any Horse, Cattle, or Carriage, belonging to and used by any Person or Persons residing in the Township of Madeley: And if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit, for every such Offence, the Sum of Forty Shillings.

Penalty of making illegal Claims.

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

may, and are hereby impowered, at their First, or any subsequent Meeting, to borrow or take up at Interest, any Sum or Sums of Money upon the Credit of the Tolls payable by virtue of this Act; and to assign over and convey the said Tolls, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, the Charges of such Assignments and Conveyances to be paid out of such Tolls respectively, to any Person or Persons who shall advance or lend their Monies thereon, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof as aforesaid; and Copies of all such Assignments and Conveyances shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed on 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 such Money: And all and every Person and Persons, to whom any such Assignment shall be made as aforesaid, or who shall be intitled to the same, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal or Interest Money thereby secured, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced, and notified to the Clerk or Treasurer to the said Trustees, within Thirty Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Assignments; for which the 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 reasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof and Money due thereon; and such Assignee may, in like Manner, assign or transfer again, and so toties quoties;

Trustees may borrow Money upon the Credit of the Tolls.

Notice to be given of borrowing of Money.

Assignments may be transferred.

Entries to be made of all Assignments.

Clerk's Fee.

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.

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 this Act, in respect to the Priority of advancing such Sum or Sums of Money; 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 this Act in equal Degree one with another.

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

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

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said 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 Five or more of them, shall think necessary; and, from time to time, to remove any such Officers, and other Persons, and appoint others in the Room of such of them as shall be 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 Five or more of them, shall seem reasonable; And all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner, as the said Trustees, or any Five or more of them, shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been, by such Officer or Officers, and Person or Persons respectively, received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the

and remove them, and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

the said Officers, and Persons, so accounting as aforesaid, shall upon Oath, if thereto required by the said Trustees, or any Five or more of them (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer, or Person, shall not render or make, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Five or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Five 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 Five or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside, such Justice or Justices may, and is and 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 or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Five or more of them, by virtue of this Act, might have done; and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands

Officers refusing to account, &c.

may be sued;

or if Complaint be made to Justices,

they may summon Offender, and determine the Matter.

Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is 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 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 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 Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Balance to be levied by Distress and Sale.

For want of Distress, Offender to be committed,

till Payment or Composition made.

Treasurer to give Security

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five 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 Five 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 Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Penalty on Collector not quitting his Employment, &c. when ordered by the Trustees.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or Person appointed by the said Trustees, or any Five or more of them, in manner herein before-mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment, commonly to the Orders of the said Trustees, or any Five or more of them, and to deliver up the Possession

of the Turnpike or Toll-gate and Toll-house to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint, and shall be convicted of such Neglect or Refusal before One or more Justice or Justices of the Peace of the County or Place where such Neglect or Refusal shall be, either upon Confession of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace, of the said County or Place, to turn such Toll-gatherer or Collector out of the Possession of the said Turnpike or Toll-gate and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Five or more of them, shall have directed and appointed in manner aforesaid; and also to bring such Toll-gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Calendar Months.

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

No Victualler to accept of any Place of Profit.

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 Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds, Stone Quarries, or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Part of the said Roads do 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 which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle: And if such Quantities of Furze, Heath, 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 Road intended

Surveyors may dig Gravel, &c.

without paying for the same; levelling the Pits, &c.

Materials may be taken from private Grounds;

tended therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig and make Pits, get, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, and from, the Stone Quarries and Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted or set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for such Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable.

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said 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, Straw, or otherwise; and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of, the said Roads, to the Prejudice thereof, provided the Wash or Water running into Kent Lake, near the Town of Audley, be not thereby prevented or diverted from running into the same Lake; 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, not being a Garden, Orchard, Plantation, or Avenue to a House, and to take and carry away the same; in case the Owners or Occupiers of the 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 Five or more of them, or the Surveyor or Surveyors, shall require, for the Space of Fourteen Days next after Notice in Writing, given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees,

and cut down Trees;

the Owners neglecting to remove the same after Notice;

Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings. the Charges thereof to be reimbursed to the Surveyor. Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors for the said 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 Five 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, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Roads Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, heretofore planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said 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 Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Ground. Surveyors may make Causeways, &c. erect Bridges, and make a temporary Road; making Satisfaction to the Owners of the Grounds.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Moor or Waste Ground, without making any Satisfaction for the same, and Trustees may contract with Persons for the Purchase of Lands, &c.

also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering the Course or Path of any Part or Parts of such Roads, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the 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 Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever, to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be, and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in

Bodies Politick, &c. impowered to treat.

Persons, &c. neglecting to treat,

Possession of the Lands or Hereditaments through which any Part of such Roads are intended to be diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the 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 County wherein such Lands and Hereditaments do lie; 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 Five or more of the said 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 Ways and Means, as well for their own as for the said Jury's Information in the Premisses; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming, or to claim, any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever; Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever: And for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be final.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

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 Five or more of them, shall, and they are hereby impowered and required to swear, or cause to be sworn, Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of 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 Five 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 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 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 herein after directed; so that no such Fine be more than Five Pounds, nor less than Forty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 5 *l.*

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

Expences of the Jury how to be paid.

and

and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, after deducting the Costs as aforesaid thereout, shall be paid out of the Tolls arising within or upon Account of the 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 Five or more of them, to divert or turn such Road through such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the said Trustees, or any Five or more of them, shall cause such Parts of the said Road as shall be diverted or turned through any private Grounds, to be ditched or fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said 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 completed, the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in the said Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same; 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.

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

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

and esteemed a publick Highway.

Old Road may be sold.

Buildings, &c. not to be damaged.

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

Trustees not to act where interested.

If the Road over any Waste Ground be turned, Inhabitants not liable to repair the old Road.

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.

Persons liable to repair Bridges, &c. 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, 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 do 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 Fourteen Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors, to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors, an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work, and shall distinguish in such Lists, which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons on such Parts of the said Roads, hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall from

Inhabitants to do Statute-work.

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

Surveyors of the Highways to deliver in Lists of Persons chargeable with Statute-work.

time to time, direct and appoint; so that no more than One Day's Work shall be done by any One Person or Team on the said Roads who shall be Inhabitants of the Town of Newcastle under Line aforesaid, or of the several Townships or Tills of Knutton and Clayton Griffith, and the several Parishes of Woolstanton, Wybunbury, and Trentham, or the Parish of Stoke upon Trent, in the said County of Stafford; nor more than Three Days Work by any other Person or Team on any other Part of the said Roads in any One Year: And the said Surveyor or Surveyors of the Highways, Church Wardens, or Overseers of the Poor, of such Townships, Parishes, or Places, respectively, within Fourteen Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons: And if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Five Pounds: And every Person who shall neglect or refuse to do such Work at such Time and Place, and in such Manner, as shall be appointed by the said Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums herein after-mentioned (that is to say) Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team, the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default, the Sum of One Shilling: And 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 is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before-mentioned; and all Persons doing such Days Work on the said Roads shall not be liable to do any other Statute-work thereon.

Inhabitants to do Statute work.

Penalty on Surveyors neglecting to deliver in Lists;

and on Persons not performing Statute-work.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or

any

Trustees may compound for Statute-work.

any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors or Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, and Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their Statute-work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry or other Public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall, from time to time, be paid in Advance, and shall be applied in the Repairs 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, &c. paying the Composition-money, how to be reimbursed.

And be it further enacted by the Authority aforesaid, That if any Person 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, 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 loaden Waggon, Wain, or Cart, along any Foot or Horse Causeway, being Part of, or lying near or adjoining to, the said Roads, or shall shovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the said Roads, or such Causeways as aforesaid, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on the said Roads or Causeways; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on Persons haling Timber, otherwise than on Wheel Carriages.

Roads to be measured, and Mile-stones erected.

And be it further enacted, That the said Trustees, or any Five 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 Di-

stance

stance of every such Stone or Post from any Town or Place, as they shall think fit; and also to erect Guide and Direction Posts with such Inscriptions thereon, as the said Trustees, or any Five or more of them, shall think proper: And if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or obliterate any Inscription that shall have been made thereon, or shall cause or procure the same to be done, and be thereof convicted upon Oath, by One or more credible Witness or Witnesses, or by his or her own Confession, before any Justice of the Peace for the County or Place where such Offences shall be committed (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) every such Person, so offending, shall forfeit the Sum of Forty Shillings, for every such Stone or Post so pulled down, broke, or damaged, or Inscription so obliterated; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied; and, in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Three Calendar Months, nor less than One Calendar Month, unless such Forfeiture and all reasonable Charges shall be sooner paid: And every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed; and shall be immediately delivered to a Constable, or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalty on defacing Mile-stones.

And be it further enacted by the Authority aforesaid, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (if the Manner of levying and Recovery thereof is not herein otherwise directed) upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures,

Penalties and Forfeitures how to be recovered and applied.

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 recovered, shall be, (if not otherwise directed to be applied by this Act) from time to time, paid to any Five or more of the said 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 Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For want of Distress, the Offender to be committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Persons 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 Six Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten Days Notice at least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Roads; and, within Two Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and 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 Session shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Distress not 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

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 Parties distraining deemed Trespassers *ab initio*.

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

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

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, 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.

Writings to be without Stamps.

Provided always, 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 Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for the registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever

Proceedings to be entered in a Book.

Books may be read in Evidence.

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 quashed for want of Form;

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in, or relating to the Execution of this Act, shall be vacated or quashed for want of Form; or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

nor removable 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 Ten 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 to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.