Anno ſeptimo

Georgii III. Regis.

An Act to repair and widen the Roads from *Whitchurch*, in the County of *Salop*, to the Turnpike Road between *Nantwich*, in the County of *Cheſter*, and *Newcaſtle under Line*; and from *Hinſtock* to *Nantwich* aforeſaid.



WHEREAS the Roads leading from Whitchurch, in the County of Salop, through Burleydam, Audlem, and Buerton, in the County of Cheſter, and Onneley, in the County of Stafford, through Madeley, to the Turnpike Road leading from Nantwich, in the County of Cheſter, to Newcaſtle under Line, in the County of Stafford; and alſo the Road from Hinſtock, in the ſaid County of Salop, to the Market Town of Drayton, and from thence through Adderley, Audlem, Hatherton, and Stapeley, to Nantwich aforeſaid, in the ſaid County of Cheſter, 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 Preamble.

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, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Thomas D'Avenant, Phillip Arden, Thomas Arden, the Reverend Samuel Alderſey Clerk, Sir Henry Bridgman, Sir Hugh Brigges, Baronets; Charles Baldwyn, Samuel Barrow, William Bulkeley, Peter Brooke, Samuel Bennion, Thomas Bromhall, Peter Broughton, William Bayley of Wiſtaſton, James Bayley, Richard Becket, Thomas Brookes, John Brookes, John Butters, William Baker, John Boughey, Robert Brown, the Honourable Robert Lord Clive of the Kingdom of Ireland, Sir Lynch Saluſbury Cotton Baronet, John Crewe of Crewe, Thomas Cholmondeley, Robert Saluſbury Cotton, Richard Clive, Charles Crewe, William Corbet of Darnhall, John Clarke, John Crewe of Boleſworth, the Reverend Joſeph Crewe Doctor of Divinity, the Reverend Randulph Crewe Doctor of Laws, Robert Clive Clerk, Smith Child junior, Richard Church, William Cobbe, John Churton, John Cliff of Audlem, John Cliff of Bromhall, Thomas Cliff of the Coronage, Ralph Colley, Sir Thomas Broughton Delves Baronet, Richard Davenport of Calveley, John Dodd, Robert Dodd, John Dodd junior, John Dutton, John Darlington of Aſton, Samuel Davies, Abraham Darlington, Benjamin Darlington, the Reverend William Davenport, Thomas Dicken of Woolerton, John Egerton of Broxon, Samuel Egerton of Tatton, John Egerton, William Egerton, Humphrey Felton, Thomas Groſvenor, the Reverend John Gleave Clerk, William Groſvenor, Samuel Garnet, George Gibbons, Arthur Greenwollers, George Garnet, William Grincel, Beardmore Grafton, the Right Honourable George Harry Grey, commonly called Lord Grey; the Honourable Booth Grey, the Honourable John Grey junior, Sir Lyſter Holte, Sir Rowland Hill, Baronets; Richard Hill, John Hill, Jonathan Hall, William Hewitt, Richard Higginſon, John Hayward, John Hand, Thomas Holte, Thomas Hinton, John Hockenhull, Humphry Hales, Samuel Harding, John Hopkins, John Huntback, Michael Huntback, Philip Hinton, Joſeph Hudgſon, Thomas Jenks, William Judgſon, Joſeph Jackſon ſenior, Joſeph Jackſon junior, William Jervis, Thomas Lord Viſcount Kilmorrey in the Kingdom of Ireland, John Knight,

Truſtees to *Audlem* Diſtrict.

Knight, Philip Keay, William Kent, Sir Henry Mainwairing, and Sir William Meredith, Baronets; John Murhall, Thomas Murhall, William Maſſie, Plant Maddox, Roger Maddox, James Meakin, Thomas Maſſie, Edward Maſſie, Lawrence Norcop, John Nixen, John Oulton, Thomas Patten, Cudworth Poole Clerk, William Penlington, the Reverend John Platt Clerk, Thomas Pratchet, George Payne, Edward Payne, John Plant, William Pratchet, John Ravenſhaw, Richard Roe, Thomas Roe, Thomas Starkie, Edward Salmon, the Reverend Mathew Salmon, Henry Salmon, Clerks; George Salmon, William Salmon, Charles Salmon, George Salmon junior, Ambroſe Sparrow, Richard Sutton, Thomas Sutton, Jenner Swaine, John Smallwood, Charles Sandford, Maſſie Taylor, James Tomkinſon, William Turton, Daniel Tomkins, James Tomkins, Samuel Turner, Robert Taylor, Thomas Taylor, James Turner, John Turner, Benjamin Turner, Robert Taylor of Nantwich, Richard Taylor, Walter Unit, Ralph Vernon, Sir Thomas Whitmore Knight, Nathaniel Wetenhall, George Wilbraham, Randle Wilbraham, Roger Wilbraham, Charles Gregory Wade, Peter Walthall, John Watſon, John Windſor, the Reverend William Wickſted Clerk, William Watkis, John Wilſon of Sandbach, Thomas Wickſted, John Wilſon, Thomas Wickſted junior, Richard Wrench, Thomas Mainwaring Wilding, George Woodhouſe, John Wood, William Walley, Joſeph Wood, Richard Wickſted of Whitchurch, John Watſon of Whitchurch, John Wooldridge, George Watſon, James Wynn, Walter Young, John Yates, William Yoxal, and Thomas Yoxal, ſhall be, and they and their Succeſſors to be elected in manner herein after-mentioned, are hereby appointed Truſtees for ſurveying, ordering, altering, widening, repairing, and keeping in Repair, the ſaid Roads leading from Whitchurch, in the County of Salop, through Burley-dam, Audlem, and Buerton, and to the End of the Townſhip of Buerton aforeſaid, leading toward Woor, in the ſaid County of Salop; and alſo the Road from Hinſtock, in the ſaid County of Salop, to Drayton, and from thence to Adderley, Audlem, Hatherton, and Stapeley, and to Nantwich aforeſaid; and for putting in Execution all the Powers in this Act in relation to the ſaid Roads, which ſhall be and is herein after called The Audlem Diſtrict of the Roads hereby intended to be repaired and widened: And that Thomas Davenant, Richard Allen, John Allen Clerk, Sir Henry Bridgman Baronet, Charles Baldwyn, James Bayley, Peter Broughton, Thomas Barlow Clerk, William Baker, John Boughey, George Baddely, Truſtees to *Woor* Diſtrict.

dely, William Beeſton, Bucknal, Sir Lynch Saluſbury Cotton, Sir John Chetwood, Sir Charles Cope, Baronets; John Crewe of Crewe, Charles Crewe, William Cotton, John Crewe of Boleſworth, Richard Crewe, the Reverend Joſeph Crewe Doctor of Divinity, the Reverend Randle Crewe Doctor of Laws, John Clownam, Ralph Cartwright, Randle Coleclough, Andrew Corbett, Charles Chetwode, Cotten, Sir Thomas Broughton Delves Baronet, Robert Daviſon, Drakeford, Sir Thomas Egerton Baronet, Samuel Egerton, John Egerton, Philip Egerton, John Eld, John Eddowes, William Egerton, Thomas Falconer, John Fenton, John Fletcher, John Fernyhough Clerk, Hugh Ford, Thomas Fernyhough, William Ford, William Fowler, John Fenton junior, Freeman, Sir Nigel Greſley Baronet, the Reverend Gretton, Thomas Gilbert, Hugh Hayward, Thomas Hatrel, George Harper, Richard Harris, William Jones, the Right Honourable Thomas Lord Viſcount Kilmorrey in the Kingdom of Ireland, Andrew Kendrick, Robert Lawton, John Lawton, Herbert Mackworth, Edward Mainwaring, Edward Mainwaring junior, Hugo Meynell, Thomas Mills, Charles Mainwaring, James Meakin, the Honourable John Needham, Thomas Needham, Lawrence Norcop, Robert Pigott, Charles Piggott, John Poole of Snape, Robert Perkinſon, John Peake, Thomas Roylance, Thomas Robinſon, Thomas Rowley, William Rogers, Ralph Sneyd, Edward Sneyd, William Swinnerton, John Smith Clerk, John Swinnerton, Samuel Sherard, Randle Stonely, George Steele, John Sambrooke, George Tollett, Charles Tollett, James Tomkinſon, James Tomkinſon junior, Henry Tomkinſon, Edward Tomkinſon, Thomas Whieldon, Joſiah Wedgwood, and Walter Young, ſhall be, and they and their Succeſſors to be elected in manner herein after-mentioned, are hereby appointed Truſtees for ſurveying, ordering, altering, widening, repairing, and keeping in Repair, the ſaid Road leading from the ſaid End of the ſaid Townſhip of Buerton, through the Swan Yard at Woor, acroſs or along the Woor Turnpike Road, not exceeding One hundred Yards, through or along a private Road, leading through certain Lands belonging to Herbert Mackworth Eſquire, now in the Holding of Thomas Penington of Woor aforeſaid, where the ſaid Road is intended to go to the End of Gravenhunger Moſs or Lane; and from thence through Onneley and Madeley aforeſaid, to the Turnpike Road leading from Nantwich aforeſaid, to Newcaſtle under Lyne aforeſaid; and for putting in Execution all the Powers of this Act,

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in relation to the ſaid laſt-mentioned Road, which ſhall be and is herein after called The Woor Diſtrict of the Roads hereby intended to be repaired and widened.

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

Penalty on acting if not qualified.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for the ſaid Audlem Diſtrict, or any Five or more of them, ſhall meet together at the Houſe of Thomas Hall, known by the Sign of The Goat's Head, in Audlem aforeſaid, on the Day Fortnight after the paſſing of this Act; and that the ſaid Truſtees for the ſaid Woor Diſtrict, or any Five or more of them, ſhall meet together at the Houſe of Thomas Latham, known by the Sign of The Swan, at Woor aforeſaid, on the ſame Day, and ſhall ſeverally proceed to the Execution of this Act; and ſhall then chooſe 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 reſpectively 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 reſpective Truſtees, ſhall, from time

In Default of a ſufficient Number of Truſtees to act, Clerk to give Notice of another Meeting.

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, within the reſpective Diſtricts, 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 authorized 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 Order to be valid, unleſs made by the Majority of the Truſtees preſent.

Truſtees not to hold any Place of Profit, but may act as Juſtices.

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

And be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee ſhall die, or refuſe to act for the ſaid Diſtricts reſpectively, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, reſpectively, by Writing under their Hands and Seals, to elect One other Perſon, qualified as aforeſaid, to be a Truſtee in the room of ſuch Truſtee ſo deceaſed or refuſing to act; but Notice in Writing of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpikes within ſuch reſpective Diſtrict, at leaſt Ten Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for the putting this Act in Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Notice of Election ſhall be given.

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

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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 within their reſpective Diſtricts, and on the Side or Sides thereof, or acroſs any Lane or Way leading out of the ſame, and alſo a Toll-houſe or Toll-houſes in, upon, or on the Side or Sides or acroſs the ſame Roads; and may cauſe any ſuch Turnpike or Turnpikes, Toll-houſe or Toll-houſes, to be taken down, removed, or altered; and that the Tolls following ſhall 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, Truſtees may erect Turnpikes and Toll-houſes, and take Tolls thereat.

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

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

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

And for every Drove of Calves, 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 or as a Toll: And if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall and may be lawful for the Perſon or Perſons appointed to collect ſuch Tolls, to ſeize and diſtrain any Horſe, Beaſt, or other Cattle, or any Goods or Carriage, upon which any ſuch Toll is by this Act impoſed, or any of the Goods or Chattles of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame: And if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, ſhall not be paid within the Space of Four Days after ſuch Seizure and Diſtreſs made; the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Goods and Chattles, ſo diſtrained, returning the Overplus (if any be) 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 Tolls may be levied by Diſtreſs and Sale. Diſtreſs may be ſold after 4 Days. Tolls veſted in Truſtees.

Act, ſhall be, and are hereby, veſted in the ſaid Truſtees for the ſaid reſpective Diſtricts; and ſhall be applied, or may be aſſigned, in ſuch Manner as herein after mentioned.

No Toll to be taken for croſſing the Road only.

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, or any Part thereof.

No Gate to be erected within One Mile of *Whitchurch*, &c.

Provided always, and be it enacted by the Authority aforeſaid, That no Gate or Gates, Turnpike or Turnpikes, ſhall be erected upon the ſaid Roads within the Diſtance of One Mile from each of the ſaid Towns of Whitchcurch, Drayton, and Nantwich, aforeſaid; or within the Manor of Madeley in the ſaid County of Stafford, or between Burleydam and Whitchurch aforeſaid; nor upon any Part of the ſaid Road leading from Drayton to Adderley aforeſaid; any thing herein contained to the contrary notwithſtanding.

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 for their reſpective Diſtricts; 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 proſer, or order the proſecuting of, Indictments againſt any Perſon or Perſons who ſhall injure or diſturb them the ſaid Truſtees, for their ſaid reſpective Diſtricts, in the Poſſeſſion thereof.

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

and raiſe them again.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Seven or more of them, at their firſt Meeting, and, from time to time, aſſembled at any ſubſequent Meeting or Meetings, to be held for that Purpoſe, for the ſaid Diſtricts reſpectively, to vary, leſſen, or reduce, within ſuch Diſtricts reſpectively, all or any of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid reſpective Truſtees, or any Seven or more of them, ſhall think proper; and may afterwards, from time to time, advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money, not exceeding the reſpective Rates herein before mentioned;

tioned; 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 the ſaid reſpective Truſtees ſhall think fit; but no ſuch Reduction ſhall be made after ſuch Firſt Meeting for ſuch Diſtricts reſpectively, unleſs the Perſon or Perſons who ſhall be intitled to Two Thirds of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch Reduction ſhall be made unleſs Ten Days Notice at leaſt ſhall be given in Writing, to be affixed upon all the Turnpikes which ſhall be then erected by virtue of this Act within ſuch Diſtricts reſpectively, 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, except as herein after is excepted, for paſſing at any Time or Times with the ſame Horſes, Cattle, or Carriages, in the ſame Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock of the ſucceeding Night, through all or any of the Turnpikes 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, and alſo through all or any other Gates or Turnpikes to be erected by virtue of this Act; which Notes or Tickets, the Collectors of the Tolls are hereby required to give gratis on Receipt of the Toll.

Tolls to be taken on certain Parts of the Roads.

Provided always, and be it further enacted by the Authority aforeſaid, That no more than the following Tolls ſhall be demanded or taken at any Gate or Turnpike to be erected by virtue of this Act, at or near the End of a certain Lane or Place commonly called or known by the Name of Gravenhunger Lane, on the Road leading from Madeley to Drayton in the ſaid County of Salop, or from Drayton to Madeley aforeſaid; that is to ſay,

The Tolls.

For every Waggon, Wain, or other Four Wheel Carriage, drawing on the ſaid Road, the Sum of Three Pence.

And

And for every Cart or other Two Wheel Carriage drawing on the ſaid Road, the Sum of One Penny Half Penny.

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

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

Nor ſhall any more than the Tolls aforeſaid be demanded or taken from any of the Inhabitants of the Townſhip of Woor, at any Gate or Turnpike to be erected by virtue of this Act, at the End of Gravenhunger Lane aforeſaid, on the Road intended to lead from Woor to Madeley aforeſaid.

Proviſo. Provided nevertheleſs, That the Payment of the ſaid laſt-mentioned Tolls, ſhall not exempt any Perſon or Perſons from the Payment of the ſaid full Toll herein before-mentioned for paſſing through any Gate or Turnpike upon any other of the ſaid Roads; any thing herein before contained to the contrary notwithſtanding.

Truſtees may compound with certain Inhabitants. Provided alſo, and be it enacted by the Authority aforeſaid, That the Occupier or Occupiers of the ſeveral and reſpective Farms herein after-mentioned; that is to ſay, the Hall of Buckley Farm, Walter Sherard's Farm, and the Widow Timmis's Farm, all lying in Woor and Gravenhunger aforeſaid, and alſo his and their Servants and Workmen reſpectively, ſhall, on Payment of Two Shillings and Six Pence for each ſuch Farm yearly as and for a Compoſition for Toll, be permitted to paſs and repaſs at all Times through ſuch Gate or Turnpike with Horſes, Beaſts, or other Cattle, or any Goods or Carriage whatſoever, being the Sole Property of ſuch Occupier or Occupiers reſpectively, and not travelling or being carried for Hire; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding: Provided ſuch Compoſitions reſpectively be always paid yearly in Advance to the ſaid Truſtees, or any Five or more of them, or to their Order.

Application of Monies. And be it enacted by the Authority aforeſaid, That the Tolls or Duties to be collected upon, or on account of, the ſaid Audlem Diſtrict, and the Money which ſhall be

be borrowed on the Credit thereof; and alſo the Tolls or Duties to be collected upon, or on account of, the ſaid Woor Diſtrict, and the Money which ſhall be borrowed on the Credit thereof, ſhall be deemed ſeparate and diſtinct Funds; each of which, after Payment of One Half of the Charges of procuring and paſſing this Act, ſhall be applied in erecting and maintaining the Turnpikes and Toll-houſes, and of repairing and widening the Roads of that Diſtrict only on which ſuch Tolls or Duties ſhall reſpectively be collected, or ſuch Money ſhall be borrowed, and on thoſe Roads only, and not otherwiſe: And that the ſaid reſpective Truſtees, or any Five or more of them, ſhall, out of the Firſt Monies ariſing by the ſaid Tolls or Duties of the ſaid Two Diſtricts reſpectively, or out of ſuch Money as ſhall be borrowed on the Credit thereof reſpectively, pay and diſcharge all the Coſts and Expences of procuring and paſſing this Act in and by equal Proportions, allotting a Moiety of ſuch Coſts and Expences to each Diſtrict; and ſhall apply the Remainder of the Monies, ſo raiſed, in erecting Gates or Turnpikes and Toll-houſes, and repairing, widening, altering, turning, and amending, the ſaid reſpective Roads, and defraying the neceſſary Coſts, Charges, and Expences, attending the ſame, and to no other Uſe or Purpoſe whatſoever.

Truſteesmay compound with Travellers.

And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Truſtees, or any Five or more of them, may, and are hereby impowered, from time to time, as they ſhall ſee convenient, to compound and agree, for any Term not exceeding One Year at any One Time, with any Perſon or Perſons for any Horſes, Cattle, Beaſts, or Carriages, travelling upon the ſaid Roads, or any Part thereof, within the reſpective Diſtricts, 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, for their ſaid reſpective Diſtricts; and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void; and all ſuch Compoſition-money ſhall be applied in ſuch Manner as the Tolls, in reſpect whereof ſuch Compoſition is made, are directed to be applied.

Truſtees may leaſe, &c. the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any 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, within the respective Districts, 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 such Person or Persons, as they the said respective 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 whereas there have been ancient and accustomed Tolls taken for the Passage of Cattle and Carriages, along a private Road leading from Woor to Madeley aforesaid, through certain Lands belonging to Herbert Mackworth Esquire; which said Tolls are the Property of the said Herbert Mackworth, and are of the yearly Value of Seven Pounds, or thereabouts: And whereas it will be necessary to make use of the said private Road for the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and they are hereby impowered and required to treat with the said Herbert Mackworth, for the Purchase of the said Toll, and of the Land constituting the said Road; and in case of Non-agreement therein, the Damage sustained by, and the Recompence to be made to, the said Herbert Mackworth, for the said Road and Toll, shall and may be settled by a Jury, and paid for by the said Trustees, in such and the same Manner as is herein directed with respect to purchasing Land to widen, turn, divert, or alter, any Part of the Roads hereby directed to be repaired; and that the said Tolls shall for ever thereafter cease and be abolished, and the said Road deemed Part of the Roads by this Act directed to be made.

Mr. *Mackworth*'s Lands, &c. may be purchased.

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 Lands, Grounds, 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

Penalty on Persons evading the Tolls,

or giving or receiving Tickets, &c.

to

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 within the said respective Districts, where such Penalty or Forfeiture shall so happen to be made, in such Manner as the Penalties are herein directed to be applied.

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

Provided always, and be it 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 conveying of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passengers on Horseback, going to, or returning from, any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Chester,

Exemptions from Tolls.

ter, Salop, or Stafford, 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 of or from any Farmer or Farmers, Occupier or Occupiers, of any Lands in the ſeveral Pariſhes of Audlem and Muckleſton, for any Horſe, Mare or Gelding, Mule or Aſs, belonging to and uſed by ſuch Farmer or Farmers, Occupier or Occupiers, going or returning to and from the Farrier or Blackſmith's Shop, ſituate and being in either of the Pariſhes aforeſaid, for the Purpoſe of being ſhod, or otherwiſe dealt with in the Way of Buſineſs of ſuch Farrier or Blackſmith; or for any ſuch Horſe, or other Beaſt, which ſuch Farmer or Farmers, Occupier or Occupiers, ſhall ride or make uſe of, for the End and Purpoſe of carrying himſelf or themſelves only to and from any of his or their reſpective Farms or Lands lying and being in the ſeveral Pariſhes of Audlem and Muckleſton aforeſaid, for the Management of ſuch Farms or Lands, or touching or concerning his or their Huſbandry Affairs or Buſineſſes in or about the ſame: 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.

No Toll to be paid for croſſing the Road at *Woor*.

And be it further enacted by the Authority aforeſaid, That no Gate or Turnpike ſhall be erected, or any Toll taken or received, by virtue or in purſuance of any Powers granted to the Truſtees appointed by an Act of Parliament made in the Seventeenth Year of the Reign of his late Majeſty King George the Second, intituled, An Act for more effectual repairing the Roads from *Coleſhill* in the County of *Warwick*, through the City of *Litchfield*, to *Stone* in the County of *Stafford*, and from thence to the City of *Cheſter*, and for amending other Roads therein mentioned, or granted to any other Truſtees, by any other Act or Acts of Parliament now in Force, for making, amending, or repairing, the ſame Roads; or the Turnpike Road leading from the Town of Stafford, through Woor, to Nantwich aforeſaid; on either Side of that Part of the Turnpike Roads leading from Stone, or Stafford aforeſaid, to Woor in the ſaid County of Salop; and from thence to Nantwich aforeſaid, which lies at or near Woor aforeſaid, and where the Road from Whitchurch to Little Madeley aforeſaid, intended to be repaired and widened by virtue of this Act, interſects or opens, or within One hundred Yards thereof.

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

more of them, 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 reſpective 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, for the ſaid reſpective Diſtricts; 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 within the reſpective Diſtricts, 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 entitled 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 reſpective Truſtees, within Thirty Days after the Date thereof, who ſhall cauſe an Entry to be made of ſuch Aſſignments, containing the Date, Names of the Parties, and Sums of Money therein mentioned to be aſſigned or transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments, for which the Clerk or Treaſurer, Clerks or Treaſurers, 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, and not otherwiſe, ſuch Aſſignment or Transfer ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators,

Truſtees may borrow Money on the Credit of the Tolls.

Aſſignments to be entered in a Book.

Notice to be given of borrowing Money.

Aſſignments may be transferred.

Entries to be made of all Aſſignments.

Clerk's Fee.

and Aſſigns, to the Benefit thereof, and the Money due thereon; and ſuch Aſſignee may, in like Manner, aſſign or transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge, the ſame, or any Monies thereon due.

All Creditors 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 liable by reaſon of ſigning, &c.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge or ſubject the ſaid reſpective Truſtees, or Perſons appointed to receive the ſaid Money, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning or ſealing any ſuch Aſſignments or 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 reſpective Truſtees, or any Five or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the ſaid Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, and Surveyor or Surveyors, of the ſaid Roads within the reſpective Diſtricts, and ſuch other Officers as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think neceſſary; and from time to time to remove any ſuch Officers and other Perſons, and appoint others in the Room of ſuch of them as ſhall be 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 reſpective Truſtees, or any Five or more of them, ſhall ſeem reaſonable; and all ſuch Officers and Perſons ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall direct, deliver to ſuch 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

and remove them, and appoint others.

Truſtees to allow Officers Salaries.

for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands, to the ſaid reſpective Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint: And all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall, upon Oath, if thereto required by the ſaid reſpective Truſtees, or any Five or more of them, which Oath the ſaid Truſtees, or any Five or more of them, are hereby impowered to adminiſter, verify their ſaid Accounts: And if any ſuch Officer or Officers, Perſon or Perſons, ſhall not render, or make, or refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid reſpective Truſtees, or any Five or more of them, within Twenty one Days after being thereunto required by any Five or more of ſuch Truſtees, all the Books, Papers, and Writings, in his Cuſtody or Power relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or as they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch reſpective 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 reſpective Truſtees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible

Officers to account upon Oath.

Officers refuſing to account,

Juſtices to inquire into the Default,

and levy the Balance by Distress and Sale.

dible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer, without any Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby 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 respective 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 respective Trustees, or any Five or more of them.

For want of Distress, the Offender to be committed,

until Payment or Composition made.

Treasurers to give Security.

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

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

Provided always, That as often as any Collector of any of the said several Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the Trustees for such District respectively, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for the Recovery thereof, as the Person he shall succeed was vested with, until the said Trustees for such District respectively, or any Five or more of them, shall, at a Meeting to be held by

by virtue of this Act, appoint a Receiver or Collector of such Tolls.

Power to remove Toll-gatherers, and punish them for not removing after Notice.

And be it further enacted by the Authority aforesaid, That if any Toll-gatherer, or Person appointed by the said respective Trustees, or any Five or more of them, in Manner herein before-mentioned, to collect and receive any of the Tolls by this Act granted, shall, at any Time or Times, neglect or refuse to quit his Employment, conformable to the Orders of the said 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 of such District respectively, 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 respective 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.

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

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

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said respective 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 respective Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds, Stone Quarries, or Commons, Rivers or Brooks,

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 therewith to be repaired; then, and in such Case, the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said respective Trustees, or any Five or more of them, dig and make Pits, get, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of and from the Stone Quarries and Lands of any Person or Persons, not being a Yard, Garden, Orchard, Park, Paddock, Lawn, 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 respectively, or any Five or more of them, shall adjudge reasonable.

without paying for the same; levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time, such Surveyor or Surveyors having an Order for that Purpose from the said respective Trustees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the said respective Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to 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 respective Roads, to the Prejudice thereof; and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees, Shrubs, or Bushes, growing in the said Roads, or to cut down any Shrubs or Bushes in the Hedges or Banks adjacent thereto, not being a Garden, Orchard,

Surveyors may remove Annoyances, &c.

And cut down Trees, &c.

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, and deepen, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid reſpective Truſtees, or any Five or more of them, or the Surveyor or Surveyors, ſhall require, for the Space of Fourteen Days next after Notice, in Writing, given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors; the Charges whereof, to be ſettled by the ſaid reſpective Truſtees, or any Five or more of them, ſhall be reimburſed to ſuch Surveyor or Surveyors, by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

the Owners neglecting to remove the ſame after Notice;

the Charges to be reimburſed 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 of the ſaid reſpective Roads, or ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them) to make Cauſeways; and alſo Ditches or Drains in and upon the ſaid Roads; and alſo through any Grounds lying contiguous thereto, in order to conduct the Water off the ſaid Roads; 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 Public Highway whilſt the old Road is repairing or widening; and alſo, by Order of any Five or more of the ſaid reſpective Truſtees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Roads, and acroſs any Stream, Brook, Water, Ditch, or Drain, therein or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the Private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be judged reaſonable by the ſaid reſpective Truſtees,

Surveyors may make Cauſeways, &c.

and make a temporary Road;

and erect Bridges;

making Satisfaction to the Owners.

stees, 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 Wood or Waste Ground.

Trustees may contract with Persons for the Purchase of Lands, &c.

And be it further enacted by the Authority aforesaid, That the said respective Trustees, or any Five or more of them, shall be, and are hereby fully impowered, to widen, divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads within their respective Districts, through any Wood or Waste Ground, without making any Satisfaction for the same; and also to widen any of the narrow Parts of the said Roads respectively lying within the Distance of One Mile from either of the Towns of Whitchurch, Drayton, and Nantwich aforesaid, so as to make such Parts of the said Roads Thirty Feet in Width; and also to widen any other of the narrow Parts of the said Roads respectively, so as to make such other Parts of the said Roads Twenty four Feet in Width, by opening, clearing, and laying into the same respectively, the Grounds of any Person or Persons lying contiguous thereto respectively; and also to widen, divert, turn, or alter, the Course or Path of any other Parts of the said Roads, by carrying the same 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, within their respective Districts, 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 widening, diverting, turning, or altering the Course or Path of any Part or Parts of such Roads, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunaticks, Idiots, 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 shall be possessed of, or interested in, any such Lands or Hereditaments, to contract with the said respective Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any

Bodies Politick, &c. impowered to treat.

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, Corporations Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads are intended to be diverted, turned, or altered, ſhall, for the Space of Thirty Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then and in every ſuch Caſe the ſaid reſpective Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage and Recompence to be 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 reſpective 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 reſpective Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed

Perſons neglecting to treat for the Sale of Lands;

Jury to aſſeſs the Damages.

Witneſſes may be ſummoned, and examined upon Oath.

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 reſpective Truſtees, or any Five or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impanel, ſummon, and return an indifferent Jury of Twenty four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to ſummon, impanel, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impanelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees, or any Five or more of them, ſhall, and 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 reſpective 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,

Verdict of the Jury to be final.

Truſtees may iſſue their Warrant to Sheriff, &c. to impanel a Jury.

Jurors may be challenged.

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

in, 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.

Expences of the Jury how to be borne.

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

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

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 Diſtrict wherein each Road ſo intended to be widened, 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 reſpective 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 reſpective Truſtees, or any Five or more of them, to widen, divert, or turn ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be widened, diverted, or turned through any private Ground, 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

Lands, &c. purchaſed to be made Part of the Road, and kept in Repair.

Roads

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 within ſuch reſpective Diſtricts are, by this or any other Law, to be amended; and, from thenceforth, all Parties and Perſons whatſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments: And after any ſuch new Road ſhall be compleated, the Lands conſtituting the former Road, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road doth not lead, ſhall be veſted in the ſaid reſpective Truſtees, and ſhall and may be ſold and conveyed by them, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Repair of that Part of the ſaid Road within ſuch reſpective Diſtrict ſo widened, 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.

Old Road may be ſold.

Buildings, &c. not to be injured.

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.

Provided alſo, That if any new Road ſhall be made as aforeſaid, inſtead of any former Road within ſuch reſpective Diſtrict, over any Moor or Waſte Ground, the Inhabitants of the Pariſh or Place within ſuch reſpective Diſtrict 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.

If the old Road be diſcontinued, Inhabitants not liable to repair the ſame.

And be it further enacted by the Authority aforeſaid, That all the Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining any Part or Parts of the ſaid reſpective Roads, or any Bridge or Bridges therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the making of this Act: And that all the Inhabitants of the Townſhips, Pariſhes, and Places, in which any Part of the ſaid Roads lie, and all other Perſons liable to perform the Work, commonly called Statute-work, upon the ſaid reſ-

Perſons, &c. chargeable to the Highways, to continue ſo.

ſpective Roads, ſhall remain ſubject to the Performance of ſuch Work, except as herein after is mentioned and provided for: 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 reſpective 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, or 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 reſpective 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 for ſuch reſpective Diſtricts, or any Five or more of them, or the ſaid Turnpike Surveyor or Surveyors, ſhall, from 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 ſeveral Townſhips or Hills of Stapeley, Hatherton, Woor, and Gravenhunger aforeſaid; or of the ſeveral Pariſhes of Whitchurch, Madeley, and Hinſtock aforeſaid; nor more than Three Days Work by any other Perſon or Team, on any other Part of the ſaid reſpective Roads, in any One Year; and the ſaid Surveyor or Surveyors of the Highways, Churchwardens, or Overſeers of the Poor, for ſuch Townſhips, Pariſhes, or Places reſpectively, within 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

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

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

Inhabitants to do Statute-work.

ſuch Work, upon any Part or Parts of the ſaid reſpective Roads, ſhall give publick Notice thereof to ſuch Perſons; and if any Surveyor, Churchwarden, or Overſeer of the Poor, of 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 Times and Places, and in ſuch Manner, as ſhall be appointed by the ſaid Truſtees for ſuch reſpective Diſtricts, 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.

Penalty on Perſons not performing Statute-work.

Perſons found idle, to be turned off.

Provided always, and be it enacted by the Authority aforeſaid, That all the Inhabitants of the Pariſh of Wybunbury (except the Inhabitants of the ſeveral Townſhips of Stapeley and Hatherton aforeſaid) which lie within the ſame Pariſh, ſhall, from and immediately after the paſſing of this Act, and during the Continuance thereof, no longer be or remain ſubject or liable to do or perform any Statute-work whatſoever upon the ſaid Roads, but are hereby abſolutely exempted and diſcharged from the Performance thereof; any thing herein contained to the contrary notwithſtanding.

Inhabitants of the Pariſh of *Wybunbury*, except *Stapeley* and *Hatherton*, exempted from Statute-work.

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

Truſtees may compound for Statute-work.

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 reſpective Roads, or with any Perſon or Perſons for the Performance of his, her, or their Statute-work therein: And alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Townſhips, Pariſhes, or Places, or ſuch Churchwardens, or Overſeers of the Poor reſpectively, as aforeſaid, by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips, Pariſhes, or Places, firſt had at a Veſtry, or other Publick Meeting, of ſuch Inhabitants, to compound and agree, by the Year or otherwiſe, with the ſaid reſpective Truſtees, or any Five or more of them, for and in lieu of the Statute-work to be performed by ſuch Inhabitants upon any Part of the ſaid Roads; all which Compoſition Monies ſhall, from time to time, be paid in advance, and ſhall be applied in the Repair of the ſaid 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 reſpective Roads, any Tree or Piece of Timber, or any Stone, otherways 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, or lying near, or adjoining to, the ſaid reſpective 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 reſpective Roads or Cauſeways; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Penalty on drawing Timber otherwiſe than upon Wheel-carriages.

And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them, may, and they are

Roads to be meaſured, and Mile-ſtones erected.

are hereby impowered and required to, cauſe the ſaid Roads, within the reſpective Diſtricts, to be meaſured, and Stones or Poſts to be ſet up, in, upon, or near, the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit; and alſo to erect Guide and Direction Poſts, with ſuch Inſcriptions thereon as the ſaid reſpective Truſtees, or any Five or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription that ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted, upon Oath, by One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place where ſuch Offences ſhall be committed (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward;) every ſuch Perſon, ſo offending, ſhall forfeit the Sum of Forty Shillings, for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied: And in caſe ſuch Penalties ſhall 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 Forfeitures 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

Penalties and Forfeitures how to be recovered and applied.

of

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 and Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and 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 respective 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 Goal 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.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act (and for which no particular Method of Relief hath been already appointed) such Person may appeal to the Justices of the Peace, at any General Quarter 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, her, or their, Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said District of 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,

Notice of Appeal to be given.

Recognizance to be entered into.

and to pay ſuch Coſts as ſhall be awarded by, the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices, at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal, in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

Diſtreſs not unlawful for want of Form;

And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of a Default or Want of Form in the Summons, Conviction, Notice, Warrant of Diſtreſs, or other Proceedings relating thereto; nor

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

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.

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

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

Writings to be without ſtamps.

Provided always, and be it enacted by the Authority aforeſaid, That no Mortgage, Aſſignment, Tranſfer, or other Security for borrowing Money, or any Nomination, Contract, 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, for ſuch reſpective Diſtrict, or Juſtice or Juſtices of the Peace, or exhibited before them, or under

the Hands and Seals, or Hand and Seal of, or only ſigned by, any other Perſon or Perſons whatſoever, relating to the Execution of this Act, ſhall be chargeable with any Stamp-duty whatſoever.

Proceedings to be entered in Books.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That all Orders or Proceedings of the ſaid reſpective Truſtees, at their Meetings for ſuch reſpective Diſtricts, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Clerk or Clerks, at any Meeting of Five or more of the ſaid reſpective Truſtees aſſembled, as the Caſe ſhall require; and ſuch Orders ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for the regiſtering the ſaid Mortgages, Aſſignments, and Transfers, ſhall and may be produced and read in Evidence upon all Appeals, and in Suits and Actions, and in all Courts whatſoever.

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 the 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 Proceedings 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.

or 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 reſpective 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 Cheſter, Salop, or Stafford, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may, at his Election, plead ſpecially, or the General Iſſue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon,

General Iſſue.

upon, 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 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 any other Caſes by Law.

Treble Coſts.

Publick Act.

And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be, a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame. 7

FINIS.