Anno nono

Georgii III. Regis.

An Act to repair and widen the Road from the *Broken Croſs* in *Macclesfield*, in the County of *Cheſter*, over the *Long Moſs* and *Monks Heath*, to the Turnpike Road in *Nether Tabley*, in the ſaid County; and for turning and exchanging Part of the ſaid Road.

WHEREAS the Road leading from the Croſs at Broken Croſs in Macclesfield, in the County of Cheſter, over a certain Place called the Long Moſs in Macclesfield aforeſaid, and Monk's Heath, in the Townſhip of Nether Alderley, and through the Townſhips of Chelford, Marthall, and Ollerton, and the Market Town of Nether Knutsford, to the Turnpike Road between Northwich and Altringham, near the Tan Yard in the Occupation of Joſeph Oldham, in Nether Tabley, in the ſaid County, is in a very ruinous Condition, and in many Places narrow, incommodious, and dangerous to Travellers; and the ſame cannot be effectually repaired and widened by the preſent Methods preſcribed by Law: May it therefore pleaſe Your Majeſty, that it may be enacted; Preamble.

enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable James Cholmondeley, commonly called Lord Malpas; the Right Honourable Henry Bellasyse, commonly called Lord Bellasyse; the Right Honourable Stanhope, commonly called Lord Petersham; the Honourable Booth Grey, the Honourable John Grey, the Honourable Richard Barry, the Honourable Arthur Barry, the Honourable John Smith Barry, Sir Thomas Stanley, Sir Peter Warburton, Sir Henry Mainwaring, Sir Richard Brooke, Sir John Chetwode, Sir William Meredith, Sir Peter Leicester, Baronets; Sir George Warren Knight of the Bath, Henry Aston, Thomas Asheton, John Arden, John Astley, Thomas Asheton junior, John Arden junior, Richard Arden, Peter Brooke, Thomas Booth, Richard Wilbraham Bootle, John Byrne, Brooksbank, John Crewe, Thomas Cholmondeley, William Clowes, George Clarke, Richard Davenport, Thomas Davenport, Samuel Egerton, Philip Egerton, George Eaton, Samuel Finney, John Glegg, John Glegg junior, George Heron, George Heron junior, Peter Heron, Samuel Harrison, Strethill Harrison, John Houghton, Henry Howorth, Thomas Hall, Hugh Hayward, Joseph Jackson, Peter Legh of Booths, Charles Legh, Peter Legh of Lime, George Legh, Thomas Legh, Ralph Leycester, George Leycester, Ralph Leycester junior, Henry Cornwall Legh, Willoughby Legh, John Leigh, Harry Lankford, George Lee, Roger Mainwaring, John Mainwaring, James Massey, Richard Pennant, Thomas Pickering, Thomas Ravenscroft, George Robinson, William Tatton, William Tatton junior, Thomas Tatton, Henshaw Thornicroft, Randle Wilbraham, William Wright, Lawrence Wright, Thomas Willis, Joseph Brereton, Domvile Halsted Clerk, Joseph Hadfield, Egerton Leigh, Theophilus Meredith, Peter Mayer, Ralph Nicholson, John Parker, Legh Richmond, Samuel Sanders, Henry Offley Wright, Joseph Ward, Clerks; John Antrobus, Edward Antrobus, John Brocklehurst, Richard Brooke, William Fallows, Samuel Glover, Thomas Gorst, John Hollins, Samuel Huxley, Jasper Hulley, John Hulley, John Hooley, Peter Hordern, John Holland, Ralph Leeke, Samuel Lankford, George Lowe, Matthew Mottershead, William Norton, Daniel Nixon, Thomas Orrell, Robert Orrell, Charles Potts, Charles

Trustees Names.

Potts junior, Charles Roe, John Robinson, John Ridgway, John Ridgway junior, John Stafford, William Stafford, John Stonehewer, John Skellorn, Thomas Skellorn, John Seddon, William Tomkinson, Samuel Wright, Samuel Wright junior, George Johnson, Charles White, Thomas Walker, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Trustees for surveying, ordering, amending, and keeping in Repair, the said Road, and also for putting this Act in Execution: And they the said Trustees, or any Five or more of them, are hereby impowered to cause to be erected and set up a Turnpike or Turnpikes, upon or across any Part or Parts of the said Road, for the Purpose of collecting the several and respective Tolls hereafter made payable; and also a Toll-house at or near each of the Places where such Turnpike or Turnpikes shall be erected; and from time to time to remove or alter the same, as they the said Trustees, or any Five or more of them, shall think expedient. And the Right and Property of all the said Turnpikes and Toll-houses, which shall be erected by virtue of this Act, and the Materials for building the same, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers; or to prefer, or cause to be preferred, Bills of Indictment, against any Person or Persons who shall disturb or injure them in the Possession thereof, or take, retain, or hold Possession thereof respectively, after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Trustees may erect Turnpikes and Toll-houses.

Turnpikes, &c. vested in Trustees.

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

Trustees may demand the following Tolls.

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

The Tolls.

For every Chaise, Chair, Calash, or Cheatle, drawn by One Horse, or other Beast, the Sum of Three Pence.

For every Waggon, Wain, or other Carriage, with Four Wheels, loaden with or going for, or returning unloaden, after having delivered any Lime, Coals, or Cannel only, betwixt the First Day of May and the Twenty ninth Day of September, drawn by Four or more Horses, or other Beasts of Draught, the Sum of One Shilling only:

For every Waggon, Wain, or Cartiage, with Four Wheels, except as aforesaid, the Sum of One Shilling and Six Pence.

For every Cart, or other Carriage, with Two Wheels, loaden with or going for, or returning unloaden, after having delivered any Lime, Coals, or Cannel only, betwixt the First Day of May and the Twenty ninth Day of September, drawn by Four Horses, or other Beasts of Draught, Eight Pence; and by Three Horses, or other Beasts of Draught, Four Pence; and by Two Horses, or other Beasts of Draught, Three Pence; and by One Horse, or other Beast of Draught, Two Pence:

For every Cart or other Carriage, with Two Wheels, except as aforesaid, drawn by Four Horses, or other Beasts of Draught, Ten Pence; and by Three Horses, or other Beasts of Draught, Six Pence; and by Two Horses, or other Beasts of Draught, Four Pence; and by One Horse, or other Beast of Draught, Three Pence.

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

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and all Monies to be raised by the said Tolls shall be and are

Tolls vested in Trustees.

are hereby vested in the said Trustees; and shall be paid, applied, disposed of, or assigned to and for the several Uses and Purposes, and in such Manner as is hereinafter mentioned: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons, appointed as aforesaid, to levy the Toll hereby required to be paid, upon such Person or Persons so neglecting or refusing as aforesaid, or to deny or hinder him, her, or them, from any Passage through the said Turnpike respectively, until Payment thereof; which said Tolls shall and may be levied by Distress of any Horse or Horses, or other Cattle, upon which such Toll is by this Act imposed, or upon any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same: And all such Horses, Cattle, or Goods, may be detained until such Toll, with the reasonable Charges of such Distress, shall be paid; 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 Five Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Cattle or Goods so distrained; returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, and also of such Sale, shall be deducted.

Tolls may be levied by Distress and Sale.

Distress may be sold after 5 Days.

Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any of the Tolls aforesaid more than Once for passing or repassing at any Time or Times in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with the same Cattle or Carriage, loaden with the same Goods, or being empty, or unloaden, (Cattle and Carriages loaden with Lime, as herein after mentioned, excepted) through all or any of the Turnpikes to be erected by virtue of this Act; but that all and every such Person and Persons, after having paid Toll Once, and producing a Note or Ticket denoting the Payment of such Toll, shall afterwards pass with such Cattle or Carriage as aforesaid Toll free, during the Remainder of the Day in which such Toll shall be paid; and that all Cattle and Carriages which shall pass loaden with Lime, or shall pass loaden with any other Commodity, or empty, and return loaden with Lime in the same Day, through all

Toll to be paid but Once a Day;

except Cattle and Carriages loaden with Lime.

all or any of the said Turnpikes shall, after the Payment of One Toll for such passing, be permitted to return Toll free, in case such Return shall be on the same Day on which such Toll is paid, upon producing and delivering to the Collector of such Tolls a Note or Ticket denoting the Payment of the Toll; and every such Cattle and Carriage shall be subject to the Payment of One Toll for every Time such Cattle or Carriage shall pass, after having passed and returned as aforesaid; it being the true Intent and Meaning of this Act, that no such Cattle or Carriage shall pass and return more than Once for the Payment of One Toll; all which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Toll.

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

And be it further enacted, That if any Person or Persons shall, with any Horse or other Cattle, Coach, Waggon, or other Carriage, pass through any Land, Ground, Gate, Passage, or private Way, adjoining or lying near to any Turnpike to be by virtue of this Act erected; or if any Owner or Occupier of any Land, Ground, Gate, Passage, or private Way, which shall adjoin or lie near to any such Turnpike, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse or other Cattle, or any Coach, Waggon, or other Carriage, to pass through the same, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall give to, or receive from, any Person or Persons, or forge, counterfeit, or alter, any Ticket herein before directed to be given by the Collectors of the said Tolls, with an Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly or wilfully pass through any such Turnpike, with any Horse or other Cattle, without Payment of Toll, or producing such Ticket as aforesaid, or unload, or cause to be unloaden, any Sort of Goods, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave, or cause to be left, upon or near to any Part of the said Roads, any Carriage, Horse, or other Cattle, with such Intent as aforesaid, or shall knowingly interrupt or obstruct any Person or Persons employed in the collecting or receiving any of either of the said Tolls, or otherwise, in the Execution of his, her, or their Office or Offices of Receiver or Collector; every Person so offending shall, for every such Offence, forfeit the Sum of Twenty Shillings, One

or taking off Horses, &c.

Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied; And it shall and may be lawful for the Receivers or Collectors, and for every of them, and all other Persons by them required to assist in that Respect, to seize any Horse or Horses, Cattle or Goods, belonging to, or in the Possession, or under the Care of any Person or Persons so offending in the Premisses, and the same to take before any Justice of the Peace of the County or Place where such Offence or Offences shall be committed, and before him to make Complaint of such Offence or Offences; and such Justice may and is hereby required to inquire into the same, as well by Examination of the Party or Parties, as by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby impowered to administer, without Fee or Reward) and if the said Justice shall see Cause, to convict the Party or Parties complained of in the Penalty aforesaid; and for Non-payment thereof, and of the Tolls that shall be due, (though the same shall not be demanded) by Warrant under his Hand and Seal, to cause the said Horse or Horses, Cattle or Goods, to be sold for Payment of the said Tolls and Penalties, and the Charges of seizing and keeping the same, and of such Sale; rendering the Overplus, if any there shall be, to the Owner or Owners of the said Horse or Horses, Cattle or Goods, or to the Person or Persons under whose Care or in whose Possession they respectively was or were when so seised as aforesaid; and if no such Seizure as aforesaid can or shall be paid, then the aforesaid Penalties and Tolls shall be levied and recovered by such Means, and applied in such Manner, as by this Act is directed for the Levying, Recovery, and Application, of Penalties and Forfeitures.

Trustees impowered to compound.

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

Power to erect Side Bars.

And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them,

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

No Bars to be set up in particular Parts of the Road.

Provided always, That no Turnpike shall be erected by virtue of this Act, across, or upon the Side of, or across any Lane or Way leading into that Part of the said Road, which lies between the Cross at Broken Cross and the said Place called the Long Moss in Macclesfield aforesaid; nor across or upon the Side of any Part of the Road now or hereafter to be made, between Nether Knutsford aforesaid and the said Turnpike Road between Northwich and Altringham aforesaid.

Exemptions from Toll.

Provided also, and it is hereby declared, That no Toll shall be demanded or taken for any Carriage, Horse, or Cattle, loaden with, or passing empty or unloaden for, or returning the same Day empty or unloaden, after having been loaden with Gravel, Stone, or other Materials for repairing the said Road, or any other Road in any of the Townships in which the Road hereby directed to be repaired, or any Part thereof, doth lye, or in any of the next adjoining Townships; nor for any Carriage loaden with, or passing empty or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with Grass, Hay, Straw, Corn in the Straw only, or Turves, Heath, or Furze for Fuel, to be produced from the Lands, Grounds, and Moss-rooms, and to be laid up in the Houses, Barns, or Out-houses, or to be set or stacked upon any Part of the Lands or Premisses of the respective Inhabitants, Landowners, or Landholders, in any of the said Townships; such Turves, Heath, or Furze, being for their own private Use and Consumption in the Township where any such Turnpike shall be erected, or in any of the next adjoining Townships; or for any Ploughs, Harrows, or Implements of Husbandry, or for any Carriage loaden with, or passing empty or unloaden for, or returning on the same Day empty or unloaden, after having been loaden with any Mould, Marl, or Dung, for manuring and improving of Lands in the said several Townships; nor for any Horse, or other Cattle or Sheep, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or in any of the Lands within any such Township; nor for any Cattle or Carriages belonging to the Inhabitants of such Township,

ship, passing to the Smith's Shop in order to be shod or repaired, or for the Return of such Cattle or Carriages; or for any such Cattle or Carriages going or returning to or from the Corn Mill with Corn, Grain, Meal, or Flour, for the Owners own Use and Consumption in his own Dwelling-house, and not for Sale, and not exceeding One Horse Load at any One Time, or on the same Day; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or publick Place of Divine Worship, or visiting his sick Parishioners; nor from any Persons going to or returning from their own Parish Church, or other Place of Divine Worship, on Sundays, or Prayer Days; or for any Hearse or Carriage conveying, or Persons attending, any Corpse to be buried or interred at such Church or Place of Worship, or returning from the same; nor from any Persons going to or returning from any Election of a Member or Members to serve in Parliament for the County of Chester, during the Time of or on the Day before or Day after such Election shall begin or be concluded; nor for any Post Horse carrying the Mail or Packet; or for the Horses of Soldiers passing who are upon their March, or for Waggons, Wains, Carts, or Carriages, attending them; or for Horses or Carriages travelling with Vagrants sent by lawful Passes, or Prisoners sent to Goal or House of Correction, or returning after having been so employed. Exemptions from Toll

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

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

And be it further enacted, That the said Trustees shall hold their First Meeting at the House of Richard Hancock, known by the Sign of The George, in Nether Knutsford aforesaid, upon the Forty second Day after the passing of this Act; and at their First or any subsequent Meeting, any Five or more of them shall and may, by Writing under their Hands and Seals, elect Time and Place of Trustees Meeting.

and

Trustees may appoint Officers.

and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act; and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit; and also a Surveyor or Surveyors to view the Condition of the said Road, and see that the same be repaired, and that the Money to arise by virtue of this Act be duly applied; and also such other Officers as they the said Trustees, or any Five or more of them, shall think proper: and also may from time to time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion, and shall and may in like Manner appoint new Ones in case of Death or such Removal; and the said Trustees, or any Five or more of them, shall and may, out of the Money arising by the said Tolls, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or other Officers, so appointed, for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Road to be amended and repaired, by advancing, lending, or laying out any Monies, or otherwise relating thereto, as to them shall seem good; and the Treasurer and Treasurers, and all other Persons appointed as aforesaid, and employed in the Receipt or Expenditure of any of the Monies to arise by virtue of this Act, shall, upon their respective Oaths, if thereunto required by the said Trustees, or any Five or more of them (which Oaths the said Trustees, or any Five or more of them, are hereby impowered to administer), on the First Thursday in August yearly, or oftener, if thereto required by the said Trustees, or any Five or more of them, produce and give up to such Trustees, full, true, and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, or how, to whom, and for what Purposes, such Monies, and every Part thereof, have or hath been disposed of or applied, together with proper Receipts and Vouchers of such Payments; and shall and are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands, to the said Trustees, or any Five or

Treasurer to give Security.

Officers may be removed, &c.

Trustees may allow Officers Salaries.

Officers to account upon Oath.

more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, shall direct and appoint: And if any such Officer or Person, being required so to do, shall refuse or neglect to render and give up, or to verify upon Oath, any such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees, or any Five or more of them, the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands; then, and in any or either of the said Cases, it shall be lawful upon the Complaint of any Five or more of the said Trustees, for any One Justice of the Peace for the County where such Officer or Person shall be or reside, and such Justice is hereby required to make Enquiry concerning such Default, as well by Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice is hereby impowered and required to administer, without any Reward) and upon Conviction, such Justice shall commit every such Officer or other Person so convicted to the Common Gaol of the said County of Chester, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify the same as aforesaid, and make such Payment as aforesaid, or until he shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid such Composition-money to the said Trustees, or their Treasurer; which Composition the said Trustees, or any Five or more of them, are hereby impowered to make.

Penalty on refusing to account.

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

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

And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to be appointed by virtue of this Act, and such Person or Persons as he or they shall employ, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, and other Materials for Repair of the said Road, out of any Waste or Common Lands, Rivers, or Brooks, of or in any Parish, Town, Village, or Hamlet, in or near which the said Road, or any Part thereof, doth lie (except Stones from Quarries open and in working) without paying

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

without paying for the same;

paying any thing for the same, but levelling and filling up, or fencing about the Holes or Pits made by getting such Gravel, Stones, and other Materials, in such Manner as the said Trustees, or any Five or more of them, shall judge reasonable: And it shall also be lawful for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, in Writing, to dig or gather any such Materials in or upon the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Nursery, planted Walk or Walks, or Avenue to a House) and from time to time to carry away any Materials which shall have been dug or gathered by virtue of this Act, over or through any such private Grounds as aforesaid, paying such Rates for such Materials to the Owner or Occupier of the Ground where such Materials shall be dug or gathered, and through or over which the same shall be conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference between such Owner or Occupier and the said Trustees, touching such Damages, the Justices of the Peace, at any General Quarter Session to be holden within the Space of Six Months after such Difference shall arise, in and for the said County of Chester, may and shall adjudge, assess, and finally determine the same.

levelling the Pits;

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Penalty on taking away Materials, &c. got by Order of the Surveyors.

Provided always, and be it further enacted, That in case the Owner of the Soil, or Occupier of the Ground where such Materials shall be dug or gathered, or any other Person or Persons, shall, at any Time, take or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any such Surveyor or Surveyors, or Person or Persons employed by him or them, hath or have got or gathered, or dug out of any Waste or Common Land, River, or Brook, or Private Ground, for the Purpose of repairing the said Road, or any Part thereof; or shall dig, gather, get, take, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days; except the Owner or Occupier of such Private Ground, for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier

cupier only, and not for Sale; every Person and Persons, so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted, That it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, in Writing, and any Person or Persons employed by such Surveyor or Surveyors, to make Causeways and Drains in the said Road, and through any Grounds lying contiguous thereto, and to erect and keep in Repair Arches of Brick, Timber, or Stone thereupon; and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Commons or Waste Grounds contiguous and adjoining thereto, or through which the said Road does now pass; and also to cause Ditches and Trenches to be made in such Places, and in such Manner, as the said Trustees, or any Five or more of them, shall adjudge necessary, for the better amending and keeping the said Road in good Repair; and also to make a Road through the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not being the Ground whereon any House or Building stands, Garden, Orchard, Yard, or Avenue to a House, Plantation, or Nursery of Trees) to be made use of by all Passengers with Horses, Cattle, and Carriages, or otherwise, as a Publick Highway, whilst the old adjacent Road is repairing or widening, or until the same shall be convenient and safe for Passengers and Carriages; making such reasonable Satisfaction to the Owner or Occupier of such Ground, through which any such Ditch, Drain, Trench, Arch, Bridge, or other occasional Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as the said Trustees, or any Five or more of them, shall think reasonable: And in case of any Difference concerning the same, the Justices of the Peace, at any General Quarter Session to be holden within the Space of Six Calendar Months after such Difference shall arise, for the said County wherein such Damage shall or may happen, shall and may adjudge, assess, and finally determine the same.

and make a temporary Road.

making Satisfaction to the Owners.

Justices to determine Differences.

Trustees may contract for the Purchase of Lands to be laid into the Road.

And be it further enacted, That in case the said Trustees, or any Five or more of them, shall think proper to widen the said Road, or any Part or Parts thereof, beyond the Width required and directed by the Laws now in being, and not exceeding the Width of Thirty six Feet, turn or alter any Part of the said Road, it

shall

shall and may be lawful for such Trustees, or any Five or more of them, from time to time, to purchase any Lands or Grounds lying contiguous or near to any Part of the said Road; and out of the said Tolls, or any Money to be borrowed on the Credit of such Tolls, to pay for such Lands or Grounds, and all the Charges attending such Purchase: And it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands or Grounds, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat for the Sale of Lands;

And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands or Grounds, upon Notice to him 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 Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Grounds intended to be taken in and added to any Part of the said Road, or through which any Part of the said Road shall be intended to be turned as aforesaid, shall, for the Space of Thirty Days after such Notice given or left as aforesaid, 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 or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County, liable to serve upon Juries, wherein such Lands or Grounds are situate, (which Oaths any Five or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained

Jury to settle the Damage and Recompence.

by

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

Witnesses may be summoned and examined upon Oath.

Verdict of the Jury to be final.

Trustees to issue their Warrant to the Sheriff to impannel a Jury.

to be sworn, Twelve, who shall be the Jury for the Purpose aforesaid; And for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jury may be challenged.

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

Penalty on Sheriff, &c. making Default.

Fine not to exceed 10 *l.*

Expences of the Jury how to be borne.

And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged upon the Tolls by this Act granted, or upon the Monies to be borrowed upon the Credit of such Tolls, and shall be paid accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and, in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the time being, for the Use of such Person; and after Thirty Days Notice thereof given to such Persons, or left with the Occupier or Occupiers of the Premisses; it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, or add to such Road, such Lands or Grounds, and to do all and every such Act, Matter, and Thing, with relation to such

Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and such Lands or Hereditaments so taken into and made Part of the said Road, shall be deemed and taken to be, and shall be, to all Intents and Purposes, a Publick and Common Highway, and shall be repaired, and kept in Repair, by such Ways and Means as the Road hereby appointed to be repaired and widened is by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road, unless the same leads to some other Village, Town, or Place, shall be vested in, and shall and may be sold and conveyed by, the said Trustees, or any Five or more of them, for the best Price that can be got for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the said Road are directed to be applied. Old Road to be sold.

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

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

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at any Meeting to be held in pursuance of this Act, from time to time, to assign over or mortgage the said Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security for any Sum or Sums of Money to be borrowed, with Interest for the same, Tolls may be assigned for Money borrowed.

to

to such Person or Persons, or their Trustees, who shall advance the same by the following Words of Assignment, under their Hands, or by any other Words for that Purpose:

Form of Assignment.

BY virtue of an Act made in the Ninth Year of the Reign of His Majesty King *George* the Third, to repair and widen the Road from the *Broken Cross* in *Macclesfield*, in the County of *Chester*, over the *Long Moss* and *Monks Heath*, to the Turnpike Road in *Nether Tabley*, in the said County; and for turning and exchanging Part of the said Road:

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

Assignment to be entered in Book.

Clerk's Fee.

All Creditors deemed equal in Degree.

And all and every Person and Persons to whom the said Trustees, or any Seven or more of them, shall at any Time make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Re-payment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so borrowed, shall be applied in the first Place in discharging such Part of the Expences incurred in, and in relation to the obtaining of this Act, as herein is mentioned, and afterwards in such Manner as the Tolls are directed to be applied, and to no other Use or Purpose. And Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be perused at all seasonable Times, by all Persons whomsoever, without

Entries to be made of all Assignments.

out Fee or Reward; and all and every Person or Persons to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from time to time, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect:

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

Witness, *G. H.* *A. B.*

Form of Transfer.

Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the Original Assignments; for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees, or any Seven or more of them, shall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after such Entry made, but not till then, every such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignees may in like Manner assign again, and so toties quoties: And in case any Sums so assigned shall not exceed the Sum of Fifty Pounds, it shall and may be lawful to and for the respective Person or Persons then intitled to such Assignment respectively, and by Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property, in such Assignment or Assignments, to any other Person or Persons, without any Entry to be made thereof in the said Book or Books to be kept for entering the said Original Mortgages or Assignments; and all such Transfers and Assignments shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign and transfer the same again, and so toties quoties;

Assignments to be entered in Books.

Clerk's Fee.

quoties; and it shall not be in the Power of such Person or Persons who shall have made such Assignment respectively, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; but no Money shall be borrowed on the Credit of the said Tolls, unless Notice be for that Purpose fixed in Writing under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpikes to be erected by virtue of this Act, or upon the Sessions House in the Town of Nether Knutsford aforesaid, and inserted in some publick News Paper or News Papers, at least Fourteen Days before the borrowing of such Money.

Notice to be given of borrowing of Money.

Proceedings to be entered in a Book.

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

Trustees may vary the Tolls.

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

Commencement and Continuance of this Act.

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

And

And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, on Notice in Writing to be fixed on all the Turnpikes which shall be then erected, and at the Sessions House in Nether Knutsford aforesaid, of their Intent to lett the said Tolls, or any Part, at least Twenty Days before their Meeting for such Purpose; and from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls, or any Part or Parts thereof, to any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Price that can be got for the same, payable at such Times and under such Covenants as they the said Trustees, or any Seven or more of them, shall direct or appoint; which Monies so to be paid shall be applied as the said Tolls are directed to be applied; provided that such Lettings or Agreements be signed by the Person or Persons taking or farming such Tolls: And that if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act; then every such Letting and Agreement shall be void; and the Person or Persons to whom the said Tolls shall be let, shall be liable to account for the same, and to have the same levied and recovered upon and of him and them, in the same Manner as is by this Act directed for the accounting for the said Tolls by the Collectors thereof, and for the levying and recovering the same upon and of them.

Trustees may lease, &c. the Tolls.

Notice to be given of Letting.

Proceedings to be entered in a Book.

Trustees may vary the Tolls.

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

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

And be it further enacted, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be elected, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, from time to time, to elect and appoint a Person living in the County of Chester to be a Trustee in the Room of every such Trustee so deceased or refusing to act; Notice of the Time and Place of Meeting for such Election being given by the Clerk or Clerks to the said Trustees, to be affixed at or on all the Turnpike-gates that shall then be erected by virtue of this Act, and also on the Sessions

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

Sessions House in Nether Knutsford aforesaid, at least Fourteen Days before such Election; and all Persons so elected and appointed shall and may, and are hereby impowered to act to all Intents and Purposes in as full, large, and ample Manner as if they had been named Trustees in this Act.

Place of Meeting of the Trustees.

And be it further enacted, That the several Meetings of the Trustees for the Purposes of this Act shall be held at some convenient Publick House in the Market Town of Nether Knutsford aforesaid; and the said Trustees, or any Five or more of them, may adjourn themselves, from time to time, and meet as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear a sufficient Number of Trustees to act at any such Meeting, and to adjourn to another Day, the Clerk to the said Trustees shall, from time to time, as often as such Case shall happen, by publick Notice in Writing to be affixed on all the Turnpikes upon the said Road, and on the Sessions House in Nether Knutsford aforesaid, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in Nether Knutsford aforesaid, on that Day Fortnight from the Day on which such Meeting was appointed to have been held; and that the Trustees at their Meetings shall defray their own Charges.

Clerk may adjourn Meetings in certain Cases.

Trustees to defray their own Expences.

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

3 Trustees sufficient for Adjournment.

7 Trustees may call an extraordinary Meeting.

Provided

Provided likewise, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act in Execution, during the Time of his holding any Place of Profit under this Act. Trustee not to accept a Place of Profit.

Provided also, and be it further enacted, 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 and Enjoyment of Lands, Tenements, and Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes; and if any Persons not being so qualified shall presume to act contrary to the true Intent and Meaning hereof, every Person for such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin or Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act. Qualification of Trustees. Penalty on acting if not qualified.

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

shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and One Moiety of such Forfeiture shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein after directed to be applied.

Sir *Peter Leicester's* Road.

And whereas Sir Peter Leicester of Nether Tabley, in the said County of Chester, Baronet, hath agreed to pay One Moiety of the Expences attending the passing of this Act, on his being impowered to turn the Road as hereafter mentioned; be it therefore further enacted, That it shall and may be lawful to and for the said Sir Peter Leicester, his Heirs and Assigns, and he and they is and are hereby required, at his and their own proper Costs and Charges, to make a new Road from the present Highway in Sudlow within Over Tabley in the said County of Chester, leading from Nether Knutsford aforesaid to Northwich aforesaid, at or near a certain Barn, called the Highfield Barn, now in the Occupation of John Forrest, through and over the several Fields or Closes called the Highfield, the Sudlow Hey, the Wangfield, the Cowfield, the Mark Croft, the Great Buddeley, the Buddeley Meadow, the Cockersley, the Further Brookfield, the Nearer Brookfield, the Further Sandfield, the Nearer Sandfield, the Meadow and the Wellfield respectively, being the Inheritance of the said Sir Peter Leicester, and now in the several Holdings or Occupations of the said John Forrest, and of John Hickson, John Wright, and John Holbrooke, or their respective Assigns or Under-tenants; and also over and across a certain Lane adjoining to the said Wellfield, and through and over an Orchard, being also the Inheritance of the said Sir Peter Leicester, and in the Occupation of Richard Smith, into the said Turnpike Road between Northwich and Altrincham aforesaid; and which said new Road shall be Thirty six Feet broad at the least; and shall be fenced, ditched, and separated, from the adjoining Lands or Grounds, and afterwards made and compleated in a proper Manner, so that the same may be commodious for the Passage of Carriages, Horses, or Foot Passengers, with a Cart, Causeway, or Pavemennt, of a sufficient Breadth where necessary; and that immediately after the fencing out, making, and compleating, such new Road in Manner aforesaid, the same shall be viewed and approved by Seven or more of the said Trustees, who shall certify their Approbation thereof; and such Certificate, signed by them, shall be entered by the Clerk or Clerks in a Book or Books to be kept for the Entry of Proceedings had and done in pursuance of this

Act; and from and after the granting and entering of such Certificate, and such Payment made by the said Sir Peter Leicester, his Heirs or Assigns, of One Moiety of the Expences of passing this Act, pursuant to the said Agreement as aforesaid, the said Road so set out, made, and compleated as aforesaid, shall be deemed and taken to be Part of the Road intended to be made good and repaired by virtue of this Act; and the Ground and Soil of the present Road, from the End of a certain Lane leading from Sudlow aforesaid to the Township of Plumbley in the said County, near a Brook there called Merryman's Brook, to the Turnpike Road between Northwich and Altrincham aforesaid, near the said Tan Yard in the Occupation of the said Joseph Oldham, and the Paving Stones, Bridge, and other Materials therein, shall be from thenceforth vested in the said Sir Peter Leicester, his Heirs, and Assigns, for ever, in lieu of and Exchange for such new Road to be made, laid open, compleated, and approved of as aforesaid, and shall and may be by him or them stopped up, and converted to his or their own Use or Uses, as Part of his and their Estate; any Thing herein contained to the contrary in any wise notwithstanding.

And whereas the said Road between Merryman's Brook and the said Turnpike Road near Oldham's Tan Yard aforesaid lies in the Township of Nether Tabley aforesaid, and the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in the said Township of Nether Tabley, are now liable to repair the same; and the said intended Road between John Forrest's Barn and Richard Smith's Cottage, when made, will lie wholly in the Township of Over Tabley aforesaid; be it therefore further enacted, That from and after the compleating the said intended Road between John Forrest's Barn and Richard Smith's Cottage aforesaid, and the Stoppage of the said Road between Merryman's Brook and Oldham's Tan Yard aforesaid, the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in the said Township of Nether Tabley, in Consideration of their being discharged from the Repair of the said Road between Merryman's Brook and the said Turnpike Road near Oldham's Tan Yard aforesaid, shall be liable to the Repair of so much of the said Road between John Forrest's Barn and Richard Smith's Cottage aforesaid, as shall be within the Distance of Seven hundred Yards from Richard Smith's Cottage aforesaid, and to do Statute-duty thereon, in like Manner as if the same lay within the Township of Nether

Inhabitants of *Nether Tabley*, liable to the Repair of a certain Portion of the Road between *Forrest's* Barn and *Smith's* Cottage.

Nether Tabley aforesaid, and as they are now liable to the Repair of, and to do Statute-duty in, other Highways in the said Township of Nether Tabley; and that the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in the said Township of Over Tabley, shall, from thenceforth, be liable to the Repair of the Remainder of the said intended Road between John Forrest's Barn and Richard Smith's Cottage aforesaid, and to do Statute-duty thereon, in like Manner as they are now liable to the Repair of, and to do Statute-duty in, the other Highways in the Township of Over Tabley aforesaid.

Application of Penalties, &c.

And be it further enacted, That as well the Monies arising from the Tolls aforesaid, as also the Monies to be borrowed on the Credit thereof, shall be applied, in the First Place, in discharging One Moiety of the Expences and Charges incident to, and occasioned by, the obtaining of this Act, the other Moiety to be paid by the said Sir Peter Leicester, in Manner above mentioned; and the Remainder of such Tolls and Money shall be, from time to time, applied in erecting Turnpikes and Toll-houses, and repairing, widening, turning, and amending, the said Road, and paying the Principal and Interest of the Monies to be borrowed, and defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

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

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the amending and maintaining any Part or Parts of the said Road, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lie, and all other Persons liable to perform the Work commonly called Statute-work upon the said Road, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and occupied, and be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes,

Inhabitants to do Statute-work.

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

Parishes, and Places, in which any Part of the said Road doth lie, or in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Ten 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 the Statute-work shall be done by all such Persons, on such Parts of the said Road hereby intended to be repaired as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Five or more of them, or the said Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint, so that no more than Three Days Work shall be done by any One Person or Team on the said Road in One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of, such Persons are to do such Work upon any Part or Parts of the said Road, shall give publick Notice thereof to such Persons; and if any Surveyor, Churchwarden, or Overseer of the Poor for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required; every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any 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

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

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

Penalty on Persons not performing Statute-work.

not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Six Pence; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Road, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Road shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Trustees may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Road; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road in respect whereof such Composition-monies are paid: And all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Penalties to be recovered by Distress, &c.

And be it further enacted, That all Penalties and Forfeitures imposed by this Act, touching which no Provision is herein particularly made, shall be recovered and levied by Distress and Sale of the Goods and Chattels

of the Offender or Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of Chester, wherein such Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside; which Warrant or Warrants the said Justice or Justices is and are hereby impowered and required to grant, on the Information of One or more credible Witness or Witnesses, upon Oath (and which Oath the said Justice and Justices is and are hereby impowered and required to administer); and the Penalties and Forfeitures, when recovered, shall be applied for and towards the amending the said Road; and the Overplus raised by such Distress and Sale (if any shall be) shall, upon Demand, be returned to the Party whose Goods and Chattles shall be so distrained and sold, the reasonable Charges of such Distress and Sale (to be settled and allowed by the said Justice or Justices) being first deducted.

Persons aggrieved, may appeal to the Quarter Sessions.

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

Notice of Appeal to be given.

Judgement of the Court to be final.

Writings to be without Stamps.

Provided always, and it is further enacted, That no Assignment, Mortgage, Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or

or other Writing whatsoever, in or relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

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

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

And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

Form of Conviction.

County of Chester, } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County aforesaid [*or before us Trustees, nominated and appointed for putting in Execution the Powers contained in an Act of the Ninth Year of the Reign of His Majesty King* George *the Third, to repair and widen the Road from* Broken Cross *in* Macclesfield, *in the County of* Chester, *over the* Long Moss *and* Monks Heath, *to the Turnpike Road in* Nether Tabley, *in the said County, and for turning and exchanging Part of the said Road*] [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*]

Given under Hand and Seal, or Hands and Seals, the Day and Year aforesaid.

Conviction not to be quashed for want of Form,

Which said Form and Conviction, or any other Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or Order made touching any of the Matters aforesaid by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

nor removeable by *Certiorari*.

Contracts to be binding.

And be it further enacted, That all Contracts in Writing, entered into pursuant to any Order of the said Trustees, made at a Meeting of Five or more of them,

them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen, or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof: And the Sum of Money requisite for putting the said Road into such Condition and Repair, as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Distress not unlawful for want of Form,

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

nor the Parties distraining deemed Trespassers *ab initio*.

Limitation of Actions.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties grieved, or after Six Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *Chester*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead at his Election specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid; or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of Chester; then the Jury

General Issue.

shall find for the Defendant or Defendants; and upon such Verdict; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

Treble Costs.

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

FINIS.