Anno nono

Georgii III. Regis.

An Act for repealing ſo much of Two ſeveral Acts of Parliament made and paſſed in the Seventeenth and Twenty eighth Years of the Reign of His late Majeſty King *George* the Second, as relate to the Road from the End of the County of *Stafford* in the Poſt Road towards the City of *Cheſter*, through *Woor* in the County of *Salop* to *Nantwich* in the County of *Cheſter*, and from *Nantwich* to *Tarporley*, and from thence through *Tarvin* in the ſaid County of *Cheſter* to the ſaid City of *Cheſter*, and for more effectually repairing, widening, and ſupporting, the ſame Road; and alſo for repairing and widening the Road from *Northwich*, in the ſaid County of *Cheſter*, to the Croſs in *Tarvin* aforeſaid.

WHEREAS by Two ſeveral Acts of Parliament, One of them made and paſſed in the Seventeenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for more effectually repairing the Roads from *Coleſhill* in the County of *Warwick*, through the City of *Lichfield*, to *Stone* in the County of *Stafford*, and from thence to the City of *Cheſter*, and for amending other Roads therein mentioned; and the other of them made and paſſed in the Twenty eighth Year Preamble.

of the Reign of his said late Majesty, intituled, An Act for amending, altering, continuing, and making more effectual, Two Acts of Parliament made in the Second and Seventeenth Years of His present Majesty's Reign, for repairing the Roads from *Coleshill* in the County of *Warwick*, through the City of *Lichfield*, to *Stone* in the County of *Stafford*, and from thence to the City of *Chester*, and several other Roads in the said Acts mentioned; and for enlarging the Term, and Powers in the said several Acts; several Tolls and Duties were granted and made payable, and divers Powers were given for repairing and amending (amongst other Roads therein mentioned) the before mentioned Road from the End of the said County of Stafford to the said City of Chester: And whereas by reason of the many heavy Carriages passing through the said last mentioned Road, and the many deep, hollow, and narrow Ways in the same Road, and the Scarcity and Dearness of Materials necessary for the repairing thereof, and the great Extent of the same Road from the End of the said County of Stafford to the said City of Chester, being Twenty nine Miles and upwards; and by reason that there are disabling Clauses in the said Acts of the Seventeenth and Twenty eighth of his said late Majesty for erecting any Gate or Turnpike upon that Part of the same Road which lies betwixt Nantwich aforesaid and the said City of Chester, being Twenty Miles or thereabouts; it hath been found by Experience, that a sufficient Fund cannot be raised by the present Tolls and Duties for the effectual widening, repairing, and supporting, the said Road, from the End of the said County of Stafford to the said City of Chester, and for paying and discharging the Monies due and owing upon the Credit of the said Two last mentioned Acts, so far as the same relate to the said last mentioned Road: And whereas it is likewise found by Experience, that the said Two last mentioned Acts, so far as the same relate to the said last mentioned Road, are in many Respects defective and insufficient to answer the Purposes thereby intended: And whereas the said Road from Northwich in the said County of Chester, to the Cross in Tarvin aforesaid, is a Common Highway, and is in many Places out of Repair, and there are several deep hollow Ways in the said Road which are narrow and incommodious, so that the said last mentioned Road cannot be effectually amended, widened, and repaired, by the ordinary Course appointed by the Laws now in being: And whereas it is judged expedient, that so much of the said Two last mentioned Acts as relate to the said

Road from the End of the ſaid County of Stafford to the City of Cheſter, ſhall be repealed, and that a new Act ſhall be paſſed whereby ſuch Tolls and Duties ſhall be granted and made payable, and ſuch Powers, Authorities, and Proviſions made, given, and granted, as ſhall be ſufficient and effectual, as well for the completing, widening, keeping in Repair, and ſupporting the ſaid Road, from the End of the ſaid County of Stafford to the ſaid City of Cheſter, and paying and diſcharging the Monies due on the Credit of the ſaid Two laſt mentioned Acts, ſo far as the ſame relate to the ſaid laſt mentioned Road; as alſo for repairing and widening the ſaid Road from Northwich aforeſaid, to the Croſs in Tarvin aforeſaid: 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 ſo much of the ſaid Two laſt mentioned Acts, and of the Tolls, Duties, and Powers, thereby reſpectively given, granted, or made payable, and of every Matter, Clauſe, and Thing, therein reſpectively comprized, ſo far as relate to the ſaid Road from the End of the ſaid County of Stafford to the ſaid City of Cheſter, but no further or otherwiſe, ſhall, from and after the Twentieth Day of May, One thouſand ſeven hundred and ſixty nine, be, and the ſame are hereby declared to be, repealed, and made null and void to all Intents and Purpoſes whatſoever.

Repeal of 17 & 28 *Geo* II. ſo far as relates to the Road from the End of the County of *Stafford* to the City of *Cheſter*.

And be it further enacted by the Authority aforeſaid, That Henry Aſton, John Arden, John Arden the younger, Richard Pepper Ardern, Thomas Aſheton, John Aſtley, Thomas Aſhton the younger, Robert Alderſey, Eſquires; Nathan Alcock Doctor of Phyſick, Lawrence Adams, Samuel Alderſey, John Allen, Clerks; George Audley, Edward Antrobus, John Antrobus, Thomas Adams, John Audley, Robert Chadwick Aſhley, Gentlemen; Sir Thomas Charles Bunbury, Sir Thomas Broughton, Sir Richard Brooke, Baronets; the Honourable Richard Barry, Arthur Barry, John Smith Barry, James Smith Barry, Peter Brooke, John Brooke, Thomas Booth, Trafford Barnſton, Richard Wilbraham Bootle, John Byrne, Samuel Barrow, Robert Barnſton, Peter Broughton, Henry Ridley Bennet, James Bayley, William Bayley of Wiſtaſton, John Bayley, John Barrow, Owen Saliſbury Brereton, John Peploe Birch, Eſquires; Roger Barnſton, Joſeph Brewton, John Baldwin, Briggs of Waverton, Clerks; Richard Beckett, Thomas Brock,

Truſtees Names.

Brock, John Broadbent, John Brayne, William Baker, Robert Bridge, Robert Baxter, Thomas Baxter, Richard Brooke, Edward Burrows, Edmund Bolland, Holmes Burrows, Charles Boſwell, John Baldwin, John Bennett, John Ball, James Broadhurſt, Thomas Broomhall, Thomas Bowers, John Boughey, Peter Moore Barker, Matthew Bayley, Peter Bayley, Hankelow Bayley, Robert Brooke, Randle Brooke, Robert Bromley, Thomas Boroughs, Charles Bate, **Gentlemen**; **Sir** Lynch Saliſbury Cotton, **Sir** John Chetwode, **Sir** Robert Cunliffe, **Baronets**; **the Honourable** George Cholmondeley, **commonly called Lord Viſcount** Malpas; **the Honourable** James Cholmondeley, John Crewe **of** Crewe, Aſhton Curzon, John Crewe **of** Boleſworth Caſtle, Thomas Cholmondeley, Robert Saliſbury Cotton, Charles Crewe, Richard Crewe, Offley Crewe, William Cotton, Rowland Cotton, Lynch Saliſbury Cotton, Thomas Corbet, George Clarke, John Clarke, Roger Comberbach, Crewe Chetwoode, William Clowes, **Eſquires**; **the Reverend** Joſeph Crewe **Doctor in Divinity**, **the Reverend** Randle Crewe **Doctor of Laws**, George Cotton, Peter Cowper, **Clerks**; Smith Child *junior*, Daniel Cabinet, Richard Church, John Cheyney, William Cobbe, George Cobbe, Charles Clowes, Stephen Cawley, Robert Cawley, John Comberbach **of** Houghton, Ralph Capper, Thomas Cotgreave, William Corles, Edmund Cowper, John Cotgreave, Joſeph Crewe, James Comberbach, John Chamberlane, John Cheſhire, **Gentlemen**; Richard Davenport, Robert Daviſon, **Eſquires**; James Derbyſhire, Thomas Dickinſon, **Clerks**; John Darlington **of** Aſton juxta Mondrum, James Done, John Done, Thomas Done, Peter Dewſbury, John Derbyſhire, Joſeph Dyſon, Samuel Dobb, Hannett Dobb, Robert Dod, John Drake, William Dix, Alexander Denton, Abraham Darlington, Thomas Dicken, Samuel Davies, John Darlington **of** Brindley, **Gentlemen**; **Sir** Thomas Egerton **Baronet**, Samuel Egerton, John Egerton, Philip Egerton, George Eaton, **Eſquires**; Ralph Eddows **Clerk**, Alexander Elcock, John Eddows, Richard Endſor, Pattiſon Ellams, William Egerton, John Ellis, Thomas Everet, **Gentlemen**; Thomas Falconer, Robert Foulkes, William Farrell, **Eſquires**; William Falconer **Doctor of Phyſick**, John Finchett, James Ford, Charles Ford, John Furbett *junior*, Thomas Farrington, George Fairclough, Joſeph Flint, George French, John Furnival, Ralph Fox, James Fox, **Gentlemen**; **the Honourable** Booth Grey, **the Honourable** John Grey, **the Right Honourable the Lord Viſcount** Glenorchy, Thomas Groſvenor, Edward Peregrine Gaſtrell, John Glegg **of** Neſton,

John

John Glegg, John Glegg junior, William Grove, George Edward Genard, Esquires; John Gleave of Over, John Gleve of Swetenham, Clerks; Thomas Gorst, George Gibbons, Samuel Garnett of Nantwich, Samuel Garnett of Acton, Thomas Garnett, Thomas Griffith, Edward Griffith, John Dymock Griffith, Ralph Griffith, Edward Gastrell, Charles Goodwin, James Gilbert, Samuel Garnett of Sandbach, George Garnett, John Gresty, John Gresty junior, Robert Chadwick Gorst, Gentlemen; Sir Lyster Holt Baronet; George Hunt, Thomas Hunt, George Heron, George Heron the younger, Peter Kiffin Heron, Allen Holford, Hugh Hayward, John Houghton, Thomas Bayley Hall, Henry Hesketh, Robert Hesketh, John Hincks, Stretchill Harrison, John Hughes, Samuel Harrison, Henry Howarth, John Hincks, Esquires; the Reverend Doctor Charles Hervey, John Hagarth Doctor of Physick, Joseph Hatfield, Charles Henchman, Dumville Halstead, Clerks; Jonathan Hall, William Hewitt, Thomas Harwar, John Hollins, Robert Hincks, William Hall junior, William Hamilton, Ralph Hignett, John Hignett, Robert Hayes, Edward Harwood, Robert Herbert, Charles Hawker, Peter Hodson, Samuel Harding, John Hockenhull, Jeffrey Houghton, James Hunt, John Holford of Minshall, Thomas Hale of Faddeley, Gentlemen; Thomas Ince Esquire, Richard Jackson, Simon Jackson, William Inge of Brereton, Clerks; William Jenkes, Thomas Jenkes, Joseph Jackson of Baggaley, Joseph Jackson of Nantwich, Joseph Jackson junior, Gentlemen; the Right Honourable John Lord Viscount Kilmorey, Andrew Kenrick, Richard Kenrick, Lloyd Kenyon, Esquires; Smith Kelsall, Oldfield Kelsall, John Kelsall, Roger Kenyon, Thomas Knight, Randle Kent, Samuel Kent, John Kent, William Kent, Phillip Keay, Gentlemen; Sir Peter Leicester Baronet, Peter Legh of Lyme, Charles Legh, Peter Legh of Booths, George Legh, Henry Cornwall Legh, Thomas Legh, Ralph Leycester, George Leycester, Ralph Leycester junior, Robert Lawton, John Lawton, William Leche, John Leche, Edward Lloyd, John Leigh, Esquires; Ashburnham Leigh, Obadiah Lane, Egerton Legh, Samuel Lea, Thomas Leigh, Clerks; George Lowe, Richard Lathbury, Edward Lowndes, Ralph Leeke, John Lawton of Chester, John Larden of Tattenhall, William Lowndes, Thomas Lowndes, Gentlemen; Sir Henry Mainwaring, Sir Roger Mostyn, Sir William Meredith, Baronets; Roger Manwaring, Charles Mainwaring, John Manwaring, Richard Massey, Thomas Marsden, Richard Middleton Massey, James Massey, Peter Morgan, Esquires; Robert Moreton, William Massey, Millington Massey, Ro-

bert Maſſey, Roger Moſtyn, Edward Mainwaring, Hinton Maddocks, Clerks; Plant Maddocks, James Maddock, Roger Maddock, George Maſſey, Thomas Moulſon, Thomas Marſhall, Thomas Marſhall junior, Thomas Maſſie of Nantwich, John Moſs, John Mort, Gentlemen; the Honourable Thomas Needham, the Honourable Robert Needham, the Honourable Francis Needham, William Nelſon Clerk, Lawrence Norcop, Thomas Naylor, Edward Nicholls, William Church Norcop, John Oulton of Nantwich, Thomas Orrell, Thomas Oliver, Robert Orrell, John Orange, Richard Ollerhead, Gentlemen; Richard Pennant, Thomas Powys, William Weller Pepys, John Page, George Preſcott, Edward Parnell, Thomas Patten, Thomas Powell, Thomas Walley Partington, Charles Proby, Eſquires; Samuel Peploe LL.D. Chancellor of the Dioceſe of Cheſter, John Parker, Charles Proby, Clerks; William Penlington, William Pratchitt of Worleſton, Thomas Pratchitt of Nantwich, George Payne, Charles Potts, Charles Potts the younger, Edward Platt, Richard Platt, Thomas Page, John Parrot, John Poole, Elliſon Poole, Thomas Poole junior, Gentlemen; Thomas Ravenſcroft, Bagot Read, John Reade, Eſquires; Thomas Hylord Ravenſcroft, George Robinſon, Richard Richardſon, Joſeph Richardſon, Thomas Richardſon, Bagot Read junior, James Rowe of Hartford, Thomas Roylance, Gentlemen; Sir John Thomas Stanley, Sir Rowland Stanley, Baronets; John Stanley Maſſie, Peter Shakerley, Thomas Slaughter, Ralph Sneyd, Thomas Starkey, John Smith, Eſquires; William Smith D. D. Dean of Cheſter, Matthew Salmon, Samuel Saunders, Richard Selby, Clerks; Charles Salmon, William Salmon, Edward Salmon, Joſeph Whittingham Salmon, Ambroſe Sparrow, John Sparrow, Randle Stoneley, John Stafford, William Stafford, William Seaman, John Seaman, George Smith, John Seller, George Spurſtow, Hugh Speed, Gabriel Smith, Joſeph Snow, Joſeph Seller, Thomas Store, Richard Sutton, George Steele, Thomas Sunderland, Thomas Sutton, Gentlemen; Robert Townſend, George Tollet, Humphrey Trafford, William Tatton, Thomas Tatton, William Tatton junior, James Tomkinſon junior, John Townſend, Edward Townſend, Henſhaw Thornicroft, Eſquires; John Townſon, Tonman, Clerks; James Tomkinſon, William Tomkinſon, Henry Tomkinſon, Edward Tomkinſon, Robert Taylor of Cheſter, Charles Tollet, Thomas Tagg, James Turner, John Turner, Benjamin Turner, Robert Taylor of Nantwich, Richard Tonna, Walter Thomas, Gerrard Townſend,

ſend, Gentlemen; George Venables Vernon Eſquire, Ralph Vernon, Thomas Vawdrey, Samuel Vernon, Daniel Vawdrey, Henry Vigars, Gentlemen; Sir Peter Warburton Baronet, Sir George Warren Knight of the Bath, George Wilbraham, Randle Wilbraham, Richard Whitworth, Nathaniel Wetenhall, Roger Wilbraham, Thomas Wilbraham, William Wright, Burdet Worthington, Peter Walthall, William Watkis, Joſeph Widdens, Francis Wardle, John Walſh, John Williams, Bennet Williams, Eſquires; Edward Weaver M. D. Henry Offley Wright, Thomas Wetenhall, Richard Williams, Woolwright, Samuel Williamſon, Abel Ward, Clerks; John Worthington, Lawrence Wright, John Windſor, John Wilſon of Sandbach, Thomas Wickſted, Thomas Mainwaring Wilding, Hugh Whiſhaw, William Widdens, George Woodhouſe, Richard Wrench, William Walley, Samuel Wright, Samuel Wright the younger, Iſaac Wood, James Whitehead, Richard Weſton, Edward Wrench, William Wrench, John Wrench, Francis Welles, John Welles, William Whitehead, Richard Wedgewood, John Watſon, Iſaac Wood, Gentlemen; William Yoxall, Thomas Yoxall, and Robert Younge, Gentlemen; and their Succeſſors, to be elected in the Manner herein after mentioned, ſhall be, and are hereby appointed Truſtees for amending and keeping in Repair the ſaid Road from the End of the County of Stafford to the City of Cheſter; and alſo the Road from Northwich to the Croſs in Tarvin, in the ſaid County of Cheſter, and for putting this Act, and all the Powers thereof, in Execution, for the Purpoſe of amending and repairing the ſaid Roads.

And be it further enacted by the Authority aforeſaid, That ſo much and ſuch Part of the ſaid Road, leading from the End of the ſaid County of Stafford to the ſaid City of Cheſter, as lies betwixt the End of the ſaid County of Stafford and One hundred Yards of the Eaſt End of a certain Smithy, called Duddon Smithy, in Clotton in the ſaid County of Cheſter, ſhall be, and is herein after called the Firſt Diſtrict of the ſaid Roads hereby intended to be repaired and widened; and that ſo much and ſuch Part of the ſaid Road, leading from Northwich aforeſaid to the Croſs in Tarvin aforeſaid, as lies betwixt Northwich aforeſaid and the Guide Poſt upon Delamere Foreſt in the ſaid County of Cheſter, near Kelſhall Hill in the ſame County, ſhall be, and is herein after called the Second Diſtrict of the ſaid Roads hereby intended to be repaired and amended; and that ſo much and ſuch reſpective Parts of the ſaid ſeveral and

First Diſtrict.

Second Diſtrict.

Third Diſtrict.

respective Roads leading from the End of the County of Stafford aforesaid to the said City of Chester, and from Northwich aforesaid to the Cross in Tarvin aforesaid, as respectively lie betwixt the West End of the said First District and the said City of Chester, and betwixt the said Guide Post upon Delamere Forest aforesaid and the Cross in Tarvin aforesaid, shall be, and are herein after called the Third District of the said several Roads hereby intended to be repaired and widened.

Times and Places of Trustees Meeting, for the First District;

And be it further enacted by the Authority aforesaid, That the Trustees for putting this Act in Execution, or any Five or more of them, shall meet together at the Dwelling-house of Thomas Woodward, known by the Sign of the Crown, in Nantwich aforesaid, on Monday the Twenty second Day of May, in the Year of our Lord One thousand seven hundred and sixty nine, for putting all the Powers of this Act in Execution in relation to that Part of the said Road hereby intended to be repaired and widened which lies within the said First District; and that the said Trustees, or any Five or more of them, shall meet together at the Dwelling-house of Charles Maltus, known by the Sign of the Crown, in Northwich aforesaid, on Wednesday the Twenty fourth Day of the said Month of May, for putting all the Powers of this Act in Execution in relation to that Part of the said Road hereby intended to be repaired and widened which lies within the said Second District; and that the said Trustees, or any Five or more of them, shall meet together at the Dwelling-house of Margaret Whitby, known by the Sign of the White Horse, in Tarvin aforesaid, on Friday the Twenty sixth Day of the said Month of May, for putting all the Powers of this Act in Execution in relation to those Parts of the said several and respective Roads hereby intended to be repaired and widened which lie within the said Third District, and respectively proceed to the Execution of this Act; and shall then, and from time to time afterwards, adjourn themselves to meet at such Place or Places within or near to the First and Second Districts respectively as they the said Trustees for putting this Act in Execution, or any Five or more of them, shall from time to time think most convenient for putting this Act in Execution, so far as relates to the First and Second Districts respectively; and at such Place or Places respectively, within or near to the said Third District, or within the said City of Chester, as they the said Trustees for putting this Act in Execution, or any Five or more of them, shall from time to time

Second District;

Third District;

Adjourn &c.

think

think most convenient for putting this Act in Execution, so far as relates to the said Third District; and if at any Meeting or Meetings appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees respectively, shall from time to time, as often as such Case shall so happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected or standing within the respective Districts, at least Ten Days before the next Meeting, and if no such Turnpikes shall be then erected, then, by Notice to be advertised in the Chester Weekly Journal, at least Ten Days before the next Meeting, appoint such Trustees respectively to meet at the Place where the last Meeting was appointed to be held within One Month next after the Day for which such last Meeting was appointed; and that the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order and 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 Trustee be capable of acting in the Execution of any of the Powers hereby granted during the Time that he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Notice to be given of another Meeting.

Trustees to defray their own Expences.

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

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

Trustees may act as Justices.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Trustee hereby appointed, or hereafter to be chosen and appointed, for putting this Act in Execution, it shall be lawful for the surviving or remaining Trustees, or any Nine or more of them, from time to time to elect One other Person to be a Trustee in the Room of every Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be fixed upon all the Turnpike-gates which shall then be erected within the before mentioned Districts, or any of them, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act

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

in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

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 in his own Right, or in Right of his Wife, be seised of, or otherwise in Law or Equity well intitled to and in the actual Possession or Receipt of the Rents and Profits of an Estate of Freehold, consisting of Lands, Tenements, or Hereditaments, to be situate, lying, or being, in the said County of Chester, or within the said City of Chester, of the clear yearly Value of One hundred Pounds, above Reprizes: And if any Person, not being so qualified, shall presume to act contrary to the Intent and Meaning of this Act; every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with Full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in Execution of this Act.

Penalty on acting if not qualified.

Trustees may erect Turnpikes and Toll-houses.

And be it further enacted by the Authority aforesaid, That the Trustees for putting this Act in Execution, or any Five or more of them, shall and may continue the Turnpike or Toll-gate and Toll-house heretofore erected, and now standing and being at Woor aforesaid, under or by virtue of the Powers in the before mentioned Acts of Parliament, or One of them, or erect, set up, and provide, any new or other Turnpike or Toll-gate and Toll-house, at or within Woor aforesaid, in the Place or Stead thereof; and also shall and may from time to time cause to be erected, set up, and provided, Gates, Turnpikes, and Toll-houses, in, upon, or across, the said Roads hereby intended to be repaired and widened, and on the Side or Sides thereof, or across any Lane or Way leading out of the same, at the respective Places herein after mentioned; that is to say, One Toll-gate or Turnpike and Toll-house, at or near to Bar Bridge, within the said First District, or at any other Place betwixt Bar Bridge and the West End of the Town of Nantwich aforesaid, as the said Trustees, or any Five or more of them, shall judge most reasonable and convenient; and also One or more Toll-gate or Toll-gates,

At *Bar Bridge*, &c.

Turnpike or Turnpikes, Toll-house or Toll-houses, in, upon, or on the Side or Sides, or across any Lane or Way leading out of the Road in such First District betwixt Bar Bridge aforesaid and the West End of the Town of Nantwich aforesaid, as the said Trustees, or any Five or more of them, shall judge proper and order; and also One other Toll-gate or Turnpike within the said Second District, at or near the West Side of Hartford Green in Hartford, in the said County of Chester, betwixt the Dwelling-house there known by the Sign of The Red Lyon and Skellom's Smithy; and also One or more Toll-house or Houses, and Toll-gate or Toll-gates, Turnpike or Turnpikes, across any Lane or Way leading out of the Road in the said Second District, betwixt Hartford Green or Hartford Bach, in Hartford aforesaid, and Delamere Forest aforesaid, or the Village of Weverham, in the said County of Chester; and also One or more Toll-house or Toll-houses, in, upon, or on the Side or Sides or across the said Road, in the said Second District, betwixt the West End of the Town of Northwich and Skellom's Smithy aforesaid; and likewise One other Toll-gate or Turnpike within the said Third District, at the West End of a certain Barn called Gellion's Barn, or within One thousand Yards thereof, within the same District; and One or more Toll-gate or Toll-gates, Turnpike or Turnpikes, across any Lane or Way leading out of the Road in such Third District, betwixt Gellion's Barn aforesaid and Stamford Bridge, in the said County of Chester; and also One or more Toll-house or Toll-houses, in, upon, or on the Side or Sides or across the Road in the said Third District, betwixt Gellion's Barn and Stamford Bridge aforesaid.

At Hartford Green.

At Gellion's Barn.

And it is also hereby further declared and enacted, That in case the said Toll-gate or Turnpike heretofore erected, and now standing and being in Great Boughton, in the said County of Chester, upon the Turnpike Road leading from Whitchurch in the said County of Salop, to the said City of Chester, shall at any Time during the Continuance of this present Act be taken down, and no Toll-gate or Turnpike shall be set up or erected, nor any Toll or Duty paid upon any Part of the said Road leading from Whitchurch aforesaid to the said City of Chester, betwixt Christleton Lane End and the same City; then, and in such Case, and at all Times from thenceforth during the Continuance of this Act, and the then Residue of the same Term, it shall and may be lawful to and for the said Trustees for putting this Act in Execution, or any Five or more of them, at any Meeting

Toll-gates, &c. if taken down,

to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon all and every the Toll-gate and Gates, Turnpike or Turnpikes, to be erected within the before mentioned Districts, or any of them, to cause the said Toll-gate and Toll-gates, or Turnpike and Turnpikes, Toll-house or Toll-houses, so to be set up or erected at or within One thousand Yards of Gellion's Barn aforesaid, and across any Lane or Way leading out of the Road in such Third District, betwixt Gellion's Barn and Stamford Bridge aforesaid, to be taken down or removed; and also to cause One other Toll-gate or Turnpike to be set up, erected, and provided, at such Place within the said Third District, between Gellion's Barn aforesaid and Tarvin Cross aforesaid; and also One or more Toll-gate or Toll-gates, Turnpike or Turnpikes, across any Way or Lane leading out of the Road in the said Third District, betwixt Gellion's Barn and Tarvin Cross aforesaid; and One or more Toll-house or Toll-houses, in, upon, or on the Side or Sides, or across the Road in the said Third District, betwixt Gellion's Barn aforesaid and Tarvin Cross aforesaid, as the said Trustees for putting this Act in Execution, or any Five or more of them, shall think proper and order.

others to be erected.

And it is hereby also further enacted, That in case such Toll-gate or Turnpike betwixt the said City of Chester and Tarvin Cross aforesaid, as last mentioned, shall be set up and erected; then the said Trustees, or any Five or more of them, shall also at the same Time, or so soon as conveniently may be after, cause to be set up, erected, and provided, One other Toll-gate or Turnpike within the said Third District, and at such Place in the said Road in that District betwixt the West End of the said First District and Tarvin Cross aforesaid; and also One or more Toll-gate or Toll-gates, Turnpike or Turnpikes, across any Lane or Way leading out of the same Road, betwixt Tarvin Cross aforesaid and the West End of the said First District; and also One or more Toll-house or Toll-houses, in, upon, or on the Side or Sides or across the same Road, betwixt Tarvin Cross aforesaid and the West End of the said First District; as the Trustees for putting this Act in Execution, or any Five or more of them, shall think proper and order.

Trustees may demand the following Tolls.

And it is hereby further enacted by the Authority aforesaid, That the several Tolls herein after mentioned shall be demanded and taken by such Person or Persons as the said Trustees for putting this Act in Execution, or any

any Five or more of them, shall from time to time appoint to receive the same, within such respective Districts as aforesaid, at the several and respective Toll-gates and Turnpikes herein before mentioned, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same, and in Manner following; that is to say, At the Turnpike or Toll gate heretofore erected, and now standing and being at Woor aforesaid, or at any other Turnpike or Toll-gate to be erected, set up, or provided, in the Place or Stead thereof, and at each and every of the said Turnpike and Turnpikes to be set up or erected within the said Third District, or across any Lane or Way leading out of the said Road; that is to say,

The Tolls.

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

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

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

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

And at each and every Turnpike so to be erected or set up within the said First and Second Districts, or either of them, or across any Lane or Way leading out of the Roads in those respective Districts, or either of them, by virtue of this Act, other than and except the said Turnpike at Woor aforesaid, One Half of the several and respective Tolls before mentioned, at and according to the several and respective Rates before mentioned in that respect; which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid for the collecting of such Tolls, to seize and distrain any Horse, or other Cattle or Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and reasonable Charges of such Seizure and Distress, and of detaining and keeping

Tolls to be levied by Distress and Sale.

Distress may be sold after 4 Days.

ing 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 that all the Tolls collected or levied, or to be collected or levied, by virtue of this Act, within the said respective Districts, shall be and are hereby vested in the said Trustees for putting this Act in Execution, and their Successors, to be elected from time to time in Manner aforesaid, and shall be applied or may be assigned in such Manner as herein after mentioned.

Tolls vested in Trustees.

Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads, or any of them (the crossing the said Road in the said Third District at or near a Place called Vicar's Cross, only excepted).

No Tolls to be paid for crossing the Road.

And be it further enacted by the Authority aforesaid, That the Right and Property, as well of the before mentioned Turnpike and Toll-house heretofore erected, and now standing and being, and intended to be continued at Woor aforesaid, as of all the Turnpikes and Toll-houses to be erected or provided by virtue of this Act within the said respective Districts, and of the Materials for Building, and also all Materials which shall be actually got or collected for repairing the said Roads within such respective Districts, shall be, and are hereby vested in the said Trustees for putting this Act in Execution; and they, or any Five or more of them, are hereby impowered respectively 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 the Treasurer or Clerk of or for such Districts respectively; or to prefer, or order the preferring of Indictments against any Person or Persons who shall injure or disturb them in the Possession thereof.

Property of Turnpikes and Toll-houses vested in Trustees.

And be it further enacted by the Authority aforesaid, That out of the Tolls collected and levied within the said respective Districts, or the Monies to be borrowed on the Credit thereof respectively, the said Trustees for putting this Act in Execution, or any Five or more of them, shall, in the first Place, pay all the Charges and Expences incurred in, about, and relating to the obtaining of this Act; and that Two Fifth Parts of all such Charges and Expences shall be defrayed out of the Monies arising within or upon account of the said First

Application of the Tolls.

District,

District, and One other Fifth Part of all such Charges and Expences out of the Monies arising within or on account of the said Second District, and the remaining Two Fifth Parts of all such Charges and Expences shall be defrayed out of the Monies arising within or on account of the said Third District; and afterwards, all such Tolls and Monies collected and levied within the said First and Second Districts respectively, and the Monies to be borrowed on the Credit thereof respectively, shall be applied in defraying the Expences of erecting and providing the Turnpikes, Toll-gates, and Toll-houses, and of repairing, widening, altering, turning, and keeping in Repair, the respective Roads in the District wherein or on account whereof such Tolls are collected and levied, and for which such Monies are borrowed, and of executing the other Purposes of this Act, within and in relation to such First and Second Districts respectively.

How the Monies collected are to be applied.

And be it further enacted by the Authority aforesaid, That all such Tolls and Monies collected and levied, or to be collected and levied within the said Third District, and the Monies borrowed and to be borrowed upon the Credit thereof, from and after Payment out of the same of Two Fifth Parts of all the Charges and Expences incurred in and in relation to the obtaining of this Act, shall be applied in Manner following (namely) One Moiety thereof shall be applied and laid out in defraying the Expences of setting up, erecting, and providing the Turnpikes and Toll-houses by virtue of this Act to be set up, erected, and provided, at or within One thousand Yards of the West End of Gellion's Barn aforesaid, or betwixt that Place and Tarvin Cross aforesaid, or across any Lane or Way leading out of the Road in the said Third District betwixt Gellion's Barn and the Cross in Tarvin aforesaid, and of repairing, widening, and keeping in Repair, that Part of the said Road within the same District leading from the End of the said County of Stafford to the said City of Chester, which lies betwixt the West End of Gellion's Barn aforesaid and the Cross in Tarvin aforesaid, and of executing the other Purposes of this Act within and in relation to that Part of the same Road which lies betwixt the West End of the same Barn and the said Cross; and the other Moiety thereof shall be equally divided, applied, and laid out in defraying the Expences, as well of repairing and widening that Part of the said Road comprized in the said Third District, which lies between the said Cross in Tarvin aforesaid and the said Guide Post upon Delamere Forest aforesaid, as of setting

up, erecting, and providing the said Turnpike or Turnpikes, Toll-gate or Toll-gates, and Toll-house or Toll-houses, within the said Third District, betwixt Tarvin Cross aforesaid and the West End of the said First District, or across any Way or Lane leading out of the said Road, within the said Third District, betwixt the said Cross in Tarvin aforesaid and the West End of the said First District, if any such, by virtue of this Act, shall be so set up, erected, or provided; and of repairing and widening that Part of the said Road comprized in the said Third District which lies betwixt the said Cross in Tarvin aforesaid and the West End of the said First District; so that the same, or the like Sum, and no more, be applied and laid out for the Purposes aforesaid, as well upon that Part of the Road comprized in such Third District which lies betwixt the same Cross and Guide Post, as upon that Part thereof which lies betwixt the same Cross and the West End of the said First District, until such Time as One of them shall, in the Judgement of the said Trustees, or any Five or more of them, be well, sufficiently, and effectually repaired and widened; and when and so soon as either that Part of the said Road comprized in the said Third District which lies betwixt the same Cross and the Guide Post, or that Part thereof which lies betwixt the same Cross and the West End of the said First District, shall be so as aforesaid well, sufficiently, and effectually, repaired and widened; then the Residue and Overplus of such last mentioned Moiety, if any such then be and remain, shall be applied and laid out in repairing and widening, or keeping in Repair, such Parts of the respective Roads comprized in the said Third District, and of executing the other Purposes of this Act within and in relation to the Roads comprized in the same District, as the said Trustees for putting this Act in Execution, or any Five or more of them, shall from time to time order or direct.

Monies owing on the Credit of the Acts of the 17 & 28 *Geo.* II. to be paid out of the Tolls, &c. in First District.

Provided always nevertheless, and be it further enacted by the Authority aforesaid, That all Money lent, or due and owing upon the Credit of the said Acts of Parliament made and passed in the Seventeenth and Twenty eighth Years of the Reign of His said late Majesty King George the Second, or either of them, so far as the same or either of them relate to the said Road from the End of the said County of Stafford to the said City of Chester, or for or in respect of any Orders, Engagements, Contracts, or Undertakings, made, given, or entered into, relative to that Road, or for any Materials delivered or taken, or Work, Labour, or Business,

ness, done pursuant to or under those Acts, or either of them, or otherwise, upon account, or by reason or in respect of putting those Acts, or either of them, in Execution, so far as relate to the last mentioned Road, shall (as soon as the same may be done) be paid by the said Trustees for putting this Act in Execution, or any Five or more of them, out of, and are hereby charged upon, the Money already collected by virtue of those Acts, or either of them, so far as relates to that Road; and also out of and upon the Monies to be collected or borrowed, or to arise within, or in respect, or on account of the said First District by virtue of this Act; and that the Trustees for putting this Act in Execution, or any Five or more of them, shall and may settle with, and receive and recover from all and every Person and Persons respectively whom it may concern, all Accounts which at the Time of passing this Act shall be depending, and all Monies which shall be then due, owing, or payable, under or by virtue of the said Acts of the Seventeenth and Twenty eighth of his said late Majesty, or either of them, for or in respect of any Tolls or Duties, or Composition for any Tolls or Duties, on account of the said Turnpike at Woor aforesaid, or the said last mentioned Road, or any ways relative thereto; and also shall and may pay the Monies so to be received and recovered towards, and so far as the same will extend in Satisfaction and Discharge of, Monies due and owing on the Credit of the Two last mentioned Acts, or either of them, so far as respects the last mentioned Road, or otherwise in Satisfaction of Monies owing or payable in respect of Engagements, Contracts, or Undertakings, upon account or by reason of putting the Two last mentioned Acts, or either of them, in Execution, so far as relates to the last mentioned Road.

Trustees not to repair Streets.

Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees for putting this Act in Execution, or any of them, to repair any of the Streets in Nantwich or Tarporley aforesaid, or any Part of the said Road within the said Third District, nearer to the said City of Chester than the West End of Gellion's Barn aforesaid.

Trustees may lessen the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees for putting this Act in Execution, or any Seven or more of them, assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and to be received at the said Toll-gate at Woor aforesaid, or the Toll-gate to be erected within the said Third District, for such Time

or Times as they the said Trustees, or any Seven or more of them, shall think proper, so always that the same be not lessened or reduced more than One Moiety or Half of the respective Rates herein before-mentioned in respect of those Toll-gates; 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 in respect of such Toll-gates respectively; and the said Trustees, or any Seven or more of them, may, from time to time, direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions as they the said Trustees for putting this Act in Execution, or any Seven or more of them, shall think fit; and such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the said respective Tolls are directed to be collected, levied, and applied; but no such Reduction shall be made, unless the Person or Persons who shall be intitled to Two Thirds of the Money to be lent or then due and owing upon the Credit of the Tolls so intended to be reduced shall be consenting thereto; and that no such Reduction shall be made unless Twenty Days previous Notice at the least shall be given in Writing to be affixed upon all the Turnpikes which shall then be erected or standing within such respective District, if any such shall then have been erected or be standing.

and raise them again.

Toll to be paid but Once in a Day.

Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons shall be liable to pay Toll more than Once at any Time or Times in One and the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through the Turnpike or Toll-gate already erected and to be continued at Woor aforesaid, or at any other Turnpike or Toll-gate to be erected, set up, or provided, in the Place or Stead thereof; nor more than Once at any Time or Times in One and the same Day (to be computed as aforesaid) for passing or repassing in Manner aforesaid through all or any the Toll-gate or Toll-gates, Turnpike or Turnpikes, by virtue of this Act to be erected within the said First District at Bar Bridge aforesaid, or at any Place in the same District betwixt Bar Bridge aforesaid and the West End of the Town of Nantwich aforesaid, or across any Lane or Way leading out of the Road in the said First District betwixt Bar Bridge

Bridge aforesaid and the West End of the Town of Nantwich aforesaid; nor more than Once at any Time or Times in One and the same Day (to be computed as aforesaid) for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through all or any the Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be set up and erected within the said Second District, or across any Lane or Way leading out of the same; nor more than Once at any Time or Times in One and the same Day (to be computed as aforesaid) for passing or repassing with the same Horses, Cattle, Beasts, or Carriages, through all or any Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be erected within the said Third District, or across any Lane or Way leading out of the Road within the said Third District; and that all and every Person and Persons after having paid Toll Once at the Turnpike or Toll-gate already erected and to be continued at Woor aforesaid, or at any other Turnpike or Toll-gate to be erected, set up, and provided, in the Place or Stead thereof, and producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (to be computed as aforesaid) through such Turnpike or Toll-gate already erected, or to be hereafter erected at Woor aforesaid; and that all and every Person and Persons, after having paid Toll Once at any Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be erected at Bar Bridge aforesaid, or betwixt Bar Bridge aforesaid and the West End of the Town of Nantwich aforesaid, or across any Way or Lane leading out of the Road within the said First District betwixt Bar Bridge aforesaid and the West End of the Town of Nantwich aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (to be computed as aforesaid) through all and every Gate and Gates, Turnpike and Turnpikes, by virtue of this Act to be erected within the same District, or across any Lane or Way leading out of the said Road in the same District, other than the Gate or Turnpike at Woor aforesaid; and that all and every Person or Persons, after having paid Toll Once at any Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be erected within the said Second District, or across any Lane or Way leading out of the Road in the said Second District betwixt Hartford Green

or Hartford Bath aforesaid and Delamere Forest aforesaid, or the Village of Waverham aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (to be computed as aforesaid) through the respective Gate or Gates, Turnpike or Turnpikes, where such Payment or Payments respectively was or were made within the same District; and also through all or any other Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be erected within the said Second District, or across any Lane or Way leading out of the Road in the same District; and that all and every Person and Persons, after having paid Toll Once at any Gate or Gates, Turnpike or Turnpikes, by virtue of this Act to be erected within the said Third District, or across any Lane or Way leading out of the Road in such Third District, and producing a Note or Ticket, Notes or Tickets, denoting such Payment or Payments, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (to be computed as aforesaid) through the respective Gate or Gates, Turnpike or Turnpikes, in the said Third District where such Payment or Payments respectively was or were made; and also through all and every other Gate and Gates, Turnpike and Turnpikes, by virtue of this Act to be erected within the said Third District, or across any Lane or Way leading out of the Road within the same District; and that all the respective Collectors of the Tolls within the said several Districts are hereby required to give such Notes or Tickets gratis on Receipt of the Toll in Manner aforesaid.

Tickets to be given *gratis*.

Trustees may compound.

And be it further enacted by the Authority aforesaid, That the said Trustees for putting this Act in Execution, or any Seven or more of them, may and are hereby impowered, from time to time, as they shall see convenient, to compound and agree for any Term, not exceeding Two Years at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon any Part of the Roads lying within any of the said Three several Districts respectively, for all or any of the Tolls to be paid within such District, for or in respect of such Carriages, Horses, Cattle, or Beasts; so that no such Composition shall be made for any Cattle or Carriages travelling for Hire, nor (after any Money shall have been borrowed on the Credit of the Tolls of the said Districts respectively) for any other Cattle or Carriages,

without the Consent of the Person or Persons who shall be intitled to Two Thirds at least of the Money which shall have been lent on the Credit of the Tolls to arise within the said Districts respectively; and all such Composition-money shall be paid quarterly in Advance to the Treasurer of such District; and in Default thereof the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls in respect whereof such Composition is made are directed to be applied.

Trustees may lease the Tolls,

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

not exceeding Two Years.

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

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall with any Horse, Cattle, Beasts, or Carriages, pass through any Land, Ground, Place, or Hereditament, lying near the said Turnpike at Woor aforesaid, or any other 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 Land, Ground, Place, or Hereditament, 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 this Act directed to be given, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be avoided; or if any Person or Persons 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, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such

Penalty on counterfeiting Tickets, &c.

or taking off Horses, &c.

such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any such Toll; every Person so offending in each of the Cases aforesaid shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Exemption from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Cattle, or Beast, loaden only with, and returning unloaden, or going unloaden for and returning loaden only with, any Sand, Gravel, Stone, or other Materials for repairing the said Roads, or any of them, or any of the Roads in the Townships in which such Road or Roads doth or do lie; or going empty for, or returning only loaden with, any Hay, Straw, or Corn in the Straw, not bought, sold, or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the original Owners thereof; or for any Ploughs, Harrows, or Implements of Husbandry; or going empty for, or returning only loaden with, any Mould, Dung, Marl, Compost, Grey Salt, or Manure of any Nature or Kind whatsoever, to be employed in Husbandry, or for manuring and improving of Gardens or Lands, or for or with Sand or Lime; or for any Rector, Vicar, Parson, or Curate, going to or returning from his own Parish Church or publick Place of Divine Service, or visiting his sick Parishioners; or for any Person or Persons going to or from his, her, or their proper parochial Church, Chapel, or other Place of religious Worship, or attending the Funeral of any Person or Persons that shall die or be buried in any of the Parishes wherein such respective Roads do lie; or for any Post-horse or Vehicle carrying the Mail or Packet; or for any Cattle going to or from Water or Pasture, or Smithy to be shoed; or for any Horse or other Cattle going or returning to or from any Mills near to the said Roads, or any of them, with or for any Corn, Grain, Malt, or Flour, for the Owner's own Use and Consumption in his own Dwelling-house, and not for Sale, and not exceeding One Horse or Beast on One and the same Day; or for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; or for any Cattle or Carriages employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger

Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, Citizen or Citizens, to serve in Parliament for the County of Chester, or for the City of Chester, during the Time of such Election, or on the Day before or Day after such Election shall begin and be concluded: And if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Persons shall forfeit for every such Offence the Sum of Twenty Shillings. Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees for putting this Act in Execution, or any Seven or more of them, at their First or any subsequent Meeting, for or in relation to any of the said Three Districts respectively, upon the Credit of the Tolls arising within or in relation to the said respective Districts, in such Manner as the same Trustees, or any Seven or more of them, shall think proper, to borrow and take up at legal or less Interest such Sum and Sums of Money as they, or any Seven or more of them, shall think fit; and may and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the said Tolls arising, and the Toll-houses, Toll-gates, and Turnpikes, to be erected within such respective District, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Time or Term during the Continuance of this Act, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees for putting this Act in Execution of or for such respective District; but no Money shall be borrowed upon the Credit of the said Tolls after such First Meeting, unless Notice be for that Purpose fixed in Writing upon the Turnpike, if only One, and if more than One, then upon all the Turnpikes within the District for which such Monies shall be borrowed, at least Twenty Days before the borrowing thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, 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 For borrowing Money. Notice to be given of borrowing Money. Tolls may be assigned for Money borrowed.

by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever; and such Assignee or Assignees, his, her, and their Executors, Administrators, and legal Representatives, may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall make such Assignment or Transfer to make void, release, or discharge, the same, or the Monies thereon, or any Part thereof; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on such respective Tolls, Toll-houses, Toll-gates, and Turnpikes, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing such Monies.

All Creditors deemed equal in Degree.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the Trustees for putting this Act in Execution, or any Seven or more of them, may, from time to time, at their respective Meetings to be had and held for such District respectively, appoint such Officers and other Persons as they shall think necessary to employ in the Execution of this Act, within and for each such respective District, and from time to time at Pleasure to remove such Officers and other Persons, and appoint others in their Stead; and out of the Monies to arise by virtue of this Act, make such Allowances to the said Officers and Persons as to them the said Trustees, or any Seven or more of them, at such their respective Meetings for each and every such respective District, shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Seven or more of them shall direct, deliver to such Trustee or Trustees, or other Person or Persons as they, or any Seven or more of them, shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officers and Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to such Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint; and

and remove them, and appoint others.

allow Officers Salaries.

Officers to account upon Oath.

all

all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any Seven or more of them, at any Meeting or Meetings for such District or Districts respectively, by virtue of this Act (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) verify their said Account; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act; in each any, or either of the said Cases, any One or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be or reside, shall make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without any Fee or Reward) and if any such Officer or Persons shall be convicted of any or either of the Offences aforesaid, such Justice or Justices shall commit every such Offender to the Common Goal 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 have compounded with such Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition such Trustees, or any Seven or more of them, are hereby impowered to make) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, and given Satisfaction in respect thereof to the said respective Trustees, or any Seven or more of them.

Officers refusing to account,

Justice to enquire into the Default,

and commit the Offender

until Payment, or Composition made.

And be it further enacted by the Authority aforesaid, That the said Trustees for putting this Act in Execution, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as such Trustees, or any Seven or more of them, shall think proper.

Treasurer to give Security.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of or fail in performing his Duty, it shall be lawful for any Five or more

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

of the Trustees for putting this Act in Execution, 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 recovering thereof as the Person he shall succeed was vested with, until the Trustees for putting this Act in Execution, or any Seven or more of them, shall, at a Meeting to be held for such District by virtue of this Act, appoint a Collector of such Tolls.

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

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

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

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors for each respective District, and such other Persons as shall be employed by such Surveyor or Surveyors, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Waste Grounds, Stone Quarries, or common Rivers or Brooks, in any Parish, Town, or Place, in which any Part of any of the said Roads lie, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same, such Surveyors or other Persons filling up the Pits, or sloping the Sides thereof, and levelling the Ground from whence such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and also, by Order of the Trustees for putting this Act in Execution, or any Seven or more of them, made at any Meeting for such District, to dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from and over, the Stone Quarries and Lands of any Person or Persons, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees; paying or tendering Payment of such Rates for such Materials, and also for the Damage done to such private Lands over which any Materials gotten in any Waste Grounds, Stone Quarries, common River or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Seven or more of them, shall judge reasonable.

without paying for the same, levelling the Pits.

Materials may be taken from private Grounds;

making Satisfaction to the Owners.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Five more of them, or the said Surveyor or Surveyors,

and such Persons as he or they shall appoint from time to time (such Surveyor or Surveyors having an Order for that Purpose from such Trustees, or any Five or more of them) to remove all Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, or any of them, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Watercourses or Ditches adjoining thereto, and to 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 Road, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, shall direct or require, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any 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 hereinafter directed to be recovered and applied; and if, after Removal of the said Annoyances, any Person shall offend again in the like Kind, every such Person shall for every such Offence forfeit the Sum of Twenty Shillings.

and cleanse Ditches;

and cut down Trees, &c.

Owners neglecting to remove the same, after Notice.

Charges to be reimbursed to the Surveyors.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for such respective Districts, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make Causeways, and also Ditches or Drains in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water off the said Roads; and also to widen any of the narrow Parts of the said Roads by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto, so as to make such Part of the said Road Forty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said

Surveyors may make Causeways, &c.

and make a temporary Road;

Roads (such Grounds respectively not being the Grounds whereon any House or other Building stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway whilst the old Road is repairing and widening; and also by Order of any Five or more of the said Trustees to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, 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 Trustees, or any Five or more of them, wherein or in relation whereto such Works, Matters, and Things, shall be done or performed; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground.

erect Bridges, &c.

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That the Trustees for putting this Act in Execution, or any Seven 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 the said respective Districts, through any Common or Waste Grounds, without making any Satisfaction for the same; and also to widen any of the narrow Parts of the said Roads respectively, so as to make such narrow Parts of the said Roads respectively Thirty Feet in Width, by opening, clearing, and laying into the same, or any of them 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 respectively, by carrying the same through any private Grounds or Hereditaments, not being the Ground whereon any House or other Building stands, and not being 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, first making Satisfaction to the Owners thereof, and Persons interested therein respectively, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for such Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments for the Purchase thereof,

Road may be turned thro' Commons, &c.

Bodies Politick, &c. to contract for the Sale of Lands, &c.

or

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, and Feoffees in Trust, Committees, Executors, or 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 Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons whatsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with such Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding: And all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act: And if any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling house or Houses, or Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Road is intended to be widened, diverted, turned, or altered, shall, for the Space of Two Months next after such Notice given or left, neglect or refuse to act, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then,

Where Persons refuse to treat, &c.

Jury to settle the Damage and Recompence.

and in every such Case, the said Trustees for putting this Act in Execution, or any Seven 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 or Hereditaments do lie; and in order thereto, the said Trustees for putting this Act in Execution, or any Seven or more of them, are hereby impowered and required, from time to time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person or Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premisses (which Oath any Two or more of the Trustees last-mentioned are hereby impowered to administer); and such Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the said Jury's Information in the Premisses: And after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees for putting this Act in Execution, or any Seven or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owner and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, or Judgement, Order, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or otherwise, their Heirs, and Successors, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons qualified to serve upon Juries to appear before the said Trustees, or any Seven or more of them, at such Time and Place, within such respective District, as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and

Witnesses may be summoned and examined upon Oath.

Jury to assess the Value of the Premisses.

Verdict of the Jury to be final.

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

and return, such Number of Persons accordingly, and out of the Persons so summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees acting in the Premisses, or any Seven or more of them, shall, and they are hereby impowered and required to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purpose aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Seven or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or for not giving their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing, shall refuse to be examined or give Evidence; and which Fine or Fines shall be levied and applied in such Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; so that no such Fine be more than Ten Pounds, nor less than Twenty Shillings, on any One Person for One Offence.

Jurors may be challenged.

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

Fine not to exceed 10 *l.*

Provided always, and it is hereby enacted by the Authority aforesaid, That if the said Jury, upon such Inquest, shall find or assess an equal or less Sum of Money for such Damage and Recompence than hath been by the said Trustees, or any Five or more 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.

Expences of Jurors how to be borne.

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

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

agreed for or assessed as aforesaid, shall be paid out of the Tolls arising within or upon account of the respective District wherein such Road is intended to be widened, diverted, turned, or altered, out of the Monies to be borrowed upon the Credit of such respective Tolls, to the Person or Persons respectively intitled to such Monies, or to their Agents; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk to appointed or by such respective District, for the Use of such Parties or Persons, it shall be lawful for any Person or Persons authorized by Writing under the Hands of the said Trustees for putting this Act in Execution, or any Seven or more of them, to widen, divert, or turn such respective Road or Roads, or any Part thereof respectively, through such Lands or Hereditaments as such Trustees, or any Seven or more of them, shall think fit: And such Trustees, or any Seven or more of them, shall cause such Parts of the said Road as shall be widened, diverted, or turned, through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road 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 Road hereby appointed to be repaired within such respective Districts by this or any other Law to be amended; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Common or Waste Ground, or to some Village, Town, or Place, to which new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the Road within such respective Districts: 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, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Lands, &c. purchased to be made Part of the Road, and deemed a publick Highway.

Old Road may be sold.

Buildings not to be injured, &c.

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

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Common or Waste Grounds, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate. Inhabitants not obliged to repair former Road, &c.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, or Annuities, or any Sum or Sums of Money, which have been given, or are liable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places, in which any Part of the said Roads lie, and all other Persons liable to perform the Work commonly called Statute-work, upon the said Roads, or any of them, or any Part of them, or any of them, shall remain subject to the Performance of such Work: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads do lie, or, in case no such Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act for such respective Districts, deliver to such Turnpike Surveyor or Surveyors an exact List and Account in Writing under his or their Hand or Hands of the Christian and Surname of all and every such Person and Persons, who by virtue of an Act made and passed in the Seventh Year of the Reign of his present Majesty, intituled, An Act to explain, amend, and reduce into One Act of Parliament, the several Statutes now in being for the Amendment and Preservation of the Publick Highways in this Kingdom, and for other Purposes therein mentioned, is and are liable to do Statute-duty within such respective Parishes, Townships, and Places; and shall distinguish in such Lists which of such Persons keep a Team, Draught, or Plough, and which of such Persons rent, hold, or occupy, any Lands, Tenements, or Hereditaments, in such respective Townships, Parishes, and Places, above the yearly Value of Three Pounds, and what is or are the respective yearly Value of Inhabitants to do Statute-work. Surveyors to deliver in Lists of Persons liable to do Statute-work.

or yearly Values of such respective Lands, Tenements, or Hereditaments, which every such Person shall so respectively rent, hold, or occupy, in such respective Parishes, Townships, and Places; and shall likewise set forth and distinguish which of such Person or Persons so liable to do Statute-work or Duty within such respective Parishes, Townships, and Places (if any) hath or have compounded for the same according to the Rules, Rates, and Methods, for that Purpose prescribed in the said Act of the Seventh of his present Majesty; and the Statute-work or Duty shall be done by all such Person and Persons respectively, who shall not respectively compound for the same in Manner aforesaid, or such Parts of the 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 Trustees for putting this Act in Execution, or any Five or more of them, shall from time to time direct and appoint, so that no more than Three Days Work or Duty shall be done by any One Person or Team on the said Road in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors of the Time and Times when, and how many of such Persons are to do such Work upon any Part or Parts of the Road within such District respectively, shall give Notice thereof to such Persons; and if any Surveyor, Churchwardens, or Overseers of the Poor, for any such Town, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby required and directed, 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 such Trustees, or any Five or more of them, or by such Turnpike Surveyor or Surveyors, and shall not compound for the same in Manner aforesaid, shall forfeit and pay the respective Sums herein after-mentioned (that is to say) Every Person keeping a Team, Draught, or Plough, in such Parish, Township, or Place respectively, or occupying Lands, Tenements, or Hereditaments, in such respective Parish, Township, or Place, of the yearly Value of Fifty Pounds or above, who shall make Default in finding and sending such Wain, Cart, or Carriage, Wains, Carts, or Carriages, as directed by the said

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

Act

Act of the Seventh of His present Majesty, and furnished as thereby directed, and such able men with the same as thereby directed, or in performing the said Duty at such Time and Place, and in the Manner herein before directed, for every Day's Default for each Wain, Cart, or Carriage, the Sum of Ten Shillings; and every Person or Persons making Default in sending any such Labourer, or in performing any such Labour, as by the said Act is directed, at the Time and Place, and in Manner herein before directed, 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 any 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 Carriage, shall be liable to the 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. Penalty on not performing Statute-work.

And be it further enacted by the Authority aforesaid, That the further or additional Toll hereafter mentioned shall be taken and received at the Toll-gate now standing at Woor aforesaid, or at any other Toll-gate to be there erected in pursuance of this Act, over and besides the respective Tolls herein before mentioned; that is to say, For every Coach, Berlin, Chariot, Calash, and Chaise, respectively, which shall be drawn with Two Horses, Mares, Geldings, or other Two Beasts only, the Sum of Six Pence. Additional Toll at *Woor Gate*.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees for putting this Act in Execution, or any Five or more of them, to compound and 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 Roads within the said Districts respectively, 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 Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor Trustees impowered to compound.

Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees for the said respective Districts, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part or Parts of the said Road within such Districts respectively; all which Composition-monies shall be from time to time paid in Advance, and shall be applied in the Repair of the Road within such respective District; 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.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill-stones excepted) otherwise than upon Wheel-carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel-carriages to drag upon any Part of such Road to the Prejudice thereof, or shall wilfully drive any loaded Waggon or Cart along any Foot or Horse Causeway, being Part of or lying near or adjoining to the said Roads, or shovel up, scrape, gather up, take, or carry away, any Stones, Gravel, Sand, Slutch, Mire, or Soil, from or off any Causeway, or other Sort of Turnpike Road or Track made or repaired in pursuance of this Act, or from or off the Side or Sides thereof, or shall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on the said Roads or Causeways, or on any of them, or on the Side or Sides of any of them; every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Road to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees for putting this Act in Execution, or any Five or more of them, may cause the said Roads to be measured, and Stones or Posts to be set up, in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place, as they shall think fit; and also to erect Guide or Direction Posts, with Inscriptions thereon,

thereon, as such 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 any Stone or Post of the like Nature, and for the like Purpose already set up, and now standing and being upon any Part of the said Roads respectively, or obliterate any Inscription which shall be made or have been made thereon, or shall cause or procure the same to be done, and be thereof convicted by or upon the Oath of One or more credible Witness or Witnesses, or by his, her, or their own Confession, before any One Justice of the Peace for the County or Place wherein such Offence shall be committed (which Oath such Justice is hereby impowered 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 hereinafter directed to be applied; and in case such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Months nor less than One Month, unless such Forfeiture and all reasonable Charges shall be sooner paid: And every such Offender in either of the said Cases shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see 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 the Penalties and Forfeitures and Fines hereby inflicted or authorized to be imposed (the Manner of Levying and Recovery whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the County or Place wherein the Offender shall be or reside, either by Confession of the Party or Parties offending, or by Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is or are hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending by Warrant or Warrants under the Hand and Penalties and Forfeitures how to be recovered.

and

and Seal, or Hands and Seals, of such Justice or Justices (which Warrant or Warrants such Justice or Justices is or are hereby impowered to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by this Act) from time to time paid to any Five or more of such Trustees, or to their Treasurer for the District wherein, or in relation whereunto, such Offence shall be committed, and applied in the Repair of the Road within such District; and in case sufficient Distress shall not be found, or such Penalty and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices of the Peace as aforesaid, and he and they is and are hereby respectively authorized and required by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offenders to be committed to the common Gaol or House of Correction either of the said County of Chester, or of the said City of Chester, there to remain without Bail or Mainprize for any Time not exceeding Two Months, unless such Penalties and Forfeitures, 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, by 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 the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer for the respective District, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices at the said Session, upon due Proof of

Notice of Appeal to be given.

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

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 any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage, in an Action upon the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

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 Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they, shall see fit, whereupon such Proceedings, or Order, and Judgement, 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 the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees for putting this Act in Execution, at their Meetings for each respective District, 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 acting Commissioners for such respective District at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be Original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts of Justice whatsoever,

Books to be admitted in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence from and after the Twentieth Day of May, One thousand seven hundred and sixty nine; and shall continue in Force for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed for want of Form,

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

nor removeable by *Certiorari*.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees of and for the respective District wherein any such Cause of Action or Suit shall arise, or after a sufficient Satisfaction or Amends or a 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 said Counties of Chester or Salop, or County of the City of Chester, as the Case shall happen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall

shall and may, at his Election, plead Specially, or the General Issue, Not Guilty, and give give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction or Amends made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find a Verdict for the Defendant or Defendants in such Action; or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. General Issue. Treble Costs.

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. Publick Act.

FINIS.