



ANNO QUINQUAGESIMO SEXTO.

GEORGI II. REGIS.

Cap. xv.

An Act for making and maintaining a Turnpike Road from the Town of *Nantwich*, to *Wheelock Wharf*, in the Township of *Sandbach*, in the County Palatine of *Chester*. [11th April 1816.]

WHEREAS the Road leading from and out of the Town of *Nantwich*, in the County Palatine of *Chester*, through the several Townships of *Willaston*, *Wistaston*, *Monks*, *Coppenhall*, *Crewe*, *Haslington*, *Wheelock*, and *Sandbach*, in the said County Palatine, to a certain Place called *Wheelock Wharf*, in the Township of *Sandbach* aforesaid, in the said County, is much out of Repair, narrow, and in many Parts very incommodious for Travellers and Carriages, and cannot be amended, maintained, widened, improved, and kept in Repair by the Laws now in force: And whereas it would be of great Advantage to the Neighbourhood, and to the adjacent Country, and of great public Utility, if the said Road were put under the Care and Management of Trustees, and Toll Gates and Toll Houses erected upon the said Road, and certain Tolls and Duties collected and taken from Persons travelling on the said Road, to be by the said Trustees laid out and expended in amending, widening, altering, and improving the said Road, and keeping the same in Repair; but such Purposes cannot be effected without the Aid and Authority of Parliament: 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

[Local.] 3 H Commons,

Trustees.

Commons, in this present Parliament assembled, and by the Authority of the same, That *John Bridge Aspinall, James Aspinall, Sir John Delves Broughton Baronet, Henry Delves Broughton Clerk, Charles Delves Broughton, James Bayley, James Bayley the younger, William Baker, Eddowes Bowman, John Eddowes Bowman, James Burges, the Honourable John Crews, William Cotton Clerk, John Stevenson Cattlow Clerk, William Cooke, George Cappur, George Cappur the younger, Richard Edleston, John Ford, William Garnett Clerk, Thomas Garnett, John Jasper Garnett, Robert Hill Clerk, James Walthall Hammond, John Harding, Benjamin Hewitt, Robert Hodgson, Edward Kent, William Morgan Clerk, Charles Mare, John Pratchitt, John Richardson, Benjamin Rodenhurst, Charles Salmon, Joseph Skerrett, William Sprout, Richard Lowndes Salmon Clerk, Edward Stracey, John Cross Starkey, William Starkey, Henry Tomkinson, Edward Tomkinson, James Tomkinson Clerk, Henry Tomkinson the younger, William Tomkinson, John Twemlowe, Francis Twemlowe, Randle Wilbraham, Peter Walthall, and Lancaster Wetenhall, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed and declared to be, Trustees for amending, widening, diverting, altering, improving, and keeping in Repair the Road hereinbefore mentioned and described, and for otherwise carrying the several Purposes of this Act into full and complete Execution.*

Election of new Trustees.

II. And for the Purpose of continuing a sufficient Number of fit and able Persons to be Trustees for putting this Act in Execution, and all and every the Powers therein contained, be it further enacted, That upon the Death, Refusal, or Disability of any of the said Trustees hereby appointed, or their Successors, to be elected in Manner herein mentioned, to act in the Execution of this Act, then and in every such Case, it shall be lawful for the Trustees appointed or elected under or by virtue of this Act, or any Three or more of them, from Time to Time, at any Meeting to be held in pursuance of this Act, by Writing under their Hands, or by any Order entered in the Minute Book of their Proceedings, to elect, nominate, and appoint so many other fit and able Persons to be a Trustee or Trustees of and for the Purposes of this Act, in the Room and Stead of such Trustee or Trustees so from Time to Time dying, or refusing, or being disabled to act, and also in like Manner to elect, nominate, and appoint any Number of fit and able Persons, not exceeding Ten, as they shall think properly qualified according to the Directions of this Act, to be a Trustee and Trustees for the Purposes of this Act, in addition to, and over and above the Number of Persons hereinbefore nominated and appointed Trustees, and Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees for the Time being, by affixing such Notice in Writing at or upon all and every the Turnpikes erected or to be erected in pursuance of this Act, Ten Days at least before such Meeting; and all and every Person and Persons so elected a new or additional Trustee or Trustees as aforesaid, shall be, and is and are hereby authorized and empowered to act in the Execution of this Act, in as full, large, and ample Manner, to all Intents and Purposes, as the said Trustees hereinbefore nominated and appointed are by this Act empowered to do.

Electing an additional Number of Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered at any Time or Times (after such Notice as hereinbefore mentioned) to

nominate and appoint any Number of additional Trustees, not exceeding Ten in the Whole, who shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, or be possessed of a Personal Estate to the Amount of Two thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any One or more of the said Trustees, an Oath or Affirmation in the Words or to the Effect following; (that is to say),

Qualification of Trustees.

I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*] That I truly and *bonâ fide* am, in my own Right [*or, in the Right of my Wife*] in the actual Possession and Enjoyment [*or, Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; [*or, am Heir Apparent of A. B.*] who to the best of my Knowledge and Belief is seised of such an Estate of the clear Yearly Value of Two hundred Pounds, or am possessed of a Personal Estate of the Amount of Two thousand Pounds, after all my Debts are paid; and that I will truly, faithfully, and impartially act in the Execution of the Powers and Trusts reposed in me by an Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled *An Act* [*here set forth the Title of this Act.*] So help me GOD.

Oath.

And if any Person, not being so qualified, shall act as a Trustee in the Execution 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 in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit or Information wherein no Effoign, Protection or Wager of Law, or more than one Impar lance shall be allowed; and every such Person so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Penalty on Trustees acting, not being duly qualified.

V. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, who shall have or accept of any Place or Office of Profit arising out of or by reason of any Tolls or Duty by this Act granted, shall be capable of acting

Persons holding any Place of Profit not to act as Trustees.

acting as a Trustee or Trustees in the Execution of this Act, during the Time of his or their Enjoyment of such Place of Profit as aforesaid.

Viſtuallers,
&c. incapable of acting
as Trustees,
etc.

VI. Provided always and be it further enacted, That no Person or Persons who shall keep any Viſtualling Houſe, Alehouſe, or other Houſe of Public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by retail, ſhall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under this Act, or of collecting the Tolls hereby granted and made payable, during ſuch Time as he, ſhe, or they ſhall keep ſuch Viſtualling Houſe, Alehouſe, or other Houſe of Public Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls, who ſhall not be under any ſuch Incapacity.

Trustees
may act as
Juſtices,
except where
individually
interſted.

VII. And be it further enacted, That ſuch of the ſaid Trustees as are or ſhall be Juſtices of the Peace may, in their reſpective Jurifdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in ſuch Caſes where they ſhall be individually interſted.

Fiſt Meeting
of the Truſ-
tees.

VIII. And be it further enacted, That the ſaid Trustees, or any Three or more of them, ſhall meet and aſſemble at *Haſlington* aforesaid, on the Third *Monday* next after the paſſing of this Act, between the Hours of Ten in the Morning and One in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall then and from Time to Time afterwards adjourn themſelves to meet at the Place aforesaid, or at any other Place or Places that the ſaid Trustees ſhall think proper or convenient, ſo often as it ſhall be neceſſary for carrying this Act into Execution; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then preſent, or the Clerk to the ſaid Trustees, ſhall from Time to Time, as often as the Caſe ſhall happen, adjourn ſuch Meeting to ſome other Day within Thirty Days then following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe public Notice thereof to be inſerted in ſome Newſpaper or Newſpapers published in the ſaid County Palatine of *Cheſter*, and to be affixed on all the Turnpike Gates that ſhall be ſtanding on the ſaid Road by virtue of this Act, Ten Days at leaſt before the Day to which ſuch Meeting ſhall be ſo adjourned; and that the ſaid Trustees ſhall at their ſeveral Meetings defray their own Expences.

No Act valid
unleſs at a
Meeting.

The Majority
may act, the
whole Num-
ber not being
leſs than
Five.

IX. And be it further enacted, That no Act of the ſaid Trustees hereby nominated and appointed, or to be elected by virtue of this Act, ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be made or done at ſome Meeting to be holden in purſuance of this Act (except as herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Trustees ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act (the Number of Trustees preſent at ſuch Meeting not being leſs than Three except where otherwiſe directed); and all the Orders and Proceedings of the major Part of ſuch Trustees preſent at ſuch their

their several Meetings, shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as herein excepted;) and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote.

Chairman to be appointed, and to have the casting Vote.

X. Provided always, and be it further enacted, That on the First *Wednesday* in the Month of *August*, in every Year, a General Meeting of the said Trustees shall be holden within the Township of *Haslington*, for the Purpose of examining the Accounts of the Clerk, Treasurer, Surveyor, and Collectors of Tolls and other Persons employed in the Receipt or Expenditure of any of the Monies belonging to the said Road; and it shall and may be lawful to and for the said Trustees then and there assembled, to allow and pass such Accounts, or so much thereof as they shall think proper, and to choose new Trustees in the room of such as shall be dead, or have refused or become incapable to act, in Manner hereinbefore mentioned, and to do such other Acts, Matters, and Things in the Business of the Trust, which shall at any such Meeting occur: Provided also, that nothing herein contained shall extend or be construed to extend to prevent the said Trustees from calling for and examining the said Accounts, when and as often as they shall think proper so to do.

Annual Meetings of the Trustees to be held for auditing the Accounts.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose; nor unless Notice specifying the Revocation or Alteration proposed to be made be inserted in such Newspaper or Newspapers as aforesaid, and be affixed upon all and every the Turnpikes that shall be standing on the said Road, at least Fourteen Days before such subsequent Meeting; nor unless a Majority of Three-fourths of the Trustees present at such subsequent Meeting shall decide in Favour of such Revocation or Alteration.

No Order to be revoked but at a special Meeting, and by a Majority of Three-fourths of the Trustees present.

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings, and all Entries in such Book or Books, being signed by the Chairman and Clerk then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall, at all reasonable Times, be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Proceedings to be entered.

Meetings on
Emergencies.

XIII. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees as aforesaid, it shall at any Time or Times be thought necessary or expedient that a Meeting of the Trustees shall be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case, the Clerk to the said Trustees (an Order in Writing signed by Two or more of the said Trustees, mentioning the Time and Place and Purpose of such earlier Meeting, being given to him or left at his last or usual Place of Abode) shall forthwith cause Notice to be inserted in such Newspaper or Newspapers as aforesaid, and to be affixed on all and every the Turnpike Gates that shall be standing on the said Road of such earlier Meeting, and of the Time and Place which shall be mentioned in such Order of the said Trustees (such Time not being sooner than Ten Days after such Notice); and all Proceedings of the Trustees present at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

Trustees to
appoint Officers,
&c.

XIV. And be it further enacted, That the said Trustees may, and they are hereby empowered, by Writing under their Hands, or by any Order entered in the Minute Book of their Proceedings, at any Meeting of the said Trustees to be holden in pursuance of this Act, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Tolls and Duties hereby granted and made payable, and also a Surveyor or Surveyors of the said Road, and all such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time remove such Officers and Persons respectively, as they the said Trustees shall see occasion, and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said Trustees shall think reasonable; and all such Officers so to be appointed, and also all and every Person and Persons appointed by virtue of or acting under this Act, shall, under their Hands, at such Time or Times, and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, after the same shall have been allowed, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City or Place wherein such Officer or Person so refusing or wilfully neglecting shall be

or

or reside, such Justice may, and he is hereby authorized and required to issue a Warrant under his Hand and Seal, for the Officer or Person so refusing or neglecting to appear before him; and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of this Act, shall remain due from such Officer or Person, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found, sufficient to answer and satisfy the said Money, and the Charges for distraining and selling the said Goods and Chattels, or if it shall appear to such Justice, that such Officer or Person shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same, as aforesaid, then and in each and every such Case, such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place, where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid or given satisfactory Security for the Payment of such Composition, in such Manner as they shall appoint, which Composition the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Officer who shall be committed on Account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Time than Three Calendar Months.

XV. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby required to take sufficient Security from every Treasurer or Receiver appointed or to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, and if they think fit, may also take such Security from any other Officer to be appointed under or by virtue of this Act.

Trustees to
take Security
from the
Treasurer.

XVI. And be it further enacted, That it shall be lawful for any Two or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity of any Collector of the Tolls by this Act granted, by Writing under their Hands, to nominate and appoint some other fit Person to be Collector in his or her Place, until the next Meeting of the Trustees, which Person so to be nominated and appointed, shall have the like Power and Authority, and be accountable in the same Manner in all respects as the Person in whose Room or Stead he or she shall be so appointed (any Thing hereinbefore contained to the contrary thereof notwithstanding); but such Appointment shall continue in force no longer than until the Day of the next Meeting of the said Trustees; and if any Collector of the said Tolls who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver

On the
Death, &c.
of any Gate-
keeper, Two
Trustees may
appoint
another till
the next
Meeting.

up

up the Possession of the Toll House, Buildings, and Appurtenances, which he or she enjoyed in right of his or her Appointment to that Office, within Two Days after Notice given to him or her, or left at such Toll House, in Writing under the Hands of the said Trustees, or any Two or more of them; or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such Toll House, Buildings, and Appurtenances, within Two Days after Notice of such new Appointment being made as aforesaid, shall have been given to him, her, or them, or left at such Toll House, signed by any Two or more of the said Trustees, then and in either of the said Cases, it shall be lawful for any Justice of the Peace for the County, City, or Place where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new appointed Collector in Possession thereof.

ACTIONS to be brought or defended in the Name of their Treasurer or Clerk, or any Three of the Trustees.

XVII. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law or in Equity, to be had, brought, prosecuted, or defended against or by the said Trustees, in pursuance of this Act, the said Trustees may sue and be sued in the Name of their Treasurer or Clerk, or in the Name or Names of any Three or more of the said Trustees, on Behalf of the said Trustees; and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names or against whom the same shall be brought or defended; and such Treasurer, Clerk, or Trustee, or any or either of them, shall be reimbursed and paid all Costs, Charges, or Expences on Account thereof, out of the Money arising by virtue of this Act.

DIRECTIONS where Toll Gates shall be erected.

XVIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may cause to be erected, set up, and provided, the Toll Gates, Turnpikes, and Toll Houses herein-after mentioned; (that is to say) One Toll Gate or Turnpike and Toll House in, upon, or across the said Road, and any waste or uninclosed Land or Ground adjoining thereto, between the Windmill in the Township of *Willaston*, in the said County of *Chester*, and a certain Messuage or Mansion House situate within the same Township of *Willaston*, and now in the Possession and Occupation of *Charles Salmon* Esquire; and also one other Toll Gate or Turnpike and Toll House in, upon, or across any Part of the said Road within the Distance of One hundred Yards of a certain Place called *Crewe Green*, in the Township of *Crewe*, in the said County of *Chester*; and also one other Toll Gate or Turnpike and Toll House in, upon, or across any Part of the said Road, between a certain Place called *Winteleys Mill*, within the Township of *Hastington*, in the said County of *Chester*, and the aforesaid Township of *Wheelock*, and may take in and enclose such and so much Land, not exceeding One-eighth Part of an Acre, for a Yard or Garden to each such Toll House, as they the said Trustees, or any Three or more of them, shall deem necessary for the Site of such Toll Houses, and for the Yards, Gardens, and Accommodations necessary to the same: Provided always, that no Toll Gate shall be erected or set up within the Distance of One hundred Yards from *Wheelock Wharf* aforesaid.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered from Time to Time when and as often as they shall think proper, by their Order, to be made at a Meeting to be held after Ten Days Notice specially stating the Purpose of such Meeting, shall have been inserted in such Newspaper or Newspapers as aforesaid, and affixed on all and every the Turnpike Gates then standing on the said Road, to cause any of the said Turnpikes or Toll Gates or any of the Weighing Engines, which shall be erected in, upon, or across, or on the Side of the said Road, to be taken down and removed, and the same or any other Turnpike or Toll Gate and Weighing Engine in lieu of every Turnpike or Toll Gate and Weighing Engine so taken down or removed, to be erected in, upon, or across, or on the Side of any other Part or Parts of the said Road, and from Time to Time as often as they shall think fit upon the like Notice, again to take down and remove the same Turnpikes and Toll Gates and Weighing Engines, or any of them, and to cause the same or any of them to be erected in, upon, or across, or on the Side of the Part or Parts of the said Road whereon the same or any of them formerly stood, or in, upon, or across, or on the Side of any other Part or Parts thereof.

Trustees may
remove Toll
Gates, &c.

XX. And be it further enacted, That the Right and Property of the several Toll Houses and Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, and other Erections and Buildings to be erected and provided by virtue of this Act, with the Materials, Grounds, Fences, and Appurtenances, and of all Arches, Bridges, Walls, and other Erections, Buildings, and Premises, and of all Milestones and Posts to be erected, and also of all Materials, Tools, and Implements, which shall be provided for the Use of or for making and repairing the Road to be made by virtue hereof, shall be and the same respectively are and is hereby vested in the said Trustees, and they, or any Three or more of them, are hereby empowered to cause any Action to be brought in the Name of their Clerk or Treasurer for the Time being, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, spoil, or deface any such Toll Houses, Turnpikes or Toll Gates, or other Buildings or Erections, Fences, Milestones, Posts, or any of them, or any such Materials, Tools, or Implements as aforesaid; in which Bill or Bills of Indictment it shall be sufficient to state generally, that any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings, or Erections, Fences, Milestones, Posts, or any such Materials, Tools or Implements, or other Matters or Things to be the Property of the Treasurer or Clerk for the Time being to the said Trustees.

Turnpikes,
&c. vested in
the Trustees.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, or any Person or Persons appointed or to be appointed by virtue of this Act, Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the respective Turnpikes or Toll Gates which shall be erected in, upon, or across, or on the Side of the said Road by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); (that is to say),

Trustees em-
powered to
take Tolls.

[Local.]

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For

Tolls.

For every Horse, Mare, Gelding, Mule or other Beast drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Barouche, Chaife Marine, Calash, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, or other such like Carriage, the Sum of Sixpence :

For every Horse, Mare, Gelding, Mule or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, the Sum of Sixpence ; or with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, the Sum of Five-pence ; or with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Three-pence :

For every Four-wheeled Carriage fixed to any Waggon, Wain, Dray, Cart, or other Carriage, the Sum of Nine-pence :

For every Two-wheeled Carriage so fixed the Sum of Sixpence :

For every Horse, Mare, Gelding, or Mule, drawing any other Carriage of whatever Name or Description, the Sum of Sixpence :

For every Ox, Steer, Gale, or Bull, drawing any Carriage of whatever Name or Description, the Sum of Four-pence :

For every Ass, drawing any Carriage of whatever Name or Description, the Sum of Two-pence :

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in Proportion for any greater or less Number :

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number :

And the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle whatsoever, shall be permitted to pass through such Turnpikes or Toll Gates respectively.

Additional
Tolls on a
Sunday.

XXII. And be it further enacted, That on each and every *Sunday* during the Continuance of this Act, there shall be demanded and taken at the said Turnpikes or Toll Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass through the same, Half the said Tolls, in addition to the Tolls aforesaid to be respectively demanded and taken for every Horse, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage, passing through any of the said Turnpikes or Toll Gates, on any other Day of the Week ; which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll.

Remedy in
case of Neg-
lect or Re-
fusal to pay
Tolls.

XXIII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, and also any Carriage which such Horse, Beast, or other Cattle may be drawing,

drawing, together with their Saddles, Bridles, Gears, Harness, or Accoutrements, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, shall and may sell the Horse or other Beast or Cattle, and other Property, or any Part thereof so seized and distrained, returning the Overplus (if any) and what shall remain unfold, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges shall be deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act, shall be, and the same are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as herein-after mentioned.

XXIV. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed, during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder or prevent, any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XXV. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken at any of the Turnpikes or Toll Gates to be erected on the said Road, from any Person or Persons for passing or repassing through the same Turnpike or Toll Gate any Number of

Tolls vested in Trustees.

For preventing Toll Collectors from taking undue Tolls.

Only One Toll to be taken in any One Day.

of Times in any One Day (such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) for the same Horse or Horses or other Beasts or Cattle, all and every such Person and Persons producing a Ticket denoting that the said Toll hath been paid in that Day; and the said Collector and Collectors is and are hereby required to deliver such Ticket *gratis*, on the Payment of such Toll.

Persons having paid the Toll at one Turnpike to pass through the other Turnpikes on the Road Toll-free,

XXVI. Provided also, and be it further enacted, That every Person who shall have paid the said Tolls at any One Turnpike or Toll Gate to be erected upon the said Road, for or in respect of any Horse or Horses, Beasts or Cattle, or Carriage or Carriages, in any One Day to be computed as aforesaid, shall on the same Day be permitted to pass and repass Toll-free with the same Horse or Horses, Beasts or Cattle, Carriage or Carriages, through all the Turnpikes or Toll Gates then standing or being upon the said Road, on producing a Note or Ticket denoting such Payment; and which Note or Ticket the several and respective Collectors are hereby required to deliver *gratis* on Receipt of such Tolls, such Ticket naming and specifying the several Gates freed by such Payment.

Penalty on evading the Tolls.

XXVII. And for preventing evading the Payment of the said Tolls, be it further enacted, That if any Person or Persons shall give, offer, or dispose of to or receive from any other Person or Persons any such Ticket as aforesaid, or shall counterfeit or knowingly make use of, any counterfeited Ticket, or any Ticket which shall have been delivered on any other Day than that upon which it shall be offered to be made use of, in order to avoid Payment of the said Tolls, or any Part thereof; or if any Person or Persons owning, renting, or occupying any Lands adjoining to the said Road, near unto any Turnpike to be erected thereon, shall knowingly or wilfully permit or suffer any Person or Persons, not being his, her, or their Servant or Servants, or in his, her, or their Family, to pass through or over any Part of his, her or their said Lands, with any Horse or other Beast or Cattle, with Intent to evade the Payment of any of the said Tolls or any Part thereof; or if any Person or Persons shall ride or drive any Horse or other Beast or Cattle, through or over any Way or Passage (not being a Public Way or Passage) or any Public Foot way, or through or over any Lands adjoining to any Part of the said Road, or near to any of the said Turnpikes, or shall take off or cause to be taken off, any Horse or other Beast or Cattle, from any Carriage, whereby the Payment of any of the said Tolls or any Part thereof is or shall be evaded; every such Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Shillings; One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

In case of Dispute concerning Tolls and Charges, the Matter to be settled by a Justice of the Peace.

XXVIII. Provided always, and be it further enacted, That if any Dispute shall happen touching the Amount of the Tolls due, or the Charges of distraining, keeping, and selling any Distress, it shall be lawful for the Collector or Person so distraining to retain the Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls due, and the Charges of distraining, keeping, and selling the Distress, as the Case may be, shall be ascertained by some Justice of the Peace for the County, City or Place, wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties

Parties or other Witnesses or Witnessess (which Oath such Justice is hereby authorized to administer) and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

XXIX. And be it further enacted, That the said Trustees shall, and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XXX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be disqualified or incompetent from giving Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or in any Manner acting under the Authority of the said Trustees.

Collectors of Tolls not incompetent Witnesses.

XXXI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Beast, or Cattle, drawing any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads in the Townships in which any Part of the said Road doth lie, or green Clover for soiling Cattle, Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses or Yards, or on the Lands of the Owners or Occupiers thereof, or for any Horse, Beast, or Cattle, drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to

General Exemption.

[Local.]

3 L

fetch,

fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Dung, Marl, Soil, Mould, Compost, or other Manure, of what Nature or Kind soever (except Lime) employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands, or for any Horse, Beast, or Cattle, going to or returning from having been employed in Husbandry from one Part of the Farm to the other Part of the said Farm, or going to or returning from being shod or farried, or going to or returning from Pasture or Watering Place; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of religious Worship, on *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road doth lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts drawing any Cart, Carriage, or Waggon, employed in carrying or conveying, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horse or Horses, or other Cattle drawing any Waggon, Cart, or other Carriage which shall be employed in conveying any Ordnance or Barrack or Commissariat or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulation of such Corps, at the Time of claiming the Exemption); or for Horses, Carts or Waggon travelling with Vagrants sent by legal Passes, or returning therefrom after having been so employed; or for any Horses carrying any Persons, or drawing any Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine of *Chester*, or of a Citizen or Citizens to serve in Parliament for the City of *Chester*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; or for any Cattle or Carriages going to or returning from any Corn Mill or Malt Kiln situate in any of the said Townships or Places, with or for any Corn, Grain, Malt, Meal, or Flour, to be ground, made, or smelted, or when so done for the Owner's own Use and Consumption, and not for Sale; and if any Person or Persons shall, by any fraudulent or collusive Means whatsoever, claim or take the

Benefit.

Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Fifty Shillings; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

XXXII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance or Barrack or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses, or other Beasts or Cattle drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of any such Waggon, Wain, Cart, or other Carriage, being drawn by any Number of Horses or other Beasts or Cattle, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or other Beasts or Cattle to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to the Highways or Turnpike Roads, and in this Act contained, to the contrary thereof notwithstanding.

Drivers of Carriages provided for His Majesty's Service in carrying Baggage, &c. not liable to any Penalty for carrying Overweight.

XXXIII. Provided also, and be it further enacted, That none of the Tolls hereby granted shall be demanded or taken at any Gate or Turnpike which shall be erected between the said Townships of *Willaston* and *Wistaston* and the said Town of *Nantwich*, for or in respect of any Horses, Cattle or Carriages belonging to any Inhabitant of the said Townships of *Willaston* or *Wistaston* going to or returning from the said Town of *Nantwich*, except for any Horses or Beasts drawing any Waggon, Cart, or other such Carriage, having a greater Weight in such Carriage than is allowed by Law.

Exemptions in favour of Willaston and Wistaston.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to compound and agree with any Person or Persons, for any Period of Time not exceeding Three Years, for any Horses, Beasts, or Cattle passing on the said Road, or any Part thereof, for all or any of the Tolls to be paid in respect of such Horses or other Beasts or Cattle; and all such Composition Money shall be paid in advance or otherwise, as the said Trustees shall appoint; and in Default thereof every such Composition shall be null and void to all Intents and Purposes whatsoever.

Trustees may compound for Tolls.

XXXV. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which One Calendar Month's previous Notice shall be given in such Newspaper or Newspapers as aforesaid, and shall be affixed on all and every the Turnpike Gates that shall be standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper; and afterwards, at any Meeting to be holden as aforesaid, from Time to Time, if they shall see Occasion, to advance

Trustees may reduce the Tolls, &c.

advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in force and effect with Regard to Overweight: Provided nevertheless, that until the whole Money borrowed on the Credit of this Act shall have been paid off and discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent in Writing of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of the said Tolls.

Tolls may be let.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered at a Meeting, upon Ten Days Notice being given in such Newspaper or Newspapers as aforesaid, and affixed on all and every the Turnpike Gates that shall be standing on the said Road, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Person or Persons, at and for the largest Yearly Sum that can be reasonably had or got for the same, provided that the Leases, Contracts, or Agreements of or for the same be in Writing, and be duly executed by the Person or Persons taking or farming such Tolls, and also by Three or more of the said Trustees; but the same shall not be let for more than Three Years at any one Time, and the Rent which shall be agreed to be paid for the said Tolls shall be made payable and shall be paid to the Treasurer of the said Trustees, so as that One Quarterly Payment of such Rent shall always be in Advance, or sufficient Security shall be given for the Payment of such Rent to the Satisfaction of the said Trustees, or any Three of them; or in default thereof any such Lease, Contract, or Agreement, shall be null and void to all Intents and Purposes whatsoever.

Lessees of Tolls may appoint Persons to collect them.

XXXVII. And be it further enacted, That during such Time as the said Tolls, or any Part or Parts thereof, shall be leased, demised, or in farm, to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by any Writing or Writings under his or their Hand or Hands, authorize or appoint, to demand and collect the said Tolls so leased, demised, or farmed, and the like Powers for the Recovery thereof, to all Intents and Purposes, as any Collector of the said Tolls appointed by the said Trustees, is hereby authorized and empowered to demand, collect, and recover the same; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is subject or liable to.

Power to compel Payment of Subscriptions.

XXXVIII. And be it further enacted, That all Persons who have subscribed, or agreed to subscribe or to pay any Money towards making, maintaining, and repairing the said Road, shall and they are hereby respectively required to pay their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of

Record at *Westminster*, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be granted or allowed.

XXXIX. And be it further enacted, That the said Tolls, and all the Monies to arise or be collected and borrowed by virtue of this Act, shall be vested in the said Trustees; and that all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall in the first Place be paid and defrayed out of any Sum or Sums of Money subscribed for the Purposes of this Act, or out of the Tolls collected or to be collected by virtue of this Act, or out of the first Monies borrowed or to be borrowed on the Credit thereof, or out of any other Monies which shall come to the Hands of the said Trustees or their Treasurer, by virtue or for the Purposes of this Act; and the Remainder of the Money so raised shall be from Time to Time applied in the Repayment of the Monies borrowed on the Credit of the same Tolls, by virtue of this Act, and the Interest of such Monies respectively, and in carrying this Act into Execution: Provided nevertheless, that the Interest of the Monies borrowed upon the Credit of this Act shall, in the first Place, from Time to Time be duly and regularly paid as the same shall become due and payable out of the Tolls collected by virtue of this Act, before such Tolls shall be applicable to any other Purpose whatsoever.

Application
of the Tolls,
and Money
borrowed
thereon.

XL. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby empowered from Time to Time to borrow and take up at Interest such Sum or Sums of Money, as they shall judge necessary for the Purposes of this Act, and by Writing under their Hands and Seals to assign over and mortgage the Tolls hereby granted, or any Part thereof, and the several Turnpikes and Toll Houses to be erected on the said Road (the Charges of such Assignments and Mortgages to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for the Repayment of such Sum or Sums of Money with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, or their Executors, Administrators, and Assigns, such Interest to be paid and payable by equal Quarterly Payments at the Dwelling-house of the Treasurer of the said Trustees for the Time being, all which Mortgages or Assignments shall be in the Words or to the Effect following; (that is to say),

Trustees may
borrow
Money on
Mortgage of
the Tolls.

‘ BY virtue of an Act passed in the Fifty-sixth Year of the Reign of
 ‘ King George the Third, intituled *An Act [bere set forth the Title of* Form of
 ‘ *this Act]* We, whose Names are hereunto subscribed, and Seals affixed, Mortgage.
 ‘ being of the Trustees acting in the Execution of the
 ‘ said Act, in Consideration of the Sum of
 ‘ to the Treasurer of the said Road in hand paid by *A. B.* of
 ‘ do hereby grant, bargain, sell, and demise, unto the said *A. B.*
 ‘ Executors, Administrators, and Assigns, such Pro-
 ‘ portion of the Tolls arising by virtue of the said Act, and also of the
 ‘ Turnpikes and Toll Houses for collecting the same, as said Sum of
 ‘ doth and shall bear to the whole Sum advanced or to be
 ‘ advanced on the Credit of the said Act; to be had and holden from this
 ‘ Day of in the Year of our Lord
 ‘ for and during the Continuance of the
 ‘ [Local.] 3 M said

‘ said Act, unless the said Sum of
 ‘ with Interest for the same after the Rate of
 ‘ *per Centum per Annum*, shall be sooner paid off and satisfied.
 ‘ Given under our Hands and Seals this Day of
 ‘ in the Year of our Lord

Copies of
 Mortgages to
 be entered.

Mortgages
 may be
 transferred.

Form of
 Transfer.

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 Clerks to the said Trustees; and such Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward, and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever; and all Persons to whom any such Mortgages or Assignments respectively shall be made as aforesaid, or who shall be entitled to the Money thereby respectively secured, may from Time to Time assign and transfer the same Security or Securities respectively, and all Benefit and Advantage therefrom, and all their Right, Title, and Interest to the Principal and Interest Money thereby respectively secured, or any Part thereof, to any Person or Persons whomsoever, by Writing under their Hands and Seals, in the Words or to the Effect following; (that is to say),

‘ I *A. B.* being entitled to the Sum of
 ‘ secured to Executors,
 ‘ Administrators, and Assigns, by virtue of a Mortgage or Assignment
 ‘ bearing Date the Day of
 ‘ under the Hands and Seals of the Trustees acting in the Execution of an
 ‘ Act, passed in the Fifty-sixth Year of the Reign of King George the
 ‘ Third, intituled *An Act [here set forth the Title of this Act]* upon the
 ‘ Credit of the said Act, do hereby transfer and assign all my Right and
 ‘ Title in and to the same, and all the Principal and Interest Money now
 ‘ due and owing thereon, unto *C.D.* Executors, Administrators, and Assigns.
 ‘ Dated this Day of in the Year of
 ‘ our Lord

And every such Transfer shall be produced and notified to the Clerk to the said Trustees, within Three Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books, to be kept for entering the said original Mortgages to be made by virtue of this Act; and for which Entry the said Clerk, who shall enter the same, shall be paid the Sum of Five Shillings, and no more; and after such Entry or Memorial made, but not otherwise, every such Transfer shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer, to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in Proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority

Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments: Provided nevertheless, that before any Sum or Sums of Money shall be taken up or borrowed, the said Trustees, or any Three or more of them, shall give or cause to be given Twenty-one Days Notice at least, in such Newspaper or Newspapers as aforesaid, signifying their Intention of borrowing such Money.

Trustees to give Twenty-one Days Notice previously to their borrowing any Money.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the said Road, within the Limits herein-after mentioned, through or over any Common or Waste Grounds, without making any Satisfaction for the same; and also in, upon, through, or over, any private Lands, Grounds, Tenements, or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall be lawful for the said Trustees, or for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises, through or upon which the said Road or Alterations hereby authorized to be made, is or are intended to pass, and also upon any adjoining Lands or Grounds, and to stake out the said Road or Alterations, and also to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, and also to make a temporary Way or Ways through or over any such adjoining Lands or Grounds, to be made use of as a public Highway, whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the said Road shall be made safe and convenient for the Passage of Travellers, Cattle, and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Owners or Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned; such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as disputed Value of Lands to be purchased or used by virtue of this Act, as hereinafter directed to be ascertained and settled; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence, a Sum not exceeding Forty Shillings.

Trustees may divert the Course of any Part of the Road.

XLII. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments, and Premises through which the same are to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Chester*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making

Plan, &c. deposited at the Office of the Clerk of the Peace, to remain there for Inspection, &c.

the

the said Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make the Road conformably to such Plan, &c. notwithstanding Errors.

XLIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons, who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises, over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Chester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, etc. not to be injured.

XLIV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground, planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, first had and obtained, other than and except such as are marked or described in the said Map or Plan; any Thing in this Act contained to the contrary in anywise notwithstanding.

Trustees may contract for the Purchase of Land, etc.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person by them duly authorized, to treat, contract, and agree with the Owners of, and Persons interested in, any such Lands, Tenements, or Hereditaments as may be necessary for the Purposes of this Act, for the Purchase thereof, or for the Loss or Damage such Owners of, or Persons interested therein, or in such adjoining Lands as aforesaid, or any of them, shall or may anyways sustain by or by means of such widening, turning, making, altering, or completing the Course or Path of any Part of the said Road; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Committees, Husbands, Guardians or other Trustees, for or on Behalf of any Infants, Females Covert, Cestuique Trusts, Ideots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every other Person and Persons who are or shall be seized or possessed of, or interested in, any such Lands or Premises, to contract and agree with the said Trustees, for the absolute Sale of such Lands, Tenements, and Hereditaments, or of their Interest therein, or for the Satisfaction to be made for Damages as aforesaid, or to sell and convey to the said Trustees all or any Part of such Lands, Tenements, and Hereditaments or Premises, as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual in the Law to all Intents and Purposes (any Law, Statute, Usage, or any other Matter or Thing to the contrary notwithstanding.

Corporations, etc. empowered to sell.

notwithstanding); and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons aforesaid, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XLVI. And be it further enacted, That in case any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees are enabled to purchase, take, or use for the Purposes of this Act, or any such Body Politic, Corporate or Collegiate, Corporations Aggregate, Feoffees, Guardians, Husbonds, Committees, or other Trustees, upon Notice to him, her or them given or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Head Officer of any such Body Politic, Corporate or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating; then and in every such Case it shall be lawful for the said Trustees, or any Three or more of them, to cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County Palatine of *Chester* (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for and upon Account of the taking or using such Lands, Tenements, or Hereditaments, for the Purposes of this Act, or such Damages as aforesaid; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time, to summon and call before them all and every Person or Persons who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer) and they shall and may order and cause the said Jury to view the Place in question, and may use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order adjudge and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Owners, Proprietors, or Occupiers, of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property, of, into, or out of the same Lands, Tenements, or Hereditaments; and for summoning and returning any such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the said County

In case of Persons not treating for the Sale of Lands, a Jury to settle the Recompence.

[*Local.*]

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Palatine

Palatine of *Chester*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to and upon such Summons, the said Trustees shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other honest and indifferent Persons of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons summoned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster*, is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff or his Deputy who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear without some reasonable Excuse, or after having appeared shall refuse to be sworn on the said Jury, or after having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned and required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear without some reasonable Excuse, or refuse to be sworn or examined, or give Evidence touching the same; but no such Fine shall exceed Twenty Pounds upon any such Sheriff or Deputy, nor exceed Five Pounds upon any other Person for One Offence.

Jury may be challenged.

Sheriff, etc. may be fined for Neglect, etc.

By whom the Expences of the Jury are to be paid.

XLVII. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or by any Loss or Damage by him, her, or them sustained, or to be sustained, than shall have been offered by or on Behalf of the said Trustees before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the said Trustees out of the Tolls or other Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been offered by or on Behalf of the said Trustees before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be paid and borne by the Person or Persons with whom the said Trustees shall have had such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justices of the Peace

for the said County, not interested in the Matter in Question (who is hereby authorized and required to settle the same) shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise, such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the said Trustees, by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, out of any Money to be raised or received under or by virtue of this Act.

Persons being absent, the Trustees chargeable with the Expences.

XLVIII. And be it further enacted, That all Sums of Money or Recompence to be agreed for or assessed as aforesaid, shall be and the same are hereby charged upon the Tolls or other Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer or Treasurers, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, on depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case shall be, the said Lands, Tenements, Hereditaments, and Premises, shall be by virtue of this Act vested in the said Trustees; and it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to enter into the Possession of such Lands, Tenements, Hereditaments and Premises, and to cause the same to be laid into and made Part of the said Road, and to be well and sufficiently drained, ditched, and fenced; and the said Lands and Premises shall from thenceforth, to all Intents and Purposes whatsoever, become and be deemed and taken to be a public and common Highway and Part of the said Road for ever, and shall be fenced, repaired, and kept in Repair by the said Trustees, and also by such Ways, Means, and Methods as the said Road hereby directed to be made, widened, altered, or turned, was or ought to have been kept in Repair; and all Parties and Persons shall for ever thereafter be divested of all such Right and Title to such Lands, Tenements, Hereditaments, and Premises.

Upon Payment of Sums awarded by the Jury, the Lands, &c. may be taken.

XLIX. And be it further enacted, That after such Road shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place to which such New Road doth not lead) shall be vested in, and shall or may be sold and conveyed by the said Trustees, or any Three or more of them, for the best Price that can be gotten for the same; and it shall also be lawful for the said Trustees, or any Three or more of them, to sell and dispose of any other Piece or Pieces of Ground of which they may become possessed by virtue of this Act, and which may not be wanted for the Purposes thereof; and the Money arising by such Sale or Sales as aforesaid respectively, shall be applied for the Purposes of this Act; and the Conveyances to be made of such Old Road or Piece or Pieces of Ground being executed by any Three or more of the said Trustees, and inrolled with the Clerk of the Peace for

Old Road, &c. not wanted, may be sold.

for the said County Palatine of *Chester*, shall be good and effectual in the Law to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such New Road as they were possessed of or entitled to in the former Road, in lieu whereof such New Road shall be made.

First Offer to
whom to be
made.

L. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground which shall have been purchased, but which shall not be wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate (who are hereby respectively empowered to take such Affidavit) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as by this Act directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales, which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Money.

Application
of Compen-
sation Money
when equal
to 200l.

Ll. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the
High

High Court of Chancery, to be placed to his Account *ex parte* the said Trustees to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order, made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

LII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the said High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-after directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by any Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in the Manner hereinbefore

When less than 200l. and amounting to 20l.

[*Local.*]

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directed,

directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When less
than 20l.

LIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Trustees, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
when the
Party enti-
tled cannot
be found.

LIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case, it shall be lawful for the said Trustees, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them] subject to the Order, Controul, and Disposition of the said High Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and he is hereby empowered in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case any
Question of
Title to any
Money paid
into the
Bank.

LV. Provided always, and be it further enacted, That where any Question shall arise, touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements,

ments, or Hereditaments, according to such Possession, until the contrary shall be shewed to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession and some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

In case of any Disability of the Persons entitled to Lands, the Court may order reasonable Expences to be paid to the Trustees.

LVII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby authorized and empowered to contract with any Person or Persons, for making, altering, raising, widening, improving, or repairing the said Road, or any Part or Parts thereof, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

Trustees may contract for Work, &c.

LVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for making or repairing the said Road, and for doing any of the Works by this Act directed, out of or from any Common or Waste Ground, Common River or Brook in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any adjoining Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Persons as aforesaid, may by Order of the said Trustees (such Order to be made at some Meeting of the said Trustees to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors attested and signed by the Clerk to the said Trustees) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, off, from, or out of the private Lands, Fields,

For getting Materials.

Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done thereby to the Owners and Occupiers of such Lands, Fields, or Grounds, where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Lands, Fields, or Grounds, as the said Trustees shall judge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners or Occupiers respectively, or any of them, concerning such Damages, it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place, where or from whence such Materials shall be so cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpose, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Notice to be
given to Oc-
cupier of in-
closed Lands
before Mate-
rials taken.

LIX. Provided nevertheless, and be it enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons acting under the Authority of this Act, to dig, gather, take, get, or carry away any Materials whatever, out of or from any inclosed Lands or Grounds, until Notice in Writing signed by the Surveyor or Surveyors of the said Road, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie or be situate, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent shall attend pursuant to such Notice, and shall not shew sufficient Cause to the contrary, then and in such Case such Justices may authorize such Surveyor or Surveyors, or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, such Justices shall and may upon Proof of such Notice to the Satisfaction of such Justices, make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Penalties on
Persons
taking away
Materials
gotten by
Order of the
Surveyor.

LX. And be it further enacted, That if any Person or Persons whomsoever shall take away or remove any Gravel, or other Materials which shall have been dug or gathered by, or by the Order of the said Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds, River, or Brook, for the Purpose of amending or otherwise improving the said Road, or any Part or Parts thereof, or shall get or take away any Gravel or other Materials out of any Pit or Quarry which shall have been made or dug for the Purpose of getting such Materials for amend-
ing

ing the said Road, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner to get Materials therein for his, her, or their own private Use only, and not for Sale) every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

LXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, or for the Surveyor or Surveyors of the said Road, or such Person or Persons as they or he shall appoint or employ, to make or cause to be made Causeways, in, upon, or along the Side or Sides of the said Road, and to scour out and cleanse any Ditches, Drains, or Watercourses, which shall be made in or under the said Road, in such Manner so as effectually to carry off the Water from any Part of the said Road, and to make, build, and erect any Bridges, Arches, or other Works, of such Materials and in such Manner as they shall think proper; and if any Person shall wilfully or negligently injure, destroy, break down, or otherwise damage any of the Works aforesaid, every Person so offending, shall forfeit and pay over and above the Amount of Damages thereby occasioned, any Sum not exceeding Five Pounds.

Power to make Causeways, and erect Bridges and other Works.

LXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, at any Time or Times during the Continuance of this Act, notwithstanding the said Road shall be completed, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the said Road, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending and keeping in Repair any Part of the said Road, and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House) to be made use of as a Public Highway, whilst the narrow and ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Differences shall arise between such Owners or Occupiers and such Trustees, touching such Damage, then and in every such Case, any Two Justices of the Peace for the said County Palatine of *Chester*, next after the Expiration of Forty Days from the Time of doing such Damage, upon the Application of either Party, upon Five Days previous Notice to the other, shall, and they are hereby authorized and required to hear, settle, and determine the same.

Surveyors may make Drains, etc.

In case of Differences, the Justices of the Peace in Sessions to determine the same.

LXIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be

Statute Work.

[*Local.*]

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chargeable

chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Chester*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or any Three or more of them, or by their Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, and Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work shall be by him or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Township or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in force and effect, for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order, such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest) and on such Parts of the said Road as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons, who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given or left for him, her, or them, for that Purpose, signed by the Surveyor or Surveyors to the said Trustees shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with

any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and be applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wholly neglect to give in such Lists as aforesaid, or shall knowingly or willingly give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Three of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Townships or Places in which the said Roads shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work, to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer of the said Trustees, in Advance, on or before the First Day of *May* in each and every Year; or otherwise such Person or Persons, Bodies Politic or Corporate, and the Inhabitants and Occupiers within such Township or Place, shall not be permitted to compound for that Year.

For compounding for Statute Work.

LXV. Provided always, and be it further enacted and declared, That if it shall appear to the said Trustees, or any Three or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now or hereafter shall be liable and chargeable towards the repairing and amending of the Road by this Act intended to be made, repaired, and widened, or any Bridge or Bridges thereupon, such Lands, Tenements, and Hereditaments shall still remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to any Person or Persons, as the said Trustees, or any Three or more of them, shall appoint to receive the Tolls and Duties granted by this Act, or to their Treasurer; and upon Default of Payment thereof, it shall be lawful for the said Trustees, or any Three or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of the Party neglecting or refusing to pay the same, in such Manner as is herein-before mentioned; which Rents and Profits when recovered shall be applied from Time to Time in repairing the said Road and Bridges, and to no other Use or Purpose whatsoever.

Lands liable to repair the Road, to continue so.

LXVI. And

Milestones
to be set up.

LXVI. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, and also so much and so many Direction or Guide Posts, as to the said Trustees, or any Three or more of them, shall seem meet; and if any Person shall wilfully pull up, damage, or destroy any of the said Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon; or if any Person or Persons shall ride upon any Footway adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall do or cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon Wheel Carriages, to drag upon any Part of the said Road, to the Prejudice or Injury thereof, respectively; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the said Road, or any Part thereof, or the Fences, Hedges, Backings, or Copse, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, or any other Game or Games, on any Part or Parts of the said Road; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same during the loading or unloading thereof, as near to the Side of the said Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, or shall do any other wilful Act, Damage, or Injury to the said Road, or any Part thereof, every Person so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
digging Pits
within certain
Distance of
the Road.

LXVII. And be it further enacted, That no Marl Pit, Gravel Pit, or other Pit, already dug, sunk, or made within Twenty Feet of any Part of the said Road, shall be dug, sunk, or made any nearer to the Road than the same now is; and that no Marl Pit, Gravel Pit, or other Pit whatsoever, already begun to be dug, sunk, or made, not at present within Thirty Feet of the said Road, nor any Pit which shall at any Time or Times hereafter be dug, sunk, or made near the said Road or any Part thereof, shall be dug, sunk, or made within a less Distance than Thirty Feet

Feet from the said Road, such Distance to be ascertained by Admeasurement on the Surface, at right Angles from the Edge of the said Road; and in case any Marl Pit or other Pit, shall at any Time hereafter be dug, sunk, or made at a less Distance from any Part of the said Road than as aforesaid, or shall be excavated or undermined within such Distance, then and in every such Case, all and every the Owners and Occupiers of every such Marl Pit, Gravel Pit, or other Pit, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds; which Penalties shall be levied and recovered in Manner herein-after mentioned, and shall be paid to the Treasurer for the Time being to the said Trustees, and go and be applied in the Amendment and Repair of the said Road.

LXVIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees, or any Three or more of them, to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road, to be altered and made to open and swing inwards as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed, so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations; or after such Alterations shall have been once made, shall again alter the same, every such Occupier or Occupiers, shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Gates not to swing into the Road.

LXIX. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers acting under the Authority of this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

LXX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said County Palatine of *Chester*, which Warrant or Warrants such Justice is hereby empowered and required to grant, upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath (which Oath such Justice is hereby required and empowered to administer) and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered (if not herein-directed to be

Penalties how to be recovered and applied.

[*Local.*]

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otherwise

otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County Palatine of *Chester*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and discharged.

Form of Conviction.

LXXI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justices or Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (that is to say),

To wit. } ‘ **B**E it remembered, That on the _____ Day of _____ in the Year of
 ‘ our Lord _____ *A. B.* is convicted
 ‘ before me [*or us*] _____ of His Majesty’s Justices of
 ‘ the Peace for the County Palatine of *Chester*, [*or, as the Case may be,*
 ‘ *specifying the Offence, and the Time and Place when and where the same*
 ‘ *was committed, as the Case may be*]. Given under my Hand and Seal
 ‘ [*or, our Hands and Seals*] the Day and Year first above written.’

Distress not unlawful for want of Form, etc.

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

Proceedings not to be quashed for want of Form.

LXXIII. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, or into the Court of Great Session or Common Pleas for the said County Palatine of *Chester*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Appeal.

LXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions

Sessions of the Peace to be holden for the said County Palatine of *Chester*, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Two Days next after such Notice, entering into a Recognizance before such Justice of the Peace for the said County, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination thereon, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and such Determination shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

LXXV. Provided also, and be it further enacted, That no Action or Limitation of Suit shall be commenced against any Person or Persons for any Thing Actions. done in pursuance of this Act, after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as herein-after mentioned, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case, the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

LXXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be made and given, in and by such Court, as in any other Actions wherein the Defendant is allowed to pay Money into Court. Plaintiff not to recover without Notice, nor after Tender of Amends.

LXXVII. And

Public Act.

LXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment and
Continuance
of this Act.

LXXVIII. And be it further enacted, That this Act shall commence and take place on the Day of the passing of this Act, and shall be in force, and have Continuance, for and during the Term of Twenty-one Years, and from thence to the end of the then next Session of Parliament.

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