



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xvii.

An Act for enlarging the Term and Powers of an Act passed in the Thirty-seventh Year of His late Majesty, for repairing the Road from *Hulmes Chapel*, in the County Palatine of *Chester*, to the *South Bridge* in *Chelford*, in the said County. [22d June 1820.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, altering, widening, improving, and keeping in Repair the Road from the present Turnpike at Hulmes Chapel, in the County Palatine of Chester, leading from Hulmes Chapel to Knutsford, to the South Bridge in Chelford, in the said County, near to Chelford Chapel:* And whereas the Tolls collected and Money borrowed by virtue of the said Act, have been duly applied by the Trustees appointed to put the said Act in Execution for the Purposes thereby granted, and there are now several considerable Sums of Money due and owing upon the Credit of the said Tolls, which cannot be repaid, and the said Road kept in proper Repair, unless the Term granted by the said Act is continued, and some of the said Powers enlarged and rendered more effectual,

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nued.

effectual, and the Tolls granted by the said recited Act increased; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and the several Clauses, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall together with this present Act, be put in Execution during the Term herein-after mentioned, in like Manner, and as fully and effectually in all Respects, and to all Intents and Purposes, as if the said several Clauses, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things, contained in the said recited Act were repeated and re-enacted in the Body of this present Act; which said additional Term hereby granted shall be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Act, and also of all further Sums which may be borrowed and become due on the Credit of this Act, and of the Interest due or to grow due for the same respectively.

Trustees.

II. And be it further enacted, That the acting Magistrates for the County of *Chester*, together with *Cranage Antrobus*, *Sir Edmund Antrobus* Baronet, *James Arden*, *Edward Wilbraham Bootle*, *Roger Barnston*, *William Charles Booth*, *John Broadhurst*, *Edward Broadhurst*, *John Bratt*, *Thomas Cholmondeley*, *Charles Cholmondeley*, *John Crewe*, *John Clarke*, *Davies Davenport*, *Edward Davenport*, *Walter Davenport*, *John Downes*, *John Smith Daintry*, *Thomas Foden*, *John Ford*, *John Glegg*, *John Baskerville Glegg*, *Joseph Gleave*, *Thomas Hodges*, *George Heron*, *Peter Heron*, *John Hollins*, *William Hollins*, *Peter Holland*, *John Holland*, *Thomas Hilditch*, *Thomas Bayley Hall*, *Strethill Harrison*, *Samuel Harrison*, *Robert Hibbert*, *Thomas Hibbert*, *John Johnson*, *Francis Jodrell*, *Thomas Jackson*, *Shallcross Jackson*, *Oswald Leycester*, *Ralph Leycester junior*, *Sir John Fleming Leicester* Baronet, *Egerton Leigh*, *Egerton Leigh junior*, *Jodrell Leigh*, *Peter Leigh*, *George John Legh*, *Willoughby Legh*, *John Legh*, *Robert Littler*, *Peter Lowe*, *William Lockett*, *William Lawton*, *John Holdsworth Mallory*, *Sir Henry Mainwaring Mainwaring* Baronet, *William Malbon*, *Charles Potts*, *Thomas Parker*, *John Robert Parker*, *Thomas Plant*, *John Royle*, *Charles Watkin*, *John Shakerley*, *Clement Swettenham*, *Sir John Thomas Stanley* Baronet, *Edward Stanley*, *Edward Stracey*, *John Sandbach*, *Samuel Siddeley*, *Thomas William Tatton*, *John Vernon*, *Lawrence Wright*, *Thomas Wright*, *Strethill Wright*, *Strethill Wright junior*, and *Randle Wilbraham*, together with such Number of Persons, not exceeding Ten, as they, or any Five or more of them, shall at their First Meeting nominate and appoint, shall be, and they and their Successors to be elected in the Manner herein-after mentioned, are hereby appointed Trustees for causing the said Road to be properly amended and repaired, and otherwise carrying the said Act and this Act into Execution.

Repeal of
Qualification
of Trustees.

III. And whereas it is by the said first recited Act enacted, that no Person shall act as a Trustee in the Execution thereof, who shall not be possessed of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly

Value of One hundred Pounds, or be possessed of or entitled to a Personal Estate of the Value of Five hundred Pounds: And whereas the said Provision has been found inconvenient; be it therefore enacted, That the same shall be and is hereby repealed.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said Act and this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seized of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds; and if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of the said Act and 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 Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being given of his having acted as a Trustee in the Execution of the said Act and this Act: Provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of the said Act and this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification
of Trustees.

V. And be it further enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such (except in administering the Oath herein-after mentioned), shall take and subscribe an Oath before Two or more of the said Trustees (who are hereby empowered to administer the same), in the Form or to the Effect following; (that is to say),

Trustees to
take an Oath.

I *A. B.* do swear, That I am in my own Right [*or* in the Right of my Wife] truly and *bonâ fide* seized or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or am Heir Apparent of a Person truly and *bonâ fide* seized or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or am truly and *bonâ fide* possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds; and that I will truly and faithfully execute the Powers and Trusts reposed in me by Two Acts of Parliament, passed in the Thirty-seventh Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of the Act*] and

and in the First Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act*].

So help me GOD.

Victuallers not to be Officers, or act as Trustees.

VI. Provided always, and be it enacted, That no Person or Persons who shall keep any Victualling House or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, 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 the said Trustees, or of collecting the Tolls granted by this Act, and made payable during such Time as he, she, or they, shall keep such Victualling House, Alehouse or other Place of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, 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.

Repeal of Time for General Annual Meeting.

VII. And whereas by the said Act it is enacted, that the said Trustees shall hold a General Meeting on the Twenty-fifth Day of *March* in every Year, at some House in *Hulmes Chapel* aforesaid, and which shall be called the Annual General Meeting of the said Trustees: And whereas the said Provision has been found inconvenient, be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Another Time appointed.

VIII. And be it enacted, That the said Trustees shall hold a General Meeting on the Twelfth Day of *November* in every Year (except when such Day happens to be on a *Sunday*, when such General Meeting shall be held on the following Day), at the Inn or Public House situate in *Lower Withington* in the said County, now in the Holding of *William Blackshaw*, or at any Place on the said Road which the said Trustees shall appoint, and which General Meeting shall be deemed to be and shall be called the Annual General Meeting of the said Trustees.

Chairman to have a casting Vote.

IX. And be it further enacted, That at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall 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 it shall and may be lawful for the Chairman to give the decisive or casting Vote.

Repeal of Provision for verifying Accounts on Oath.

X. And be it further enacted, That so much of the said Act as requires any Officer or other Person to verify his Account on Oath, and as authorizes the Trustees for executing the said Act to administer an Oath to any such Officer or Officers appointed or to be appointed by virtue of the said Act or this Act, as to the Correctness or Justness of his or their Accounts, or respecting any Sum or Sums of Money received or expended by virtue of his or their Office, shall be and the same is hereby repealed.

XI. And

XI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or by the Chairman at such Meeting, which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatever.

Orders to be entered in a Book.

XII. 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 for the Time being, in which Book or Books such Clerk 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 any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable 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 or 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 shall refuse to permit the said Trustees, or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in the said Act directed.

Accounts to be kept of Receipts and Disbursements.

XIII. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Five or more of the said Trustees, though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall die, become incapable, abscond, or absent himself would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person having the Possession of any Toll House or Buildings to be erected or set up by virtue of the said Act and this Act, shall neglect or refuse to deliver up such Possession for the Space of Three Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said

Trustees may appoint temporary Collectors, &c. in certain Cases.

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County Palatine of *Chester*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Five or more of them, or any of their Officers, in the Possession thereof.

Same Person
not to act as
Clerk and
Treasurer.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or any of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act, or any of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or any of them; or if any Person, being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said Act and this Act, or any of them; every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

Repealing
former Tolls
and granting
others.

XV. And whereas the Tolls by the said former Act granted or authorized to be taken have been found insufficient for the Purposes of the said Road; be it therefore further enacted, That from and after the passing of this Act the said Tolls shall be and they are hereby repealed, and instead thereof the Tolls following shall be collected and taken at each of the Turnpikes or Toll Gates erected by virtue of the said recited Act, before any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, Ass, Cattle, Swine, or Sheep shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or Beast drawing any Coach, Chariot, Berlin, Landau, Sociable, Chaise, Calash, or such like Carriage, with Four Wheels, when drawn by Three or more Horses or Beasts, the Sum of Four-pence Halfpenny; and when drawn by any less Number of Horses or Beasts, the Sum of Sixpence:

For every Horse or Beast drawing any Chaise or Chair with Two Wheels, the Sum of Sixpence:

For every Horse or Beast drawing any Waggon, Wain, Cart, Dray, or other such Carriage, the Sum of Four-pence:

Provided always, that every Horse or Beast drawing any Waggon, Wain, Cart, Dray, or other such Carriage, which shall have passed through any Turnpike with any Lading, (except such Articles as are hereby

hereby exempted from Toll) and shall return on the same Day, to be computed as aforesaid, with any other Lading (except as aforesaid), shall be charged with and pay the Sum of Two-pence.

For every Horse, Mule, or Ass, loaden or not loaden, and not drawing, the Sum of One Penny Halfpenny :

For every Score of horned or neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any greater or less Number.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, and shall and may be levied, recovered, applied, and disposed of, in such and the same Manner as by the said former Act is directed with regard to the Tolls thereby granted ; subject nevertheless to the Alterations herein contained.

XVI. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for or in respect of the same Horses, Beasts, or Cattle, for passing and repassing through all the Toll Gates or Turnpikes erected or to be erected on the said Road, except as aforesaid.

Only One Toll to be payable.

XVII. And be it further enacted, That all Waggons, Carts, and other such like Carriages, having the Wheels and Axletrees of the Width and Descriptions directed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Waggons, with Wheels, as by 55 G. 3. to have the Privileges thereby granted.

XVIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of the Distress and Sale, of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, 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 such Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the

For settling Disputes concerning Tolls.

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 be so distrained and sold.

Tickets to be provided.

XIX. And be it further enacted, That upon Payment of the Tolls by the said Act granted, the Collector or Receiver thereof shall, and he is hereby required to deliver *gratis* to the Person paying such Tolls, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

To prevent Evasion of Tolls.

XX. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, or Beast, drawing or not drawing, in order to avoid the Payment of the said Tolls, or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar, to be erected by virtue of this Act (except the Owner or Occupier of any such Land or Ground, or any of his, her, or their Family or Servants); or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (except as aforesaid) with any Horse, Cattle, or Beast, to pass through the same, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof; or if any Person or Persons shall give to or receive from any Person, other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, or Beast, without Payment of Toll, or shall take off any Horse, Beast, or other Cattle, from any Carriage, with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or shall leave or cause to be left upon or near to any Part of the said Road any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Exemptions.

XXI. And be it further enacted, That no Tolls shall be taken by virtue of this Act, for any Cattle or Carriages going empty or unladen for and returning laden only with, or returning empty after having been laden only with Stones, Gravel, Sand, or other Materials for repairing any of the Highways in any of the Townships in which the said Turnpike Road lies, or in any of the neighbouring Townships, or going empty for or returning laden only with, or returning empty after having been laden only with Dung, Marl, or Compost, not purchased for the manuring of Land, or going empty for or returning laden only with, or returning empty after having been laden only with Hay, or Corn in the Straw, or Turves, or Moss Wood, to be laid up in the Houses, Barns, Out-houses, Yards, or other Places belonging to the Inhabitants of the several Townships in which the said Road lies; or for any Ploughs, Harrows, or other Implements in Husbandry, passing

passing in order to the using or repairing the same, or for any other Thing employed in Husbandry, or for the Occupation of Lands in such Townships; or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or public Place of Divine Worship, or visiting his sick Parishioners, or from any Person going to or returning from his or her proper Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law on a *Sunday*, or any other Day on which Divine Worship is ordered by Authority to be celebrated, or for any Hearse or Carriage conveying or attending the Funeral of any Person who shall die and be buried in any of the said Townships; or from any Persons going to or returning from any Election of Members of Parliament for the County of *Chester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Cattle belonging to any of the Inhabitants of any of the Townships in which the said Road lies, going to or returning from Pasture or Water, or any Smithy to be shoed; nor for any Horses of any Soldiers upon their March or upon Duty, or for any Carriages attending them; nor shall any Toll be taken for any Horses or Carriages of whatsoever Description, employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding any such Mails or Expresses, or in returning back therefrom, or for any Horse or Carriage attending His Majesty, or any of the Royal Family, or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; or for any Horses or Carriages passing with Vagrants sent by Passes, or Prisoners sent to any Gaol or House of Correction, or for any Horses or other Cattle going or returning to or from any Mills near the said Road, with or for any Corn, Grain, Malt, Meal, or Flour, for the Owner's own Use and Consumption in his own Dwelling House, and not for Sale, and not exceeding One Horse Load at one Time, or on the same Day; nor shall any Toll be taken for any Cattle or Carriages going empty or unladen for, or returning laden only with, or returning empty after having been laden only with Soot or Soap Ashes, not being purchased, to be used and employed in the Manuring or Improvement of any Land in any of the said Townships through which the said Road leads; nor for any Straw belonging to any of the Inhabitants of any of the said Townships, to be used as Fodder, or otherwise, for his or their own Use; and if any Person shall claim or take the Benefit of any of the said Exemptions, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

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XXII. And

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

XXII. 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, 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 Waggon, Wain, Cart, or other Carriage, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Cattle; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be reduced.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, when and as often as they shall think proper, to lessen or reduce any of the Tolls which shall be payable at all or any of the Toll Gates erected by virtue of the said Act or this Act, and to raise the same again, so as they do not at any Time exceed the Tolls by this Act granted and made payable, and so as every Reduction thereof be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on the Security of the Tolls; but no such Reduction shall be made, unless Twenty-one Days previous Notice thereof shall be affixed in Writing against all the Toll Gates then erected across the said Road, and also inserted in One or more of the Newspapers published or generally circulated in the County of *Chester*.

Trustees may compound for Tolls.

XXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding Three Years at any one Time, with all or any of the Inhabitants of the several Townships, Parishes, Hamlets, or Places, to or through which the said Road passes, for the passing of all or any Description of their Horses, Cattle, or Carriages, through all or any of the Toll Gates to be erected on the said Road, or on the Sides thereof, which Composition shall be paid yearly in Advance, and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void; and all such Composition Money shall be paid and applied in such Manner as the Tolls are directed to be paid and applied.

Punishing Collectors misbehaving.

XXV. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted 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 said Tolls shall not place such

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 or Persons than he shall be authorized to do by virtue of the Powers of the said Act and this Act, 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 anywise 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 give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll, such Ticket having specified thereon the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or to any Person or Persons travelling upon the said Road, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, as the Justice or Justices before whom the Information shall be laid shall adjudge and determine.

XXVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said Act of the Thirty-seventh Year of the Reign of His late Majesty, shall seek to obtain the Possession of the Toll Gates, Toll Houses, and Buildings, erected on the said Road, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls, which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Allowing an Action of Ejectment to be supported by one Mortgagee.

XXVII. And be it further enacted, That it shall not be lawful for the said Trustees to make, widen, divert, turn, or alter any Part or Parts of the said Road, beyond the Limits of One Hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands through which the same shall be carried.

Trustees not to widen or alter Road beyond a certain Extent.

XXVIII. And be it further enacted, That every Sum of Money or Rcompence, to be agreed for and assessed as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Money to be borrowed upon the Credit of or to be collected as Tolls by virtue of the said Act and this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, upon Payment thereof into the Bank of England, in
Manner

Upon Payment of the Purchase Money the Land to be taken for the Road.

Manner by this Act directed, and after Ten Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall and may be taken and used for the Purposes of the said Act and this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out as Part of the said Road.

First Offer of Land to be sold to whom to be made.

XXIX. 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 not wanted for the Purposes of the said Act and this Act, or any old Road to be stopped up or discontinued by virtue of the said Act and this Act, they shall first offer the same for Sale to the Person or Persons whose Land shall adjoin thereto; and if such Person or Persons 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, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the said County, (who are hereby respectively empowered to take such Affidavit), by some Person or Persons not 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, such Affidavit 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 Manner by the said Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees, in pursuance of the said Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner by the said 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 the said Act and 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 Money awarded above 200l.

XXX. 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 the said Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, 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 Privity of the Accountant General of the High Court of Chancery,

cery, to be placed to his Account *ex parte* the Trustees for executing the said Act and this Act, 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, and capable of taking Effect; and in the meantime 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and 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 the said Act and this Act, in case such Purchase or Settlement were made.

XXXI. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in 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 High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before 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 of by Five or more of the said Trustees for executing the said Act and this Act (such Nomination and

Where less than 200l. and above 20l.

[*Local.*]

4 X

Approbation

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

Where not
more than
20l.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next-before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons 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 the said Act and this Act, in such Manner as the said Trustees or any Five 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.

In case of not
making out a
good Title,
&c.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed 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 Five 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 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, and 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 meet, 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 Sum or Sums of Money into the Bank as aforesaid.

XXXIV. 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, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said Act and this Act, or to any Bank Annuities to be purchased with any such Money, or to 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 be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of a
disputed
Title.

XXXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Act and 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 the said Act and 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.

Court may
order reason-
able Ex-
pences to be
paid by the
Trustees.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors or such Person or Persons as he or they shall appoint, to dig, gather, and carry away Gravel, Furze, Heath, Sand, Flints, Stones, or other Materials out of any Common River or Brook, or out of or from any Waste or Common proper and convenient for repairing and amending the Road aforesaid, without paying any thing for the same, such Surveyor or Surveyors, or other Persons, levelling, or causing to be levelled, all such Holes and Pits where any Materials as aforesaid shall be digged, gathered, or taken, and from whence the same shall be carried away, or making a safe and sufficient Fence round all such Holes or Pits; and where a sufficient Quantity of Materials cannot be had from such Rivers, Brooks, or Common for repairing and amending the Road, it shall and may be lawful for such Surveyor or Surveyors, or other Persons as aforesaid, by Order of any Justice or Jus-
tices

Getting Ma-
terials.

tices of the Peace for the County in which such Materials are to be gotten, to be made upon the Application of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of and from the Lands and Grounds of any Person or Persons, not being the Ground whereon any House stands, or a Garden, Orchard, Yard, or Park, Paddock, planted Walk, or Avenue to any House, or a Piece or Parcel of Ground set apart or used as a Nursery for Trees, where such Materials are or may be found, in any Township, Parish, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Township, Parish, or Place, and from Time to Time to carry away the same, or so much thereof as the Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Rates for such Materials and for the Damage done to the Owners and Occupiers respectively of the Lands or Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as also for the Damage done to the Owners and Occupiers of any private Lands or Grounds over which such Materials gotten in any River, Brook, or Waste Ground shall be carried or conveyed, as the said Trustees or any Five or more of them shall judge reasonable; and in case of Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, then Two Justices of the Peace acting in and for the said County shall and may adjudge, assess, and determine the same.

Notice to be given of taking Materials.

XXXVII. Provided always, and be it further 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, get, take, or carry away such Materials for repairing such Road out of or from any inclosed Land or Ground, until Fourteen Days Notice in Writing, signed by such Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials ought not to be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for such Justice or Justices by their Order to authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials at such Time or Times as to the said Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, pursuant to such Notice, the said Justice or Justices may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Surveyors may make Causeways, &c.

XXXVIII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Causeways or Footpaths in or along the Sides of the said Road or any Part thereof, and to cut or make Drains or Watercourses upon and through any Lands lying contiguous to the said Road, and to erect and keep in Repair the Bridges and

and Arches thereupon, and also to make Ditches or Fences in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and make sufficient Fences and Barriers and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands so to be used, cut through, or built upon for the Damages which they or any of them shall sustain thereby, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by any Two or more Justices of the Peace for the said County of Chester.

XXXIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause to be erected Guide Posts upon such Parts of the said Road, where the same may be crossed or joined by other Roads, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction Post erected or fixed or to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or if any Person shall ride upon any Causeway or Footpath formed by the said Surveyor or Surveyors upon or on the Side of or adjoining the said Road, or shall drive any Horse, Beasts, or Swine, or any Carriage upon or cause any Damage to be done to any Causeway or Footpath, or shall leave or suffer any Horse, Beast, Cattle, Sheep, or Swine to graze or be and remain loose on the said Road or any Part thereof; or if any Person shall cause to be drawn upon any Part of the said Road any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Road to the Prejudice thereof; 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 the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road shall ride upon the Shafts or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her left or near Side of the said Road, and also keep on the same Side himself; or if any other Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Road, or within Eighty Feet of the Centre thereof, or play at Football or any other Game or Games on any Part of the said Road to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be; or if any Person after having blocked or stopped

Trustees may
erect Guide
Posts, &c.

[Local.]

4 Y—Z

any

any Waggon, Cart, or other Carriage in going up any Hill or rising Ground shall not immediately remove from the said Road the Stone or other Thing with which such Waggon, Cart, or other Carriage shall have been so blocked or stopped; or in case any Person shall lay any Timber, Stone, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, between the said Road and the Fences to be erected on the Sides thereof, or shall plough up, dig up, or break up any of the Soil between the said Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof, except such as may be lying in his own Grounds, and be carried away without being brought over any Part of the said Road, or that the same may be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct and order, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied as by the said Act is directed.

Gates to
Fields to
open inwards.

XL. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place adjoining to the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road, except the Hanging Posts thereof shall be so far distant from the Centre of the said Road as that no Part of such Gates respectively shall when opened swing or hang over any Part of the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field or Ground, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings; that it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected and open outward towards the said Road to be altered and made to open inward towards such Field, Ground, Yard, or other Place, in Manner hereby directed, as they the said Trustees shall think proper.

Statute La-
bour and
Composition
Money how
to be appor-
tioned.

XLI. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Road, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work on the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace acting in and for the County, Borough, Riding, or Place where the said Road is situate, and they are hereby required and empowered (upon Application made to them by the said Trustees, or any Five or more of them, or by the Treasurer, Clerk, or Surveyor, or 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, or Places in which the said Road or any Part thereof lies, and also what Proportion of the Money received
by

by the Surveyor or Surveyors of the Highways of any such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, 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, of the Names of the several Persons who within such Parish, Township, or Place respectively 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 or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may appoint and order such and so many 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 Five 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 and liable to the Payment of any Money in lieu of or as a Composition for such Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such respective Townships, Parishes, or Places to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as they 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 or directed 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 to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his 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 or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and 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 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 dismiss 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 neglected or refused to come, or such Team or
Draught

Draught had not been set to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists, or to collect or pay over such Composition, or any Part thereof in Manner as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Trustees to compound for Statute Work.

XLII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the 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, in all or any of the Parishes or Places in which the said Road is 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 done by all or any of the said Inhabitants and Occupiers on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer to the said Trustees on Advance, on or before the Tenth Day of *October* in each and every Year, or otherwise the Inhabitants and the Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Public Act.

XLIII. 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.

Commencement and Continuance of the Act.

XLIV. And be it further enacted, That this Act shall commence and take effect upon the passing hereof, and that the said recited Act (subject to the Alterations and Amendments herein contained) and this Act shall continue in force and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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