

36G.3.c.145. *from Bucklow Hill aforesaid to Penny's Lane, near Northwick, in the said County of Chester: And whereas an Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty King George the Third, intituled An Act for enlarging the Term and Powers of Two Acts passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and in the Fourteenth Year of the Reign of His present Majesty, for repairing and widening the Roads from Henshall's Smithy, upon Cranage Green, through the Town of Nether Knutsford, and by the South Guide Post in Mere and Bucklow Hill, to the Town of Altrincham, in the County Palatine of Chester, and from the said Guide Post to Warrington, in the County of Lancaster, and from Bucklow Hill aforesaid to Penny's Lane, near Northwick, in the said County of Chester; several Tolls and Powers were given and granted for repairing and widening the said Roads: And whereas the Tolls collected and Money borrowed by virtue of the said Acts have been duly applied by the Trustees appointed to put the said Act in Execution, for the Purposes thereby granted, and there are several considerable Sums of Money due and owing upon the Credit of the said Tolls, which cannot be paid off, nor can the said Roads be properly and effectually kept in Repair, unless the Term granted by the said Acts be further continued; and it would be more convenient to the Trustees for executing the said recited Acts, and beneficial to the said Road, if the said recited Acts were repealed, and further, better, and more effectual Powers granted in one Act of Parliament, for repairing, improving, and keeping in Repair the the said Roads; but the Purposes aforesaid 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 Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-eighth Day of September One thousand eight hundred and twenty, the said recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and this Act shall commence and take Effect in lieu and instead thereof; and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of better and more effectually amending, widening, altering, improving, and keeping in Repair the said Roads herein-before mentioned and described; and the Tolls by this Act granted shall be and the same are hereby declared to be charged with, and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit or on Account of the Tolls granted and continued by the said recited Acts, or any or either of them, and of the Interest due or to grow due thereon respectively, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or on Account of the Tolls granted by this Act.*

Former Acts repealed, and this Act to take place instead thereof.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County Palatine of *Chester*, together with the Right Honourable *George Harry Grey* commonly called *Lord Grey*, the Honourable *Henry Grey*, *Sir John Thomas Stanley*, *Sir John Grey Egerton*, *Sir Richard Brooke*, *Sir John Fleming Leicester*, *Sir Henry Mainwaring Mainwaring*, *Sir John Chetwode*, Baronets; *John Arderne*, *Lawrence Armitstead*, *Henry Charles Aston*, *John Smith Barry*, *Peter Langford Brooke*,

Brooke, Isaac Blackburne, William Charles Booth, Thomas Cholmondeley, Charles Cholmondeley, Davies Davenport, Edward Davies Davenport, George Eaton, Wilbraham Egerton, William Fox, Booth Grey, John Glegg, John Baskerville Glegg, Thomas Bayley Hall, Peter Heron, Francis Jodrell, George John Legh, Willoughby Legh, John Legh, Thomas Legh, Peter Legh, Egerton Leigh, Egerton Leigh the younger, Ralph Leycester, Ralph Leycester the younger, George Leycester, Devereux Jones Nicholls, Thomas Parker, Edward Stracey, Charles Watkin, John Shakerley, Hugo Worthington, Charles Peter Shakerley, Geoffrey Shakerley, James Stanton, Thomas, William Tatton, Robert Taylor, Edward Venables Townshend, Trafford Trafford, Thomas Tipping, Randle Wilbraham, and James Wilde, Thomas Blackburne, Harry Grey, Shalcross Jackson, George Heron, Peter Leigh, Oswald Leycester, Edward Mainwaring, John Holdsworth Mallory, Edward Stanley, Samuel Steel, and Rowland Egerton Warburton, Cranage Antrobus, Isaac Harrop, Peter Holland, John Holland, John Hollins, William Hollins, Thomas Orrell, William Whitaker, Thomas Wright, Stretbill Wright, and Stretbill Wright the younger, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, altering, improving, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting, and of the Purpose thereof, Ten Days Notice shall be given as is herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons, not exceeding Twelve in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby nominated; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named in and appointed under or by virtue of this Act.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That all Acts and Proceedings of the said Trustees, relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed as herein-after is mentioned, excepting only in Cases herein mentioned, requiring a greater or less Number of Trustees.

All Acts
may be done
by Five
Trustees un-
less other-
wise directed.

V. And be it further enacted, That when and as often as the Trustees nominated or appointed in pursuance of this Act shall see Occasion, it shall be lawful for them, by Writing under their Hands, to elect and appoint any other Person or Persons living in the said County of *Chester*, being duly qualified as herein-after mentioned, to be a Trustee or Trustees for putting in Execution this Act, in addition to the Trustees there appointed; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some one public Newspaper circulating in the Neighbourhood through which the said Road passes, at least Ten Days before every such Meeting shall be held; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons herein specially named; and

For electing
new Trustees.

and that no Trustee or Trustees shall have Power to act in the Execution of this Act, but during only such Time as he or they shall live or reside in the said County of *Chester*.

Qualification
of Trustees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of his acting therein he shall in his own Right, or in Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so in Possession, or in Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a Personal Estate to the Amount of Four thousand Pounds; nor before he shall have taken and subscribed, in a Book to be kept for that Purpose, the Oath or Affirmation hereinafter mentioned before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say,)

Oath of
Qualification.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am seised of, in my own Right [*or in the Right of my Wife, as the Case may be*], and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Freehold or Copyhold Estate, in Lands, Tenements, or Hereditaments, situated in the County Palatine of *Chester*, of the clear yearly Value of One hundred Pounds [*or am Heir Apparent of A. B., who, to the best of my Knowledge, is possessed of a Real Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds, or am possessed of a Personal Estate of the Amount of Four thousand Pounds*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*]. So help me GOD.’

Penalty on
Persons act-
ing not qua-
lified.

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same; to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Great Session held in and for the said County Palatine of *Chester*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution 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 (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

VII. Pro-

VII. Provided always, and be it further enacted, That no Person shall act as a Trustee in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act, or shall be concerned or interested in any Contract or Contracts that shall be made in or about the Execution of this Act, or shall be Lessee of any of the Tolls granted by this Act, nor in any Matter in which he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act, but any Mortgagee or Assignee of any Mortgage, or any other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or be disabled from acting as a Trustee in the Execution of this Act; and that all such Trustees as are or may be Justices of the Peace for the said County of *Chester* may, within their respective Jurisdictions, act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested).

Persons holding Places of Profit not to act as Trustees.

VIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of such Trustee or Trustees as may be a Party or Parties to any Deed or Instrument in Writing, upon which any Action shall or may be brought, or in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in his or their Name or Names, or in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Trustees, or Clerk, nor by the Act of such Clerk, without the Consent of the said Trustees, but the Clerk for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk, shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that every such Trustee or Trustees, or Clerk, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued in their own Names, or in the Name of their Clerk.

IX. And be it further enacted, That the said Trustees shall and may and they are hereby required to meet on the last *Monday* in the Month of *September* next after the passing of this Act, or as soon after as conveniently may be, at the House known by the Name of *The George*, in *Nether Knutsford*, in the said County of *Chester*, if then open, and if not, then at some other convenient House or Place within the said Town, between the Hours of Ten in the Forenoon and Four in the Afternoon, and then and there proceed to the Execution of this Act, and shall and may adjourn themselves, and afterwards meet yearly some Time in the Month of *September* at the Place aforesaid, or at any other Time, or at any other Place on or near to the said Road, as the Trustees attending the said Meetings shall think proper or convenient for putting this Act in

First Meeting of Trustees, &c.

[Local.]

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Execution,

Execution, which Meetings shall be deemed General Meetings; and the said Trustees shall and may at any such Meetings adjourn themselves to some convenient Place or Places at or near the said Road, and may make such further Adjournments from Time to Time as they shall think proper; and if at any such Meetings there shall not appear a sufficient Number of Trustees to act or to adjourn (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed at or on all the Turnpike Gates then erected on the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting of such Trustees was appointed to be held, at such Time as he may judge requisite and necessary; and in case the Clerk to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Seven Days after such Refusal, Neglect, or Prevention of such Clerk, by Notice in Writing under their Hands, to be affixed on all the Turnpikes then erected on the said Road, to appoint the Trustees to meet at some convenient House on or near to the said Road upon the Day next after the Day of the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Five of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Charges and Expences; 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.

Meetings on
Emergencies.

X. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall be found expedient to appoint an earlier Day of Meeting than that appointed by such Adjournment, then and in every such Case the Clerk to the said Trustees, upon an Order in Writing signed by Five or more of the acting Trustees, although not assembled at a Meeting held or to be held in pursuance of this Act, mentioning the Time, Place, and Purposes of such Meeting, shall forthwith give Notice thereof in the Manner before directed in Cases where the Trustees shall have omitted to adjourn themselves, and of the Time and Place and Purposes which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such earlier Meetings, relating to the Purposes mentioned in such Order and Notice respectively, but to no other Matter, shall be as valid and effectual as they would have been if such Meetings had been held in pursuance of Adjournments.

Orders to
be made at
Meetings
only.

XI. Provided always, and be it further enacted, That no Orders or Proceedings of the said Trustees in the Execution of this Act (except as is by this Act excepted) shall be deemed to be valid unless made at a Meeting

Meeting held in pursuance of this Act, nor unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any Order or Proceedings made or had at any Meeting of Five or more of the said Trustees be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration proposed to be made, be given by the Trustee or Trustees applying for such Revocation or Alteration to the Clerk for the Time being to the said Trustees, and affixed upon the respective Toll Gates then erected upon the said Road, and also inserted in some one public Newspaper circulated in the Neighbourhood of the said Road, at least Ten Days before such subsequent Meeting, nor unless a greater Number of Trustees shall be present than were present when such Order or Proceedings proposed to be revoked was made, and a Majority of them shall concur in such Revocation or Alteration.

XII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Chairman at such Meeting or Meetings; and such Entries being signed by such Chairman shall be deemed Originals, and the same and all Entries therein, and true Copies thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done or to be done in pursuance of this Act.

Orders, Proceedings, &c. of Trustees to be entered in a Book.

XIII. And be it further enacted, That all and every Books and Book containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, and thereby made Evidence, shall and may be given in Evidence in all Cases of Appeal, and in all Suits and Actions whatsoever, in such and the same Manner as if the said Acts had not been repealed.

Books made Evidence under former Acts may be Evidence under this Act.

XIV. And be it further enacted, That all and every Persons and Person who may owe and be subject or liable to the Payment of any Sum or Sums of Money for Arrears of Rent, or otherwise, to the Trustees for executing the said recited Acts, or to any Person or Persons for the Benefit of such Trustees, or of any of the Roads directed to be kept in Repair by the said Acts, shall be liable to the Payment of, and shall pay all such Sum or Sums of Money to the Trustees for executing this Act.

Persons owing Money under the former Acts to remain liable to the Trustees.

XV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and other Securities entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts according to the Provisions and Directions of the said Acts, shall remain in full Force and Effect, and shall be and continue available, and shall and may be enforced by the Trustees acting in the Execution of this Act, in all Courts of Law and Equity, until the same are fully satisfied and performed on Account of the Trustees under this Act, and for the Benefit of the said Roads; and all Contracts or Agreements, duly made or entered into by the Trustees for executing the said Acts to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms or Stipulations thereof respectively; and

Conveyances, Bonds, and other Securities under the former Acts, to be enforced under this Act.

and the same shall and may be enforced against the said Trustees in such and the like Manner as any Contract or Agreement entered into by the said Trustees, according to the Directions of this Act, can or may be enforced.

Trustees
may appoint
Officers, &c.

XVI. And be it further enacted, That the said Trustees at their First or any subsequent Meeting to be held under or by virtue of this Act, when and as Occasion shall require, shall and may, by Writing under their Hands, appoint a Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, Surveyor or Surveyors, and other Officers respectively, as they shall think proper, and from Time to Time remove such Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or shall die, resign, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees shall seem proper; and the said Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, and as often as they shall be called upon for that Purpose, produce and give up to such Trustees full, true, and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, and how and to whom, and for what Purposes such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments, and shall and are hereby respectively required to pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect, for the Space of Ten Days, to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall remain in his or their Hands, or shall not deliver to the said Trustees, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any one or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be and reside, shall (upon Complaint of the said Trustees) make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of one or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer, without Fee or Reward); and if it shall appear to such Justice or Justices that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and he and they is and are hereby empowered and required, upon Nonpayment thereof, by Warrant or Warrants under his or their Hand and Seal, or
Hands

Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, rendering the Overplus (if any) upon Demand to the Party or Parties, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, appearing or being brought before such Justice or Justices, shall refuse or neglect to give and deliver to the said Justice or Justices an Account or Accounts of his or their Receipts and Payments as aforesaid, or to produce and deliver up to the said Trustees the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justice or Justices is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol for the said County of *Chester*, there to remain without Bail or Mainprize, until such Officer or Person shall give and make a true and perfect Account, and shall have paid the Money which shall appear to be in his or their Hands, and the reasonable Charges of such Distress and Sale, as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers, or to such Person or Persons as they shall appoint to receive the same (which Composition the said Trustees are hereby empowered to make), or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress as aforesaid shall be detained in Prison for any longer Time than Three Calendar Months.

XVII. And be it further enacted, That the said Trustees are hereby authorized and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and other Officers to be appointed as aforesaid for the due Execution of their respective Offices, as to the said Trustees shall seem expedient.

Treasurer;
&c. to give
Security.

XVIII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the Roads comprized in this Act, shall account for and pay and deliver over the same, and every Part thereof, to the said Trustees, in like Manner and under the like Penalties as are hereinbefore directed in respect to the several Officers and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things by virtue of this Act.

Officers under the former Acts to account to the Trustees under this Act.

XIX. 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

Accounts to be kept of Receipts and Disbursements.

[*Local.*]

7 C

provided

provided and kept by the Clerk for the Time being to the said Trustees, 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 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 shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Clerk not to act as Treasurer, and vice versa.

XX. 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 this Act; 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; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, 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, nor more than One Imparlance, shall be allowed.

Trustees may appoint temporary Collectors.

XXI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, or become incapable of performing his Duty, or shall abscond or absent himself, or become insolvent or bankrupt, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees, to be appointed by virtue of this Act, to discharge such Collector or Receiver so becoming incapable of performing his Duty, or absconding or absenting himself, or becoming insolvent or bankrupt, and to 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) instead of such Collector or Receiver as shall so die or be discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in such and the same Manner in all Respects, as the Person who shall die or be discharged would have had or been subject to.

Power to remove Collectors refusing to deliver up Toll Houses.

XXII. And be it further enacted, That if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other
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 Repre-

Representatives of any Collector or Receiver who shall die, abscond, absent himself, or become insolvent or bankrupt, or be discharged, or any other Person or Persons who shall refuse to deliver up Possession of any Toll House or Building already erected and set up, or hereafter to be erected or set up on the said Road by virtue of this Act, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees or any Three or more of them (although not assembled at a Meeting), or by their Clerk, Treasurer or Treasurers, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace of the County or Place in which such Toll House or Building shall be situated, 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 or Place, 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 one or more of them, or such new appointed Collector, Receiver, or other Officers, into the Possession thereof:

XXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, at the Turnpikes or Toll Gates erected or to be erected upon, across, or on the Side of the said Roads, shall be demised or let to farm to any Person or Persons in pursuance of this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him; her; or them, either by taking a greater or less Toll in respect of any Kind of Carriage, Waggon, Wain, Cart, Horse, Beast, or Cattle than those demised or let to him, her, or them, or any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of Fourteen Days next after any of the Days and Times whereon the same shall become due and ought to be paid pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike or Toll Gate, Turnpikes or Toll Gates, shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him; her, or them appointed to collect the Tolls thereat, then or in any of the said Cases it shall be lawful for the said Trustees (if they shall think proper) to vacate and determine such Demise or Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike or Toll Gate, Turnpikes or Toll Gates, and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered) as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not on Service of such Notice as aforesaid deliver up the Possession of the Toll House or Toll Houses, and the Turnpike or Toll Gate, Turnpikes or Toll Gates, with the Appurtenances so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace of the said County of *Chester*, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll House or Toll Houses and Premises in the Day-time,

To enable Trustees to take Possession of Toll Houses.

time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof as the said Trustees shall appoint.

Toll Houses,
&c. vested
in the Trus-
tees.

XXIV. And be it further enacted, That the Right, Interest, and Property of and in all the Turnpikes and Toll Houses, and other Buildings erected by virtue of the said recited Acts, or to be erected or provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and of the Materials for building the same; and also of all Rails, Posts, and Fences which shall belong to the said Road; and also of all Tools, Implements, Stone, Gravel, Sand, and other Materials now purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for amending, repairing, and improving the said Road, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prosecute any Indictment or Indictments, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally that any Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to
take Tolls.

XXV. And be it further enacted, That the respective Tolls herein-after particularly mentioned shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates, erected or to be erected by virtue of the said recited Acts, and to be erected by virtue of this Act, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being shall from Time to Time appoint (subject to the Restrictions and Exemptions herein-after mentioned), before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse with Four Wheels, and drawn by Six Horses or other Beasts, the Sum of Five-pence:

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse with Four Wheels, and drawn by Four Horses or other Beasts, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse with Four Wheels, and drawn by Two Horses or other Beasts, the Sum of Sixpence:

For

For every Horse or other Beast, drawing any Chaise, Chair, Calash, or Hearse with Two Wheels, and drawn by Two Horses or other Beasts, the Sum of Sixpence :

For every Horse or other Beast, drawing any Chaise, Chair, Calash, or Hearse with Two or more Wheels, and drawn by One Horse or other Beast, the Sum of Sixpence :

For every Waggon, Wain, or other Carriage with Four Wheels, loaden with Coals or Kennel only, betwixt the First Day of *June* and the First Day of *September*, the Sum of One Shilling and Sixpence :

For every Waggon, Wain, or other Carriage with Four Wheels (except as aforesaid), the Sum of Two Shillings :

For every Cart or other Carriage with Two Wheels, drawn by Three Horses or other Beasts, and loaden with Coals or Kennel only, betwixt the First Day of *June* and the First Day of *September*, the Sum of Eightpence :

For every Cart or other Carriage with Two Wheels, drawn by Three Horses or other Beasts (except as aforesaid), the Sum of Tenpence :

For every Horse or other Beast, drawing any Cart or other Carriage with Two Wheels, drawn by Two Horses or other Beasts, and loaden with Coals or Kennel only, betwixt the First Day of *June* and the First Day of *September*, the Sum of Twopence :

For every Horse or other Beast, drawing any Cart or other Carriage with Two Wheels, drawn by Two Horses or other Beasts (except as aforesaid), the Sum of Fourpence :

For every Horse or other Beast, drawing any Cart or other Carriage with Two Wheels, drawn by One Horse or other Beast, the Sum of Sixpence :

For every Timber Carriage with Four Wheels, loaden or not loaden, and the Horses or Cattle drawing the same, the Sum of Three Shillings :

For every Timber Carriage with Two Wheels, loaden or unloaden, and the Horses and Cattle drawing the same, the Sum of One Shilling and Sixpence :

For every Horse or other Beast, laden or not laden, and not drawing, the Sum of One Penny :

For every Score of Horned or Neat Cattle, the Sum of Tenpence ; and so in proportion for any greater or less Number : And,

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Fivepence ; and so in proportion for any greater or less Number :

Which said respective Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as herein-after is mentioned ; all which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll ; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand made thereof by any Collector or Collectors, or other Person or Persons authorized to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collector or Collectors, or such other Person or Persons as aforesaid, or any of them respectively, or any

Tolls vested in the Trustees.

[Local.]

7 D

other

other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Cattle, Beast or Carriage, for or upon which any of the said Tolls are by this Act imposed, or any of the Lading, Bridles, Saddles, Geers, or Accoutrements thereof respectively (but not the Bridles or Reins separate from such Horse or other Beast), or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Person or Persons so distraining shall and may at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, Goods, and Chattels, or other Articles so distrained, until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels, or other Articles so distrained, and out of the Money which shall arise by such Sale pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus (if any) of the Money which shall arise by such Sales, and what shall remain unsold, upon Demand, to the Owner or Owners thereof.

Trustees
to provide
Tickets de-
noting Pay-
ment of
Tolls, &c.

XXVI. And be it further enacted, That upon Payment of the said Tolls, 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.

For settling
Disputes
concerning
Tolls.

XXVII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls or the Charges of the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them, as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, 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.

Collectors
not incom-
petent Wit-
nesses.

XXVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed by the said Trustees, to collect the same,

same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under the Authority of the said Trustees.

XXIX. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, shall and he is required to place his Christian and Surname, painted on a Board in legible Characters in the Front or some conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls or 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 collect such Tolls or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and 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 shall claim such Exemption, or shall refuse to permit or suffer, or shall in any Way hinder any Person or Persons from reading such Christian and Surname, or refuse to tell his Christian and 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 Tolls, and naming and specifying the Gate or Gates freed by such Payment, or upon the legal Toll 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 Traveller or Passenger, 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, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied.

XXX. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes or Toll Gates, already erected and set up by virtue of the said recited Acts, shall be subject to the Payment of any Toll for returning through such Turnpike or Toll Gate before Twelve of the Clock of the Night of the same Day with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free (except such Chaises or other Carriages for Hire as shall repass through any of the said Turnpikes, and for which a Ticket shall be delivered, denoting a fresh Hiring, and also except such Carriages as shall pass and return the same

Regulations
as to Toll
Collectors.

Tolls to be
paid but once
for passing
and repass-
ing, except
Chaises with
fresh Pas-
sengers, &c.

same Day, laden in both Cases with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred; and also except any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriages now is or are or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a public Stage Coach or Stage Coaches, or Stage Carriages employed in carrying Passengers for Hire to and from different Places), in all which excepted Cases the Tolls aforesaid shall be again paid.

55G.3.c.119.
extended to
this Act.

XXXI. Provided always, and be it further enacted, That the several Powers, Clauses, and Provisions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be extended to this Act, and shall and may be exercised and executed by the Trustees for executing this Act or any Five or more of them, and be applicable to Waggon, Carts, or other Carriages passing along or over the said Road, any thing in this Act to the contrary notwithstanding.

Only Two
full Tolls to
be taken the
same Day.

XXXII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage, through all the Toll Gates erected or to be erected on the said Road on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

No Toll for
crossing the
Road.

XXXIII. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage which shall only cross the said Road, or shall travel thereon for the Space of One hundred Yards only.

Penalty on
Persons offer-
ing Tickets
to evade the
Payment of
Tolls.

XXXIV. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person in order to evade the Payment of the said Tolls, every such Person so offering or disposing of such Note or Ticket, and the Person receiving and making use of the same, shall respectively forfeit and pay any Sum not exceeding Forty Shillings, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied as the Penalties and Forfeitures are herein-after directed to be applied.

Penalty on
permitting
private Pas-
sage, &c.
to evade
Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with any Horse, Beast, Cattle, or Carriage, pass through any Lands, Grounds, or Hereditaments (save and except the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ, or any of his, her, or their Family) lying near any Turnpike or Toll Gate at any Time erected upon the said Road (the same not being a public Highway); or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons (save and except his, her, or their Servant or Servants, or Person or Persons in his,

his, her, or their Employ, or any of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent to evade Payment of the said Tolls, or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, other than a Toll Collector, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intent to evade the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, Cattle, Beast, or Carriage, without having previously paid the said Toll, or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or having passed through any Turnpike or Toll Gate erected upon the said Road shall afterwards add or put any additional Horse or Beast to such Carriage, with Intent to evade the Payment of the said Tolls, or shall leave or cause to be left upon or near any Part of the said Road any Carriage, Horse, Cattle, or other Beast, with Intent to evade the Payment of any of the Tolls hereby authorized to be taken, or shall with such Intent unload any Goods from any Horse, Cattle, or Beast, or from and out of any Carriage, or in any Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are herein-after directed to be applied.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and to continue to receive the Tolls so reduced or lessened for such Time or Times as they the said Trustees shall think proper, and may afterwards from Time to Time advance and raise all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the respective Rates herein-before mentioned; and to order and direct such Tolls so to be lessened or reduced, or advanced and raised, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said Tolls are herein-before directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Two-third Parts of the Money which shall have been lent, and be then due upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made unless at a Meeting to be held for that Purpose, Notice in Writing of which Meeting shall be given upon all the Turnpike Gates which shall be then erected upon the said Roads, and also inserted in some Newspaper circulated in the Neighbourhood through which the said Roads pass, Ten Days at least previously to such Meeting.

Power of
reducing
Tolls.

XXXVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, passing laden with or passing empty or unladen for or returning the same Day empty or unladen, after having been laden with Stones, Bricks, Timber, Wood, Lime, Gravel, or other Materials for

General
Exemptions
from Toll.

[Local.]

7 E

making

making and repairing the said Roads, or for repairing the Highways, Roads, or Bridges in any Townships through which the said Roads directed by this Act to be repaired doth lead; nor for any Carriage laden with or passing empty or unladen for or returning the same Day empty or unladen, after having been laden with Marl, Muck, Dung, Mould, Compost, or Manure of any Nature or Kind whatsoever, for the Improvement or Manuring of Land, passing to be laid up in the Outhouses, or on the Lands and Premises of the Owner thereof, or any Stones, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land; nor for any Carriage laden with or passing empty or unladen for or returning the same Day empty or unladen, after having been laden with Grass, Hay, Straw, or Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owner thereof who shall not have bought the same; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horse or any Cattle or Sheep going to or from Water, Pasture, or Plough, or Tillage or Work in Husbandry, or going to or returning from any Smiths or Blacksmiths Shop to be shoed or farried; nor shall any Toll be demanded or taken from any Person or Persons 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*, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; nor for any Horse, or Carriage 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, fetching, or guarding such Mails or Expresses, or in returning therefrom; or for any Horse or Carriage attending His Majesty, or any of the Royal Family; 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 Waggon, Cart, or other Carriage, 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 after 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; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person going to or returning from his, her, or their usual Place of Religious

Worship tolerated by Law, on *Sundays*; or on any other Day on which Divine Service is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person who shall die, and be buried in any of the Townships or Parishes through which the said Road or any Part thereof doth lead; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XXXVIII. 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 or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 Oxen; 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 Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Carriages employed on His Majesty's Service, not to be subject to Toll for Overweight.

XXXIX. And be it further enacted, That the said Trustees shall and may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, so that no Composition be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in advance, otherwise such Composition shall be void.

Trustees empowered to compound for Tolls.

XL. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them from Time to Time, by Writing under their Hands and Seals, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts thereof, in such Manner as they shall think proper, unto any Person or Persons, for any Term not exceeding Three Years at any one Time, for the best Rent that can or may be gotten for the same, payable at such Times, in such Manner, under such Covenants, and unto such Person or Persons as the said Trustees or any Five or more of them shall direct or appoint, of which letting Ten Days Notice at the least shall be given in Writing, and affixed on all the Turnpikes or Toll Gates then erected upon the said Roads, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road doth pass; and the Monies arising thereby shall be applied in such Manner as herein-after is mentioned and directed.

Trustees may lease Tolls.

XLI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Turnpikes or Toll Gates, Weighing Machines, Toll Houses

An Action of Ejectment may be sup-

ported by one Mortgagee, who may obtain Possession of the Toll Houses.

Houses and Buildings, shall seek to obtain Possession of the said Turnpikes or Toll Gates, Weighing Machines, Toll Houses, and Buildings, 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, Turnpikes or Toll Gates, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Trustees may borrow Money upon Mortgage of Tolls.

XLII. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Ten Days Notice in Writing shall be given by the Clerk, Treasurer or Treasurers, to be affixed on all the Turnpike Gates then erected upon the said Roads, and inserted in some public Newspaper circulated in the Neighbourhood through which the said Roads do pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses and Appurtenances thereunto belonging (the Charges of assigning the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same to secure the Repayment thereof, with such legal Interest as the said Trustees or any Five or more of them shall think proper, which said Money so to be borrowed shall be applied and disposed of in such Manner as the said Tolls to arise or be collected at the said Turnpike Gates are hereby directed and intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following; or in any Form of Words to the like Effect; (that is to say),

Form of Mortgage.

‘ BY virtue of an Act passed in the First Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled *An Act* [*here set forth the*
 ‘ *Title of this Act*], in consideration of the Sum of
 ‘ to *A. B.* the Treasurer appointed by the Trustees for putting the said
 ‘ Act into Execution, having been this Day paid by *C. D.* of
 ‘ we, whose Names are hereunto subscribed and Seals affixed, being
 ‘ of the said Trustees, do grant and assign unto the said *C. D.*
 ‘ Executors, Administrators, and Assigns, such Proportion
 ‘ of the Tolls arising upon the Roads in the said Act mentioned, and
 ‘ of the Turnpikes and Toll Houses for collecting the said Tolls, as the
 ‘ said Sum of doth or shall bear to the whole Sum
 ‘ due and owing on the Credit of the said Tolls, or charged thereupon,
 ‘ for the Term of the said Act; to have, hold, receive, and take such
 ‘ Proportion of the said Tolls, Toll Houses and Premises, with the
 ‘ Appur-

Appurtenances, unto the said *C. D.* Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term of Years, for which the said Tolls are granted by the said Act, subject to the Proviso following, (that is to say): Provided always, that if the said Sum of shall be repaid to the said *C. D.* Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of now next ensuing, then this Assignment shall be void, or else remain in full force. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

Copies of all which Mortgages or Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Treasurer or Treasurers to the said Trustees; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under, his, her, or their Hand and Seal, or Hands and Seals, to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before one credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money thereby secured to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security before one credible Witness in the following Words, or Words to the like Effect; (that is to say),

I *A. B.* do transfer this Assignment, with all my Right and Title to the Principal and Interest thereby secured, and to all the Interest now due thereon, unto *C. D.* Executors, Administrators, and Assigns. Dated this Day of One thousand eight hundred and Witness *E. F.* Form of Transfer.

All which Assignments or Transfers shall be produced and notified to the Clerk, Treasurer or Treasurers, to the said Trustees, within Twenty-eight Days after the Date thereof, who shall cause an Entry to be made of such Assignment, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned, to be assigned and transferred in the said Book or Books, to be kept for entering the said original Mortgages and Assignments, for which the Clerk, Treasurer or Treasurers, to the said Trustees shall be paid the Sum of Ten Shillings and Sixpence, and no more, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign and transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, who shall have made

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any

any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon: Provided always, that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the Tolls granted by this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the Tolls authorized to be taken by the said recited Acts, in respect to the Priority of advancing or having advanced any Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall have been or shall be made as aforesaid shall be in proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on the Tolls granted by this Act in equal Degree one with another.

Power to cancel old Mortgages and give new ones.

XLIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Acts, or any or either of them, and give and execute another Mortgage or other Mortgages instead and lieu thereof respectively, in manner and transferrable as herein-before is mentioned; and that until such Mortgages now standing out as were made by virtue of the said recited Acts, or any or either of them, shall be received in and cancelled, and others given and executed in lieu thereof respectively, such Mortgages shall be as good, valid, and effectual, as if the same had been so received in and cancelled, and others given and executed in lieu thereof, or as if the same had been given as Securities for Money borrowed under the Authority of this Act.

Application of Tolls and other Monies.

XLIV. And be it further enacted, That all Monies and other Effects which they the said Trustees, or any of them, or any Treasurer or Treasurers, or other Person or Persons on their Behalf, are or is entitled to by virtue of the said recited Acts, or any or either of them, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies which shall arise by virtue of the said recited Acts, or either of them, or this Act, and not herein otherwise appropriated or directed to be applied, the Expences attending the preparing, obtaining, and passing this Act, shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the said Tolls by virtue of the said recited Acts, or any or either of them, or shall be borrowed upon the Credit and Security of the Tolls by this Act granted, and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in Repair all the said Roads; and lastly, in reducing, paying off, and discharging the several principal Sums now due and owing on the Credit of the said Tolls, or which may hereafter become due and owing, and in defraying the Expences attending the Execution of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

Mile Stones to be set up, and Penalty on Persons damaging them, &c.

XLV. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any
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Town or Place; and also so much and so many Direction or Guide Posts as to the said Trustees shall seem expedient; 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 drive any Cattle, or any Swine, or any Cart or other Carriage, upon any Footway adjoining to the said Roads, or shall permit or suffer any such Cattle or Swine to be and continue upon the said Roads, or any Part thereof, or any of them, or any Part or Parts thereof; or shall fly any Dragons or Kites upon or near to the said Roads, or within Twenty Yards of the Centre thereof, to the Danger, Inconvenience, or Annoyance of Persons riding or travelling upon the said Roads, or any Part thereof; or shall do or cause any Injury or Damage to be done to any Footway adjoining the said Roads; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, 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 Roads; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, leave or suffer or permit to be and remain on any Part of the said Roads, the Stone or other Thing used in such Blocking or Stopping; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same, or any of them, to root up and damage the said Roads, 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 Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person or Persons shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person or Persons 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 other Firework whatsoever, upon or within Eighty Feet of the Centre of the said Roads, or any of them; or play at Football, or any other Game or Games on any Part or Parts of the said Roads, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage (except in Cases of Accident), longer than may be necessary for the loading or unloading of the same in, upon, or on the Side of any Part or Parts of the said Roads, 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 Roads as conveniently may be; or shall lay any Piece of Timber, or any Stone or Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, or on any Waste Ground adjoining the Side or Sides thereof, and being within the Distance of Twenty Feet from the Centre of the said Roads, or any Part thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or shall turn or make any Drain or Watercourse into, under, or upon the said Roads,

Roads, or any Part thereof, or suffer the Water from any Pump or Spout, or from any Trough, Cistern, or other Vessel, to run into, over, or upon the said Roads, or any Part thereof, to the Prejudice or Damage thereof; or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part or Parts thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For impounding Cattle or Swine straying upon the Roads.

XLVI. Provided always, and be it further enacted, That if any Cow, Horse, Ass, Pig, or other Live Stock, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, it shall be lawful for the Surveyor of the said Roads for the Time being, or some other Person or Persons employed by him or by the said Trustees, or any one of them, to seize and impound every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, in the common Pound (if any) of the Hamlets, Township, Parish, or Place in which the same shall be found wandering, straying, or lying about the said Roads, or any Part thereof, or in such other Place or Places as the said Trustees or any one of them, or their said Surveyor shall appoint, and the same there to detain until the Owner or Owners thereof shall for every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for any one or more Justice or Justices of the Peace of the said County, by an Order or Warrant under his or their Hand or Hands, to sell or cause any such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Surveyors may make Causeways, &c.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, or such other Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from any Five or more of the said Trustees), to make Causeways, and also Ditches and Drains, in and upon the said Roads, and in, upon, and through any Grounds lying contiguous thereto, (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), in order to conduct the Water from off the said Roads; and also by Order of the said Trustees to build, erect, repair, and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and also across any Canal, Stream, River, Brook, Water, Ditch, or Drain in or contiguous to the said Roads; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages, the Justices of the Peace for the said County, at the General Quarter Sessions of the Peace to be held for the same County next after such Difference shall arise, and
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on Six Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors; or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matters of the said Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction or Recompence shall be made for doing and performing any of the Works aforesaid upon or through any Common, Waste, or uncultivated Ground.

XLVIII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashler Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the amending and repairing the said Roads, and the Bridges, Culverts, Walls, and Fences in or upon the same, in, upon, out of, or from any Commons or Waste Grounds, or common Rivers or Brooks, in any Parish, Township, or Place in which the said Roads, or any Part thereof, doth lie, or in any adjoining Parish, Township, or Place, to be used in the repairing and amending the said Roads, without paying any thing for the same, and to cart and carry away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as herein-after mentioned, such Surveyor or Surveyors, or other Person or Persons, filling up the Pit or Pits, and levelling the Ground from which such Materials shall have been taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashler Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials proper and sufficient for that Purpose, cannot be had, gotten, or found in or upon such Commons or Waste Grounds, common Rivers or Brooks, contiguous to that Part of the said Roads therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the said County, cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Stone and Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons where the same may be had or found in any Parish, Township, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages for the cutting, digging, gathering, taking, and carrying away the said Ashler Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and other Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think just and reasonable; and in case of any Difference between the said Trustees or any of them, or their Surveyor

Surveyors to
get Gravel.

Justices to
determine
or Differences.

[Local.]

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or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners and Occupiers, or any or either of them, concerning the said Damages or the Value of such Materials, then and in every such Case any Two or more Justices of the Peace of the said County, within Ten Days next after such Difference shall arise, and on Six Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

Surveyors not to take Materials out of private Grounds, without giving Notice to the Occupier.

XLIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, or any Statute now in being, to dig, gather, take, and carry away Stone or other Materials for repairing the said Roads, or for building, erecting, making, or repairing any Bridges, Culverts, Walls, and Fences belonging thereto, out of or from any inclosed Lands or Grounds, until Notice in Writing 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 last or usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the said County, to show cause why such Materials shall not be had and taken out of or from such Lands and Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Justices shall, if they think proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Stone and Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, the said Justices shall and may make such Order therein as they shall think fit and proper, as fully and effectually to all Intents and Purposes as if such Occupier or his Agent had attended.

Penalty on taking away Materials got by the Surveyors.

L. And be it further enacted, That if any Person whomsoever shall take and carry away any Stone or other Materials which shall have been dug, gotten, or gathered for the Purpose of repairing and amending the said Roads, or shall get or take away any Materials from or out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the said Surveyor or Surveyors or other Workmen shall have discontinued working therein (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made and opened, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Surveyors may remove Annoyances.

LI. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from any Five or more of the said Trustees),

to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Compost, Rubbish, Straw, or otherwise, and to fence off and guard against any Water Pits, Precipices, or other Places that may be dangerous to Persons travelling upon the said Roads, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, or any Part thereof, to the Prejudice or Injury thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses, Drains, or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think proper and necessary, and at proper Seasons of the Year to cut down or lop any Branches of Trees, Shrubs, or Bushes (not being an Ornament or Shelter to any House) growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Park, Paddock, Plantation, Walk, or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall, for the Space of Five Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches of Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses, Drains, or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or their Surveyor or Surveyors shall require; the Charges whereof (to be settled by the said Trustees) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads, shall be made and hang so as to open and swing inwards towards such Field or Ground, and not towards the said Roads, and that it shall be lawful for the said Trustees to order all such Gates as are now erected and set up, and open and swing outwards towards the said Roads, 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 Roads, shall (after Ten Days Notice from the Surveyor or Surveyors of the said Roads, 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, 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.

LIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or procure to be assaulted, interrupted, or hindered, any Surveyor or Surveyors of the said Roads, or any Collector or Collectors of the Tolls, or any Person or Persons employed in the Execution of this Act, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing Surveyor or Collector.

LIV. And

Trustees may
widen any
Part of the
Roads to
Sixty Feet.

LIV. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of the said Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to widen any Part or Parts of the said Roads to be repaired and kept in Repair by this Act so as to make such Part or Parts of the said Roads, not exceeding Sixty Feet in Width, for the Accommodation of Passengers and Travellers, through any private Lands, Grounds, or Hereditaments, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and also through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments through which or whereupon the said Roads hereby authorized to be widened are intended to pass; and to stake out and make the same in such Manner as they the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, or Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain.

Restraining
Trustees
from deviat-
ing from the
Line of the
Roads with-
out Consent,
&c.

LV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration.

Trustees may
purchase and
incapacitated
Persons sell
Lands and
Heredita-
ments wanted
for the Pur-
poses of this
Act.

LVI. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, diverting, turning, widening, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, and to pay for the same out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on the Behalf of any Infants, Femes Covert or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good and valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof

thereof in anywise notwithstanding; and that all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

LVII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, or any other Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any Part of the said Roads, and through which any Part or Parts of the said Roads shall be intended to be turned as aforesaid, shall, for the Space of Ten 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 shall be prevented from treating, then and in every or in any such Case the said Trustees shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County Palatine of *Chester*, which Oath any Two or more of the said Trustees are hereby empowered and required to administer, what Damages shall be sustained by and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons as aforesaid, for or on account of the turning or widening of such Roads, or any Part thereof, through such Lands or Grounds; and in order thereto, the said Trustees are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they the said Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money, which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; and Judgment, Order, and Determination shall be final and binding to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants and Females Covert, and Persons under any other Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the said respective County (as the Case may be), thereby commanding him 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 or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

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impanel,

impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Juries may be challenged, and Sheriffs fined for Default.

LVIII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenge against any of the said Jurymen; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, for refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear or refuse to be examined and give Evidence; and from Time to Time to levy and apply such Forfeitures in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any one Person for one Offence.

Money allowed for Lands how to be charged and tendered.

LIX. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing and amending the said Roads to be turned, altered, or widened, or on the Monies to be borrowed on the Credit of such respective Tolls, and shall be paid thereout accordingly; and upon Payment or Tender thereof to the Person or Persons entitled thereto, his, her, or their Agent or Agents, or on depositing the same in the Bank of *England* in the Manner herein-after directed (as the Case may be), it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to enter into Possession of and lay such Land or Ground into the said Road, and to do all and every such Matter or Thing with relation to such Lands, Grounds, or Hereditaments as the said Trustees shall think fit; and the Lands, Grounds, or Hereditaments, so taken into or made Part of the said Road, shall be deemed and taken to be, and shall be to all Intents and Purposes, a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the said Roads hereby directed to be repaired and widened are by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road

so to be sold as aforesaid are directed to be applied; but this Act shall not extend to give Power to the said Trustees to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to any House, or Nursery for Trees, or any Part thereof, without the Consent in Writing of the Owner and Occupiers thereof respectively first had and obtained.

Houses not to be taken down without Consent.

LX. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the 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 less Money than shall have been agreed to and offered by 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 Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said respective County, not interested in the Matter in question, who is hereby authorized and required to examine and settle the same, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and 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 of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person or Persons 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.

By whom Expences of Jury shall be paid.

LXI. 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 aforesaid, which shall belong to any Corporation, Female Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall

Application of Compensation when exceeding 200l.

amount

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, 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 Court shall authorize to be paid, affecting the same 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 the like Direction and Approbation of the said Court, in the Purchase of other Messuages, 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 Messuages, Lands, Tenements, or 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 Conveyances and Settlements 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 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 hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

LXII. 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 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 by Five or more of the Trustees for executing this Act (such Nomination and Approbation to be

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 any 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 Court of Chancery.

LXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-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 or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Trustees 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 where the Money is less than 20l.

LXIV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Controul, or Disposition of the said Court; 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 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 and Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such 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 and 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 as aforesaid.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

LXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in

Where any Question shall arise, touching the Title to Money to be paid, the Person who shall be in Posses-

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pursuance

sion of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

pursuance thereof, 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 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 or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, 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 that some Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by the Trustees.

LXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Persons, or Corporation, entitled to any Lands 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 Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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 Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees empowered to sell Grounds not wanted for the Purposes of this Act.

LXVII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses now or hereafter to be erected upon the said Roads, and the Ground whereon the same shall stand, together with the Outhouses, Gardens, and Appurtenances thereunto belonging, and any other Piece or Pieces of Ground, when the same shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll House or Toll Houses, and the Scite or Scites of the same, Outhouses, Gardens, and Appurtenances, to the Person or Persons purchasing the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs and Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof.

Persons whose Lands adjoin to have the Preference.

LXVIII. Provided always, and be it further enacted, That the Offer of the Purchase of any Toll House or Toll Houses, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto

thereunto belonging, or any other Piece or Pieces of Ground not wanted for the Purposes of this Act, shall be first made to the Owners of the Land adjoining thereto, and in case such Owner shall be desirous of becoming the Purchaser thereof, or any Part or Parts thereof, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act; and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to Purchases made by the said Trustees *mutatis mutandis*; and in case such Owner shall refuse to pay such Money on Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyances of such Toll House or Toll Houses, with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Trustees, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such Toll House or Toll Houses, with the Appurtenances, or any such Piece or Pieces of Ground as aforesaid, it shall be lawful for any Person or Persons, not interested in the Premises, to make an Affidavit, to be 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, Town, Division, or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground shall lie, stating that such Offer had been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused to purchase such Toll House or Toll Houses and Appurtenances, or Piece or Pieces of Ground (as the Case may be), and such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner.

LXIX. And be it further enacted, That all Bodies Politic and Corporate, whether Sole or Aggregate, and all Persons who are or shall be liable to the Repair, or to contribute to the Repair of any Part of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall notwithstanding this Act still remain liable and chargeable to such Repair and Contribution, in such Manner as they were before the passing of this Act.

Persons liable
to repair
Roads to
continue so.

LXX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, by their Surveyor or Surveyors, or any Two Justices of the Peace for the said County, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees or any Five more of them, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable to repair the said Roads, or any Part thereof; and also what Proportion

Statute
Labour.

portion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, either as a Highway Rate or Assessment, or as a Composition for such Statute Work, shall be by him, her, or them paid to the said Trustees; and in order thereto, it shall be lawful for the said Trustees, by any Summons under the Hand and Seal of any One or more of them, or for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before them the said Trustees or such Justices (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 Parishes, Townships, or Places are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Highway Rate or Assessment, or any Money as a Composition for such Statute Work, distinguishing the Nature and Quantity of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; and out of such Lists the said Trustees or such Justices shall and may allot, appoint, and order such and so many of the Persons therein stated as liable to do Statute Work, to do such Number of Days Statute Work in every Year upon the said Roads, as they the said Trustees or Justices shall think reasonable, and the same shall be done by such Persons on such Days, at such Times (not being Hay-time or Harvest) and on such Parts of the said Roads, as the said Trustees or their Surveyor shall from Time to Time order, direct, and appoint; and the said Trustees or Justices shall and may also order and direct the several Persons, who by such Lists shall appear to be subject or liable to the Payment of any Highway Rate or Assessment, or any Money as a Composition for Statute Work, to pay such Proportion thereof as they the said Trustees or Justices shall think proper to the Surveyor or Surveyors of such Townships or Places respectively, who shall collect and receive the same for the Use of the said Trustees, and afterwards pay over the same to the said Trustees, or their Treasurer or Surveyor, at such Times as they the said Trustees or such Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons charged therewith, in like Manner as any Penalty is by this Act authorized to be recovered; 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 Residence, for that Purpose, signed by the Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer, Team, Draught, Horse, or Beast to be provided by him, her, or them, be subject and liable to such Penalties and Forfeitures as such Person may for such Offence 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 Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person or Persons who shall be so found idle or negligent as aforesaid; and in that Case the Person or Persons sending such Labourer shall be subject and liable to the respective Penalties and Forfeitures above-mentioned,

mentioned, as if he had refused or neglected to send such Team or Draught to work on the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect and pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXI. Provided always, and be it enacted, That it shall be lawful for the said Trustees to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or charged with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer therein, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, by and with the Consent of a Majority of the Inhabitants of such Parishes, Townships, or Places first had, at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them expended and paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

Power to compound for Statute Labour.

LXXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose delegate or appoint, are hereby empowered to contract with any Person or Persons for the widening, improving, or repairing the said Roads, or any Part thereof, and for erecting and setting Mile and Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum and Sums of Money, as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, by their Clerk, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Persons who shall sign the same, his, her, or their Executors or Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of

Trustees may contract for Repairs.

[Local.]

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the Damages to be recovered in any Action or Suit against such Party or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Trustees may compound for Penalties.

LXXIII. And be it further enacted, That in all Cases where any Action or Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Nonperformance of any Contract or Contracts entered into, it shall be lawful for the said Trustees from Time to Time to compound and agree for the same, for such Sum or Sums of Money as they shall think proper, instead of receiving the whole of such Penalty or Penalties; but the Sums compounded or agreed for shall not be less than the Damage or Injury sustained by the Breach or Nonperformance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby.

Distress not to be deemed unlawful for Want of Form.

Plaintiff not to recover if Tender of Amends.

LXXIV. And be it further enacted, That where any Distress shall be made for any Penalty or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, or on account of any Irregularity which shall hereafter be 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 Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may at any Time before Issue joined pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

For securing transient Offenders.

LXXV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it further enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the said County, and near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law.

Penalty on Witnesses not attending when summoned.

LXXVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, touching any Matter

Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused; and if any such Person or Persons shall respectively refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

LXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise directed), shall, upon Proof of the Offences respectively before One or more of His Majesty's Justices of the Peace for the said County, or any other County or Place where the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act) from Time to Time paid, Half to the Informer and the other Half to and for the said Trustees, to be applied by them to and for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, or Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for any such Justice or Justices of the Peace as aforesaid, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Costs and Charges attending the Prosecution of such Offender or Offenders, shall be sooner paid and satisfied.

Penalties
how to be
levied and
applied.

LXXVIII. And

Conviction.

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

Form of Conviction.

to wit. } BE it remembered, That on [Time of Conviction] at [Place of Conviction] A. B. [Name of Offender] of [Addition of Offender] was duly convicted before me [or us] [Name and Style of convicting Justice or Justices] for that the said A. B. [Name of Offender] on [Time of committing of Offence] at [Place of committing Offence] did [here state the Offence against this Act according to the Fact] contrary to the Form of the Statute made in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act, &c.* [here set forth the Title of this Act] and I [or we] do therefore declare and adjudge, that the said A. B. [Name of Offender] hath forfeited for his said Offence, the Sum of [the Fine] or shall be committed to [the Place of Imprisonment] for the Space of [Time of Imprisonment]. Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.

Proceedings not to be vacated for Want of Form.

LXXIX. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or of any of them respectively, touching or concerning, or in Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or Court of Great Session at *Chester*, or any other Court of Record in that Part of the United Kingdom of *Great Britain and Ireland* called *England*; any Law or Statute to the contrary notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

LXXX. 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, and for which no particular Method of Relief hath been herein-before appointed, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden in and for the County or Place in which such Cause of Appeal shall arise; or in case the said Cause of Complaint shall have arisen within Twenty-one Days next before such General Quarter Sessions to be holden as aforesaid, then such Appeal may be made before such Justices at the Second General Quarter Sessions of the Peace to be holden as aforesaid, which said Justices respectively may hear and determine the Matter of such Appeal, and give such Relief to the respective Parties thereto, and also such Costs as they shall think just; but the Person or Persons so appealing shall give Notice in Writing to the Clerk to the said Trustees of such his, her, or their Intention so to appeal, at least Fourteen Days before the Day in which such Quarter Sessions shall be held at which the said Appeal is to or shall be made, and shall also within Six Days after such Notice enter into a Recognizance before some one Justice of the Peace for the said County Palatine of *Chester*, with Two sufficient Sureties conditioned to prosecute such Appeal with Effect, and

and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Session, upon due Proof of such Notice having been given as aforesaid; and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant cause as well such Penalties and Forfeitures, as the other Matters and Things and Costs so awarded, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to abide by and obey the Order of such Justices; and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the said County of *Chester*, there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Penalties, Forfeitures, and Costs.

LXXXI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees or any Five or more of them, in every such Case the said Trustees or any Five or more of them shall, out of the Money arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bonâ fide* have incurred for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnifying all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees.

Persons who may be prosecuted indemnified.

LXXXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty-one Days Notice thereof in Writing shall have been given to the Clerk or Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action shall be laid and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant or Defendants; upon such Verdict, or if the Plaintiff or Plaintiffs

Limitation of Actions.

General Issue.

[Local.]

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shall

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

Public Act. LXXXIII. 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 Duration of this Act. LXXXIV. And be it further enacted, That this Act shall commence upon the said Twenty-eighth Day of *September* One thousand eight hundred and twenty, and from thence shall have Continuance, and be in full Force and Effect, 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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