



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xxxviii.

An Act for repairing the Roads from *Butt Lane*, in the Parish of *Lawton* in the County Palatine of *Chester*, to *Lawton*, and from thence to *Henshall's Smithy*, upon *Cranage Green*, in the said County. [23d June 1820.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Roads leading from the most Southern Part of Butt Lane, in the Parish of Lawton in the County Palatine of Chester, to Lawton, and from thence to Henshall's Smithy upon Cranage Green in the said County*: And whereas another Act was passed in the Twenty-fourth Year of His said Majesty's Reign, intituled *An Act for enlarging the Term and Powers granted by an Act of Parliament passed in the Fourth Year of His present Majesty's Reign for repairing the Roads leading from the most Southern Part of Butt Lane, in the Parish of Lawton, in the County Palatine of Chester, to Lawton, and from thence to Henshall's Smithy upon Cranage Green in the said County, and for making the said Act more effectual*: And whereas another Act was passed in the Seventeenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for continuing the Term of Two Acts passed in the Fourth and Twenty-fourth Years of His late Majesty King George the Second, for repairing the Roads leading from the most Southern Part of Butt Lane, in the Parish of Lawton in the County Palatine of Chester, to Lawton, and from thence to Henshall's Smithy upon Cranage Green in the said County*: And

4 G. 2. c. 3.

24 G. 2. c. 33.

17 G. 3. c. 75.

[Local.]

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whereas

39 G. 3. c. 77. whereas another Act was passed in the Thirty-ninth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and enlarging the Powers of Three Acts passed in the Fourth and Twenty-fourth Years of the Reign of His late Majesty King George the Second, and in the Seventeenth Year of the Reign of His present Majesty, for repairing the Roads leading from the most Southern Part of Butt Lane in the Parish of Lawton in the County Palatine of Chester, to Lawton, and from thence to Henshall's Smithy upon Cranage Green in the said County*: And whereas the Trustees appointed by or in pursuance of the said Acts have proceeded to put the same in Execution, and a considerable Sum of Money has been borrowed and is now due and owing on the Credit of the Tolls authorized to be taken on the said Roads, which Money cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in Repair, unless some of the Powers of the said Acts be altered and enlarged and the Tolls increased, and it would be convenient if the Powers for managing the said Roads were consolidated in One Act 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 Thirty-first Day of July next after the passing of this Act, the said Acts, passed in the Fourth and Twenty-fourth Years of the Reign of His said Majesty King George the Second, and in the Seventeenth and Thirty-ninth Years of the Reign of His Majesty King George the Third, shall be and the same are hereby declared to be repealed; and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the Turnpike Roads herein-after described.

Recited Act
repealed.

New Term
and Tolls
liable to
Debts, &c.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts or any of them, and of all Interest due and to grow due thereon, 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 Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Roads, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants and Agreements; Contracts and Securities, entered into by any Person or Persons to or with the Trustees of the said Roads or any of them, according to the Provisions and Directions of the said recited Acts, shall remain in full force and effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trust created by this Act, and all Contracts or Agreements duly made or entered into by the Trustees of the said Roads to or with any Person or Persons shall remain in full force and effect and be observed and kept

by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

III. And be it further enacted, That *James Ackers, George Ackers, Sir Edmund Antrobus* Baronet, *Edmund Antrobus, Gibbs Crawford Antrobus, Lawrence Armitstead, John Bridge Aspinall, William Worthington Barlow, John Bennet, William Charles Booth, Sir John Fenton Boughy* Baronet M. P., *James Caldwell, James Stamford Caldwell*, the Right Honourable *John Lord Crewe*, the Honourable *John Crewe, Willoughby Crewe* Clerk, *Offley Crewe* Clerk, *Davies Davenport* M. P., *Edward Davenport, Wilbraham Egerton* M. P., *Thomas Fenton, Robert Fenton, John Ford, Charles Ingram Ford, Francis Johnson Ford, John Ford the younger, Frederick Ford, James France France, John Glegg, John Baskerville Glegg, Thomas Bayley Hall, John Hoskin Harper, Sir John Edensor Heathcote* Knight, *Richard Edensor Heathcote, John Heptinstall* Clerk, *Thomas Hilditch, Robert Hill* Clerk, *Thomas Hodges* Clerk, *Thomas Hodges the younger* Clerk, *Charles Bishope Hodges* Clerk, *William Hyatt, William Shepherd Kinnersly* M. P., *Thomas Kinnersly, John Latham* M. D., *John Latham the younger, Richard Latham, William Lawton, Charles Bourne Lawton, John Lawton* Clerk, *Egerton Leigh, Lowndes, Sir Henry Mainwaring* Baronet, *Roger Manwaring, William Moreton Moreton* Clerk, *John Morris, Nathaniel Maxey Pattison, William Penlington, Royds* Clerk, *Richard Lowndes Salmon* Clerk, *Charles Watkin John Shakerley, Charles Shakerley, William Sneyd, William Sneyd of Ashcomb, Thomas Sparrow, Edward Stracey, Swanwick, Clement Swetenham, Swettenham, George Tollet, Trafford Trafford, John Turner, Thomas Twemlow, Francis Twemlow, John Twemlow, Lancaster Wetenhall* Clerk, *Charles Wicksted, Randle Wilbraham, Randle Wilbraham the younger, Robert John Wilmot* M. P., *John Wilson, Samuel Woolfe*, and all His Majesty's Justices of the Peace acting for the County Palatine of *Chester*, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Roads leading from the most Southern Part of *Butt Lane*, in the Parish of *Lawton* in the County Palatine of *Chester*, to *Lawton*, and from thence to *Henshall's Smithy upon Cranage Green* in the said County, and for otherwise carrying this Act in all Respects into Execution.

IV. 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 Fourteen Days Notice shall be given as is herein-after directed respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons not exceeding Ten to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby nominated and appointed; 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 and appointed by this Act.

V. And be it further enacted, That when any of the Trustees hereby appointed or to be elected and appointed in Manner herein-mentioned shall die or be disqualified to act, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining

Trustees.

Power to appoint additional Trustees.

Power to elect other Trustees on Death, &c.

or

or surviving Trustees from Time to Time to elect and appoint one or more other fit Person or Persons to be a Trustee or Trustees in the Room of all and every Trustee or Trustees dying, becoming disqualified, or refusing to act as aforesaid, provided that public Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk to be appointed by the said Trustees as herein-after is mentioned, by affixing the same in Writing upon all the Toll Gates then erected and being upon the Roads by this Act directed to be kept in Repair, Fourteen Days at least before every such Meeting; and all and every Person or Persons who shall be elected and appointed a Trustee or Trustees pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes as if he or they had been named and appointed a Trustee or Trustees in and by this Act.

Qualification
of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised of Freehold or Copyhold Messuages, Lands, Tenements or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate alone, or Real and Personal Estate together of the Amount or Value of Four thousand Pounds; and if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or His Majesty's Court of Session for the County Palatine of *Chester*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof being given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all the Acts and Proceedings of any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to
take an Oath.

VII. Provided also, and be it enacted, That every Trustee appointed or to be elected and appointed by virtue of this Act, before he shall act as such, (except in administering the Oath or Affirmation next herein-after mentioned at the First or Second Meeting of the said Trustees after the Commencement of this Act), shall take an Oath or (being One of the People called *Quakers*) an Affirmation before One or more of the said Trustees, who is and are hereby empowered to administer the same, in the Form or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear, (or being One of the People called *Quakers*, do
‘ I solemnly affirm), That I am in my own Right, [*or*, in the Right of
‘ my Wife] truly and *bonâ fide* seised or possessed of and in the actual
‘ Possession

‘ Possession or Receipt of the Rents and Profits of Freehold or Copyhold
 ‘ Messuages, Lands, Tenements, or Hereditaments of the clear yearly
 ‘ Value of One hundred Pounds above Reprizes; [*and in case of an Heir*
 ‘ *Apparent*], I *A. B.* do swear, (or being One of the People called
 ‘ *Quakers*, do solemnly affirm,) that I am Heir Apparent of *C. D.* who
 ‘ to the best of my Knowledge and Belief is truly and *bonâ fide* seised or
 ‘ possessed of and in the actual Possession or Receipt of the Rents and
 ‘ Profits of Freehold or Copyhold Messuages, Lands, Tenements; or
 ‘ Hereditaments of the clear yearly Value of One hundred and fifty
 ‘ Pounds above Reprizes; [*and in case of Personal Estate*] I *A. B.* do
 ‘ swear, (or being One of the People called *Quakers*, do solemnly affirm,)
 ‘ that I am truly and *bonâ fide* possessed of a clear Personal Estate alone,
 ‘ or Real and Personal Estate together, of the Amount or Value of Four
 ‘ thousand Pounds; and that I will truly and faithfully execute the Powers
 ‘ and Trusts reposed in me by 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.*]

‘ So help me GOD.’

VIII. Provided also, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Place of Profit or derive any Profit or pecuniary Advantage directly or indirectly from any Place of Profit to be held by virtue of this Act, or be interested or concerned in any Contract, or shall be a Lessee or Farmer of the Tolls under this Act; and all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested; nor shall any Mortgagee or Assignee of any Mortgage or other Security, nor any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, be on that Account deemed disqualified to act as a Trustee in the Execution of this Act.

Trustees holding Places of Profit not to act.

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

Victuallers not to be Officers or act as Trustees.

X. And be it further enacted, That the said Trustees shall meet at a House called or known by the Name of the *Bear’s Head Inn* in the Township of *Brereton* in the County Palatine of *Chester*, or at some other Public House in *Brereton* aforesaid, on the First Day of *August* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Nine and Twelve of the Clock in the Forenoon, and shall then proceed to carry this Act into Execution, and the said Trustees shall

General Meetings of Trustees.

[*Local.*]

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then

then and from Time to Time afterwards adjourn themselves and meet at the same Place, or at some other Place either in the said Township or in some One of the said Parishes or Townships through or into which the said Roads pass, and at such Times as the said Trustees shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Three Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, or in case the Trustees at any Meeting assembled shall not adjourn themselves, the Clerk to the said Trustees shall from Time to Time as often as such Case shall happen, by Notice in Writing to be affixed on all the Toll Gates then erected in, upon, across, or on the Sides of the said Roads, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held on that Day Month next after the Day on which such last Meeting was appointed: Provided always, that no Business shall be done or proceeded upon by the said Trustees at any Meeting except the First Meeting to be held under this Act before the Hour of Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Two of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden.

Meetings on
Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case it shall be lawful to and for any Two or more of the said Trustees, or to or for the Clerk to the said Trustees, upon an Order in Writing signed by Two or more of the said Trustees, to appoint the Time, Place, and Purpose of such Meeting, and to give Notice thereof in the Manner before directed (such Meeting not being less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees, at all such Meetings, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments; and the said Trustees or the Majority of them at all Meetings held in pursuance of this Act, are hereby empowered to make all necessary Orders, Determinations, and Agreements in the Execution of this Act, and no such Order, Agreement, or Determination shall be made, unless the Majority of the Trustees present at such Meeting shall concur therein; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting, unless Special Notice shall be given at least Ten Days before, by affixing the same in Writing upon all the Toll Gates then erected on the said Roads, nor unless a greater Number of the Trustees shall be present at such Meeting than were present at the making of any such Order, Agreement, or Determination, and unless the major Part of them shall concur in the Revocation or Alteration thereof; and the said Trustees at all their Meetings shall defray their own Expences, except in paying for the Use of the Room or Rooms where their Meetings shall from Time to Time be held for the Purposes of this Act; and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question, including the Vote of the Chairman, then and in every such

Case it shall and may be lawful for the Chairman to give the decisive or casting Vote.

XII. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them.

All Acts may be done by Five Trustees, unless otherwise directed.

XIII. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or by their Chairman, which Book or Books, and also the Book and Books herein-after directed to be kept for registering Mortgages and Assignments or Transfers thereof, shall be admitted as Evidence in all Courts whatsoever, touching any thing done in pursuance of this Act.

Orders, &c. to be entered.

XIV. And be it further enacted, That the said Trustees may and they are hereby empowered by Writing under their respective Hands to appoint such Collector or Collectors of the said Tolls, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Trustees shall deem reasonable; and all such Officers and Persons shall from Time to Time when thereunto required by the said Trustees deliver to such Trustees or to such Person or Persons as they shall for that Purpose appoint, true and exact and perfect Accounts in Writing under their respective Hands of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act; then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, City, Borough,

Appointing Officers, Salaries, &c.

How Officers shall account.

or

Or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint made to them by any One or more of the said Trustees, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced; and if upon Confession of the Officer or Officers, Person or Persons against whom any such Complaint shall be made, or by the Oath or Oaths (or being of the People called *Quakers*, by the Affirmation or Affirmations of any Witness or Witnesses, which Oath or Affirmation such Justices are hereby empowered and required to administer), or upon Inspection of the said Accounts, if produced, it shall appear to such Justices that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their 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; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if such Officer or Officers or other Person or Persons shall not appear before the said Justices, unless for some sufficient Excuse, at the Time and Place by them appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices 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 or to the said Roads, then and in either of the Cases aforesaid such Justices may and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County, City, Borough, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint (which Composition the said Trustees are hereby empowered to make) or until he shall have delivered up such Books, Accounts, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Six Calendar Months.

Treasurer to
give Security.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices; and no such Treasurer, Receiver, Collector or other Officer shall be permitted to enter upon such their Offices respectively, unless they shall have given such Security.

XVI. And

XVI. And be it further enacted, That upon the Death, Incapacity, Absconding or Absence of any Collector or Receiver of Tolls, any Five or more of the Trustees though not assembled at any General Meeting of the Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to.

Trustees may appoint temporary Collectors in certain Cases.

XVII. 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 may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, 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*, or in His Majesty's Court of Session for the County Palatine of *Chester*, 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.

Offices of Clerk and Treasurer not to be held by the same Person.

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

Accounts to be kept of Receipts and Disbursements.

Books, &c.
relative to
former Acts
to be deli-
vered to the
Trustees un-
der this Act.

XIX. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings or other Things relating to the Roads by this Act directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are by this Act required to pay or account for the same.

Actions to be
brought in
the Name of
the Treasurer
or Clerk, or of
Trustees,
who are not
to be person-
ally liable to
Costs.

XX. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, or in the Name or Names of any one of the said Trustees for or on behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the said Action shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees at a Meeting to be holden in pursuance of this Act; provided always, that every such Treasurer, Clerk, or Trustee shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs and Charges as by the Event of any such Action he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to
continue and
erect Toll
Gates, Toll
Houses, &c.

XXI. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it enacted, That the said Trustees may and they are hereby authorized to continue all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Roads by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts and in such Places of the said Roads by this Act directed to be widened, improved, or kept in Repair, and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, and in, upon, or across any Street, Lane, or Byeway that does or shall lead into or out of the same as they the said Trustees shall think proper and expedient (subject nevertheless to such Restrictions and Directions as are herein-after mentioned concerning the same), and also shall or may erect or provide a Toll House with suitable Buildings, a Garden, and other Conveniences not exceeding Half a Rood of Land at or near each of the said Toll Gates: Provided always, that no Gate or Turnpike shall be erected by virtue of this Act in, upon, or across any Part of the said Roads, between the most Southern Part of *Butt Lane* and *Lawton Brook*, nor in, upon, or across the Roads at *Hulmes Chapel* leading from *Middlewich* to *Macclesfield* and *Congleton*, in the said County of *Chester*.

Lamps to be
lighted at
Toll Bars.

XXII. And be it further enacted, That it shall and may be lawful for the Trustees from Time to Time to order and direct such and so many Lamps to be placed and erected on each and every of the Toll Gates or Toll Bars to be continued or erected by virtue of this Act, or by the Sides thereof, as they shall think proper; and also to order and direct at what Times of the Year and during what Hours such Lamps or any of them

shall be kept lighted; and all and every Toll Collector and Collectors, whether appointed by the Trustees or by any Person or Persons to whom such Tolls may be let, who shall neglect or omit to observe and fulfil the Orders of the said Trustees in respect to the keeping of such Lamps lighted, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Neglect or Omission.

XXIII. And it is hereby enacted and declared, That the Right and Property of and in all the Toll Gates and Toll Houses, Weighing Machines, Buildings, Lamps, and the Posts, Irons, and other Furniture thereof, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, and Fences, already erected on the said Roads by this Act directed to be improved and repaired, by virtue of the said Acts hereby repealed, and which shall be erected and provided in pursuance of this Act, with the several Conveniences, Grounds, Fences, and Appurtenances thereto respectively belonging, and the Materials of which the same shall consist, and all Materials, Tools, and Implements which have been or which shall be provided for repairing the said Roads by this Act directed to be widened improved and kept in Repair, shall be vested in the said Trustees for the Time being, and they are hereby authorized and empowered to apply and dispose of the same as they shall think fit, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or order and direct the preferring and prosecuting of any Informations 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 Toll Gates or Toll Houses, Weighing Machines, Buildings, Lamps, or any of the Posts, Irons, or other Furniture thereof, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, and Fences, or any of the Conveniences, Grounds, Fences, and Appurtenances thereunto belonging, or any of the Materials, Tools, or Implements aforesaid, and in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Weighing Machines, Buildings, Lamps, Bars, Toll Boards, Direction Boards, Mile Stones, Posts, Rails, Fences, Tools, or Implements to be the Property of the Clerk for the Time being to the said Trustees.

Toll Houses,
&c. vested in
Trustees.

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby empowered from Time to Time when and as often as they shall think proper, to cause any of the Toll Gates or Toll Bars already erected or which shall be continued or erected in, upon, or across, or on the Side or Sides of any Part of the said Roads directed to be widened, improved, or kept in Repair by virtue of this Act, to be removed to and erected in, upon, across, or on the Side or Sides of such other Part or Parts of the said Roads as the said Trustees or any Seven or more of them shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars shall be removed as aforesaid, unless Notice in Writing of the Intention to remove the same shall have been affixed Twenty-one Days at the least upon all the Toll Gates then standing upon the said Roads.

Power to re-
move Toll
Gates.

XXV. 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 erected by virtue of the said Acts hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected
by

Power to sell
the present
Toll Houses.

by virtue of this Act, and the Ground whereon the same may stand, with the Out-houses, Gardens, and Appurtenances thereunto belonging, when they 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 Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase 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 or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust 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: Provided always, that such Preference of purchasing shall be given to the Person or Persons from whom any Land on which any such Toll Houses may have been erected was purchased, as is herein-after directed to be given where any Piece or Pieces of Ground or old Road not wanted for the Purposes of this Act is authorized to be sold and disposed of.

Power to take
Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, subject to the Restrictions herein-after contained at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Bars or Side Gates, already erected by virtue of the said Acts upon the said Roads to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected in, upon, or across, or on the Side of the Roads leading from the most Southern Part of *Butt Lane* in the Parish of *Lawton* in the County Palatine of *Chester* to *Lawton*, and from thence to *Henshall's Smithy* upon *Crantage Green* in the said County, or on the Side of any Street, Road, or Way leading into or out of any Part of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

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

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

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

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

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

For

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

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

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

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

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

And the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Roads by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same ; and upon Payment of any of the said Tolls, the Collector or Receiver shall, and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, on which Note or Ticket shall be named and specified the several Toll Gates freed by such Payment.

Tolls to be paid before Cattle pass the Gates.

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

Exemptions by 55 G. 3. not to be affected.

XXVIII. And be it further enacted, That all and every Person and Persons having paid the said Tolls, on producing a Ticket from the Collector denoting such Payment, shall be permitted to pass and repass once in the same Day, to be computed as aforesaid, through the Toll Gates or Toll Bars mentioned in such Note or Ticket, with the same Horses, Mules, or other Beasts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen or Neat Cattle, Calves, Sheep or Lambs, or Swine, without being subject or liable to any additional Toll for so doing ; and no Person shall be permitted to pass a subsequent Time in any one Day, (to be computed as aforesaid) with the same Cattle through any of the Toll Gates or Toll Bars aforesaid, until he shall pay for every such subsequent Time of passing through any such Toll Gates or Toll Bars the same Day (to be computed as aforesaid) the Tolls by this Act authorized to be taken.

Persons paying Toll may pass and repass once on the same Day without paying an additional Toll ; and pass and repass again, paying such additional Toll as Trustees shall direct.

XXIX. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken at the same Toll Gate or Toll Bar, of or from any Person or Persons for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, for passing and re-passing

Limiting the Number of Tolls.

passing any Number of Times through all or any of the said Toll Gates or Toll Bars erected or continued or to be erected on the said Roads.

Tolls vested
in Trustees.

XXX. And be it further enacted, That all the said respective Tolls, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made by the Person or Persons authorized to receive the same, neglect or refuse the Payment thereof, or any Part or Parts thereof, it shall be lawful for the Person or Persons so authorized to seise and distrain any Horse or other Cattle, together with their Bridles, Saddles, Harness, or Accoutrements, or any Carriage together with its Lading upon which any Toll is by this Act imposed, (but no such Bridle, Saddle, Harness or Accoutrements shall be so seised without detaining and seising the Horse or other Beast bearing the same), or any other of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress and keeping the same 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 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 of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner or Owners thereof.

For settling
Disputes
concerning
Tolls.

XXXI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector so distraining to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the County, City, Town, Borough, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath (or being One of the People called *Quakers*, on the Affirmation) of the Parties or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and 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.

General Ex-
emptions
from Toll.

XXXII. And be it further enacted, That no Toll shall be demanded or taken at any of the Toll Gates erected or to be erected or continued upon the said Roads for any Horses, Cattle, or Carriages attending His Majesty or any of the Royal Family, or returning after having been so employed; or for any Horses, Cattle, or Carriages of whatsoever Description employed

ployed 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 the Horses belonging to any Officers or Soldiers on their March or on Duty, or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or in carrying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses drawing the same, which shall be employed in conveying any Ordnance, Barrack; or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mule, or Ass used or employed by 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, or in the Discharge of his ministerial Duties, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person, or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is or shall be ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Township, or Place through which any Part of the said Roads lie; or for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of or to vote for a Knight or Knights of the Shire to serve in Parliament for the County of *Chester* and the City of *Chester*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or of carrying or conveying Vagrants sent by legal Passes, or of carrying Hay, Straw, or Corn in the Straw for the Use of the Owner, and not for Sale, or purchased or going empty for the Purpose of or returning empty after having been so employed; or of carrying or conveying any Dung, Lime, Mould, Manure, or Compost to be used only for manuring of Lands, or going empty for that Purpose, or returning empty after having been so employed; or for any Horses, Beasts, Cattle, or Carriages of any Description employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing such Plough, Harrow, or other Implement of Husbandry be also laden with any other Thing not hereby intended to be exempted from Payment of Toll; or for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture; or for any Horse, Beast, or other Cattle when going to or returning from being shod or farried; or for any Horse, Beast, Cattle or Carriage used or employed for the Purpose only of carrying or conveying Materials for making or repairing any Highway or Public Road or Bridge within any such Parish, Township, or Place as aforesaid, or for rebuilding, building, or repairing any present or future Bridge or Bridges on the said Roads; or for any Horse, Beast, Cattle, or Carriage which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person is in the Uniform of
of

of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps at the Time of claiming the Exemption; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person 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.

Owners or Drivers of Waggons conveying Military Stores not subject to Penalties for Overweight.

XXXIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage 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 any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithstanding.

Tolls may be reduced.

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

Trustees may compound for Tolls.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time with all or any of the Inhabitants of the several Parishes, Townships, or Places to or through which any Part of the said Roads do or shall pass or lead, and to and with any other Person or Persons whomsoever, for the passing of all or any Description of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or continued or to be erected by virtue of this Act, which Composition shall be paid yearly in advance; and in default thereof the Composition or Agreement with the Person or Persons making such Default shall thenceforth be void, and all such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

XXXVI. And

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

Collectors
declared
competent
Witnesses.

XXXVII. And be it further enacted, That every Toll Collector being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Gate to be continued or erected by virtue of this Act, shall, and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall 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 several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or 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 and applied as other Penalties are by this Act directed to be recovered and applied.

Punishing
Toll Collec-
tors misbe-
having.

XXXVIII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, in order to avoid Payment of the said Tolls or any of them, pass through any Land or Ground adjoining to or lying near any Toll Gate or Toll Bar, erected or continued, or to be erected by virtue of this Act, (except the Owner or Owners, Occupier or Occupiers of such Land or Ground, or his, her, or their Servant or Servants, or any Person or Persons in his, her, or their Family), the same not being a common Road, or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (save and except as aforesaid), with any

To prevent
Evasion of
Tolls.

[Local.]

12 X

Horse,

Horse, Cattle, Beast, or Carriage to pass through the same with Intent to avoid the Payment of any of the said Tolls, or any Part or Parts thereof, or if any Person or Persons shall give to or receive from any Person other than the Collectors of such Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Toll Bar with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast from any Carriage, with the Intent to evade the Payment of any of the said Tolls, or any Part or Parts of the said Tolls, or shall leave or cause to be left upon or near to any Part of the said Roads, any Carriage, Horse, Cattle, or Beast with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods, Articles, or Things from any Carriage with Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Power to let
to farm the
Tolls.

13 G.3. c.84.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Trustees, on giving Notice in Manner and Form as is mentioned and directed in and by a certain Act of Parliament passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to let to farm, by Writing under their Hands and Seals, the Tolls granted by this Act, and arising upon the said Roads to be widened, improved, or kept in Repair by virtue of this Act, or any Part or Parts thereof, for any Time or Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants as the said Trustees shall think fit, they the said Trustees taking such sufficient Security from the Person and Persons to whom such Tolls shall be let to farm for Payment of the Rents and Performance of the Covenants or Agreements to be reserved and comprised in such Lease or Leases, Agreement or Agreements, as the said Trustees shall think fit.

Trustees to
have a Bid-
ding.

XL. Provided always, and it is hereby declared, That when the said Tolls, or any Part thereof, shall be put up to be let, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Enabling the
Trustees to
take Posses-
sion of the
Toll Houses,
&c. when let
to farm or
held by the
Collectors
for the Trus-
tees.

XLI. And be it further enacted, That in case all or any of the said Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Seven Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for letting to farm thereof, and in case the Toll House or Toll Houses shall be in the Possession of any Collector or Collectors

who shall be removed or discharged from his or their Office of Collector, then and in any of those Cases it shall and may be lawful for any Justice of the Peace for the County of *Chester*, by Warrant under his Hand and Seal, to order a Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, or such Collector or Collectors or other Person or Persons having Possession of the said Toll House or Toll Houses from the Possession thereof, and from the Collection of Tolls, and thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Contract or Agreement (if any) for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be from that Time utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reserved, or other Covenants or Agreements on the Lessees Part which shall have been broken) as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected as if no former Demise, Contract, or Agreement had been made relative thereto; any Rule of Law or Right to the contrary notwithstanding.

XLII. And be it further enacted, That if the Lessee or Farmer for the Time being of any of the Tolls hereby granted, or any Person acting under him or her, shall, without the Concurrence of the Trustees acting in the Execution of this Act, compound for or agree to permit or shall suffer any overweighted Waggon or other Carriage, subject to a Forfeiture or Penalty by reason of the Weight thereof, to pass or repass through any of the Toll Gates to be erected or continued by virtue of this Act, without demanding, taking, and keeping the full Fine or Penalty by Law inflicted upon such overweighted Waggon or other Carriage, such Lessee or Farmer shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties and Forfeitures are herein-after directed to be applied.

Penalty on Lessees compounding for overweighted Waggon.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, at any Meeting, to borrow and take up at Interest upon the Credit and Security of the Tolls to arise by virtue of this Act in such Manner as they shall think proper, such further Sum or Sums of Money as they or any Five or more of them shall think fit, and for securing the Repayment of all such Sum and Sums, with Interest, they the said Trustees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands and Seals, to demise or mortgage the said Tolls or any Part or Parts thereof, and the Toll Gates, Toll Bars, and Toll Houses for collecting the same during the Continuance of this Act (the Charges of such Mortgages to be paid out of such Tolls) as a Security or Securities to any Person or Persons who have advanced or shall at any Time advance any Money for widening, improving, or keeping in Repair the said Roads or any Part thereof, or for paying off, satisfying, or discharging

For borrowing Money on Security of Tolls.

discharging any Demise or Mortgage which shall have been or shall be granted to any Person or Persons who have advanced or shall advance any Money for that Purpose, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that it 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*], we, Five of the Trustees for putting the said Act
 ‘ in Execution, in consideration of the Sum of
 ‘ in hand, advanced and paid by *A. B.* of
 ‘ to the Treasurer of the said Roads, do hereby grant, bargain, sell, and
 ‘ demise unto the said *A. B.* his Executors, Administrators, and Assigns,
 ‘ for and during the Continuance of the said Act, such Proportion of the
 ‘ Tolls to arise upon the said Roads, and the Toll Gates, Toll Bars, and
 ‘ Toll Houses already made and erected, or hereafter to be made and
 ‘ erected for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole Sum now or hereafter to become due
 ‘ and owing on the Security thereof, to be had and holden from the
 ‘ Day of the Date hereof, for and during the Continuance of the said
 ‘ Act, unless the said Sum of _____ with Interest after
 ‘ the Rate of _____ *per Centum per Annum*, shall be sooner re-
 ‘ paid and satisfied. Given under our Hands and Seals this
 ‘ Day of _____ in the Year of our Lord _____.’

Copies to be
entered.

And all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more; and such Book or Books shall and may at all seasonable Times be perused and inspected by the said Trustees, or any Creditor or Creditors of the said Trust without Fee or Reward; but no Money shall be borrowed on the Security of the Tolls beyond the Sum which shall be fixed upon by the said Trustees at the First or Second Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Toll Gates then erected or continued by virtue of this Act, at least Twenty-one Days before the Meeting for borrowing thereof, nor unless a Majority in Value of the then Creditors shall consent thereto; and it shall be lawful for all Persons respectively to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in and to such Mortgage, and the Principal Money and Interest thereby secured, to any other Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorsed on such Mortgage Security, or to be underwritten or thereunto annexed and signed in the Presence of and attested by one or more credible Witness or Witnesses; (that is to say),

‘ I The within-named *A. B.* or *I. C. D.* Assignee, Executor, or Admini-
 ‘ strator of the within-named *A. B.* [*as the Case may happen*] do
 ‘ hereby assign and transfer this Mortgage Security, with all my Right
 ‘ and Title to the Principal Money thereby secured, and all Interest now
 ‘ due and hereafter to grow due upon the same, unto *E. F.* of _____ his

his Executors, Administrators, and Assigns. Dated this
 Day of in the Year of our Lord
 Witness to the signing hereof

Which Transfer shall be produced and notified to the said Clerk within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Five Shillings, and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign or transfer the same, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any such Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted; and on the said Toll Gates, Toll Bars, and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of Priority of advancing their Monies, or of the Dates of their respective Securities or otherwise, except as herein-after mentioned; provided that nothing herein contained shall extend, or be construed to extend to charge or subject the said Trustees, or any other Persons appointed to receive the said Money or any Part thereof to any Payment of the same by reason of their or any of their signing or sealing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act or any or either of them.

XLIV. And be it further enacted, That the said Trustees shall and may, if thereunto required by the Person or Persons entitled thereto, destroy and cancel all or any of the Mortgages, Assignments, Declarations of Trust, or Securities now subsisting that have been made by virtue of the said Acts hereby repealed of the Tolls thereby authorized to be collected on the said Roads, and to give and execute a Mortgage or Mortgages of the Tolls by this Act granted in Manner herein-before directed, for such Sum or Sums of Money as may be expressed in any Mortgage, Assignment, or Security to be cancelled by virtue of this Act.

Old Mortgages may be cancelled and new ones granted.

XLV. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the Principal Monies due and owing upon the Credit of the said Roads, it shall and may be lawful for them, or any Five or more of them, at any Meeting to be holden as aforesaid (Notice of such intended Meeting and of the Purpose thereof being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Chester*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only or to any of the Creditors with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

For paying Creditors by Lot.

An Action of Ejectment may be supported by One Mortgagee.

XLVI. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, 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, Toll Gates, Buildings, and Premises *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application of the Money.

XLVII. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the said Roads, and by this Act directed to be kept in Repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for or obtaining and passing this Act, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in Repair, and of altering, raising, widening, repairing, and preserving the said Roads by this Act directed to be kept in Repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed in respect of the said Roads, and the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, such Reduction, Payment, and Discharge to be made and done either rateably or by Lot, as the said Trustees shall think proper.

Trustees may widen or alter Roads and purchase Lands.

XLVIII. And be it further enacted, That in case the said Trustees shall think proper to widen, turn, vary, or alter any Part of the said Roads, for the better Accommodation of Coaches, Carriages, and Passengers, it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time to treat, contract, and agree, with any Person or Persons for the Purchase of any Lands, Grounds, or Hereditaments lying near or contiguous to the said Roads, and for the Loss or Damage the Owners, Proprietors, and Occupiers thereof, or any of them, shall or may in anywise sustain by such widening, turning, vary-

ing, or altering of such Roads, and to pay out of the Monies hereby vested in the said Trustees for the Purposes of this Act, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, or Persons interested as aforesaid and the said Trustees, and for the Costs attending such Purchase, which Roads, when widened, turned, varied, or altered by virtue of this Act shall be and remain Thirty Feet wide at the least; and such Lands and Grounds, when so purchased as aforesaid, shall, by the Order and Direction of the said Trustees, be laid into and made Part of such Roads, in such Manner as the said Trustees shall think convenient, with proper Drains, Ditches, and Fences for that Purpose, and shall thenceforth be deemed and taken to be a public or common Highway, and Part of the Roads to be repaired by virtue of this Act: Provided always, that it shall not be lawful for the Trustees acting in the Execution of this Act, in turning, varying, or altering any Part of the said Roads, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Estates, Lands, or Grounds which may be affected by any such Deviation respectively.

XLIX. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner thereof first had and obtained.

Trustees restrained from pulling down Dwelling-houses without Consent of the Owners.

L. And be it further enacted, That in all Cases where the said Trustees shall turn or alter any Part or Parts of the present Roads, or make any new Road over and through any private Grounds, or shall take away any Fence for widening the said Roads, the said Trustees shall make or cause to be made and planted proper Quickset Hedges or Fences on both Sides of such new made Roads, or on the Side upon which any such Fence may be so removed as aforesaid, with sufficient Ditches to the same, and a sufficient Post or Rail or other Fence to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Five Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in Repair from an earlier Period.

Trustees to fence any new Road.

LI. And be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whomsoever, or any other Person or Persons, not only for and on behalf of themselves, but also for and on behalf of any Infants, Females Covert, **Cestuique:**

Incapacitated Persons empowered to convey Lands.

Cestuique Trust, and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, either for their own Use or Benefit or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees for the Satisfaction to be made for such Damage as aforesaid, or to sell and convey to them all or any of such Lands and Hereditaments, or any Part or Parts thereof, as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, or Trustees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given in Writing or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of widening or improving the said Roads, or any Part or Parts of such Roads, shall, by the Space of Forty Days 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 hindered from treating, then and in every such Case the said Trustees shall cause it to be inquired into and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County of *Chester* (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Proprietors, or Occupiers, or other Person or Persons interested, for, upon, or on account of the using and taking such Lands or Hereditaments for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath (or being of the People called Quakers, upon Affirmation), all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath or Affirmation any Two or more of the said Trustees are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises as the said Trustees shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of or other Persons interested

interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or Remainder in Fee or in Tail General or Special, or for Life or Lives or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all Persons whomsoever.

Verdict of Jury to be final.

LII. And be it further enacted, That for the summoning or returning of such Jury or Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring 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 shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid, and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; 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 or 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, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give their Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences without sufficient Excuse, or appearing, shall refuse to be sworn, (or being of the People called Quakers, to affirm) and give Evidence, and from Time to Time to levy and apply such Fine or Fines in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fines shall not exceed the Sum of Twenty Pounds upon any such Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Persons aforesaid for any One Offence.

Trustees to issue their Warrant to the Sheriff to summon the Jury.

Sheriff, &c. to be fined on Neglect of Duty.

LIII. 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 or returning of the Jury as a Recompence or Satisfaction for any such Right, Interest, or Property, or

How Expences of Jury, &c. are to be paid.

[Local.]

12 Z

Loss

Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses shall be borne and paid by the Treasurer or Treasurers to the said Trustees out of any Money arisen or to arise by virtue of this Act, but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses and all other Expences attending the hearing and determining of such Differences, shall be borne and paid 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 County of *Chester* (not interested in the Matter in question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose), 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 or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided that where by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

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

LIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid by the said Trustees, or any Five or more of them, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof in Manner aforesaid, or upon depositing the same in the Bank of *England*, under the Direction of the Court of Chancery in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act in such Manner as the said Trustees shall direct, and shall, to all Intents and Purposes, become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Roads by this Act directed to be amended and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

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

LV. And whereas the Trustees for executing this Act may be seised of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act, be it therefore further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time, to sell and dispose of such Piece or Pieces of

of Ground, together or in Parcels, either by Public Sale or Private Contract, (as they shall find most advantageous and convenient) to such Person or Persons as shall be willing to contract for and purchase the same.

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

First Offer
to whom to
be made.

LVII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, or other incapacitated Person or Persons, or of any Person or Persons seised for Life or Lives of any other Estate in strict or other Settlement, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex-parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled

Application
of Compensation
Money if
amounting
to 200l.

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

Where less than 200l. and exceeding 20l.

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

Application where not more than 20l.

LIX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall not exceed
Twenty

Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Two or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

In case of not making out Titles.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto

according to
such Posses-
sion.

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

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

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

For getting
Materials to
repair the
Roads.

LXIII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the said Roads out of any Waste or Common Ground, Common River, or Common Brook, not being within the Distance of One hundred Yards of any Bridge, Dam, Weir, or Jetty in any Parish, Township or Place adjoining the said Roads, or in any adjoining Parish, Township, or Place, without paying any thing for the same, they the said Surveyor or Surveyors, or other Person or Persons filling up the Pits, or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River, or Common Brook, then and in such Case the Surveyor or Surveyors or other Persons as aforesaid may, by the Order of any Two or more Justices of the Peace for the said County of *Chester*, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found in any Parish, Township, or Place where any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds where and whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for

making or repairing the said Roads shall be carried, as the said Justices shall adjudge reasonable.

LXIV. And be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Roads out of or from any inclosed Lands or Grounds without the Consent in Writing of the Owners or Occupiers thereof first had and obtained for that Purpose, or until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads, shall have been given to the Owners or Occupiers of the Premises from whence such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owners or Occupiers, to appear at a Time and Place to be therein named before such Justice or Justices of the Peace to be named in such Notice acting in and for the said County of *Chester*, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier, or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials, in such Manner and at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath, or being of the People called Quakers, upon Affirmation, of the Service of such Notice, and which Oath or Affirmation they or any or either of them are and is hereby empowered to administer) make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

Notice to be given before Materials taken.

LXV. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or if any Person or Persons shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale) all and every such Persons and Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyor.

LXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part of the said Roads by Timber, Stones, Carriages, Saw Pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise; and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same to the Prejudice thereof, and to open, scour, cleanse, deepen, widen, and enlarge any Gutter, Ditch, Conduit, or Watercourses adjoining or near to the said Roads, or any Part thereof.

Surveyor may remove Annoyances.

LXVII. And

Surveyors
may make
Causeways,
&c. and cut
Drains.

LXVII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Trustees, to make Footpaths or Causeways in or along the Sides of the said Roads, not being a Yard, Garden, Orchard, planted Walk, or Avenue to any House, and to cut or make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Trustees, shall judge necessary, and make sufficient Fences, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary.

Roads may
be measured
and Mile
Stones
erected.

Penalty on
injuring
Posts.

Damaging
Roads, &c.

LXVIII. And be it further enacted, That the said Trustees may, if they shall think fit, from Time to Time cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, and also cause to be erected Direction Posts upon such Parts of the said Roads, where the same are crossed or joined by other Roads, and Guide Posts as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction, Guide, or Mile Post, or Stone, erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall ride upon any Footpath or Causeway formed upon or on the Side of or adjoining to the said Roads, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any Footpath or Causeway; or if any Person shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages) or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof, or if any Person shall turn, or suffer any Horse, Cow, Mule, Ass, Beast, Sheep or Swine to be turned on, or to be or remain upon the said Roads to graze or depasture on the Sides thereof, or if any Person shall tether any Horse, Cow, Mule, Ass, Beast, or other Cattle on the Side of the said Roads; or if any Higler, Cricker, Hawker, Pedlar, or other Person travelling with any Machine, Vehicle, Cart, or other Carriage, or with or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon or by the Side of any Part of the said Roads; or if any Person driving any Carriage upon the said Roads shall ride on the Shafts, or other Part of the said Carriage without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the said Roads, and also keep on the same Side himself, or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Roads; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, within Eighty Feet from the Centre of any Part of the said Roads, or play at Football or any other Game or Games, to the Annoyance of any Passenger

ger or Passengers, on any Part of the said Roads; or if any Person after having blocked or stopped any Waggon, Cart, or other Carriage in going up any Hill or rising Ground, shall not immediately afterwards take away or remove from the said Roads the Stone or other Thing made use of in so blocking or stopping such Waggon, Cart, or other Carriage; or if any Person shall leave any Carriage, (except in Cases of Accident) upon or on the Side, and within Thirty Feet of the Centre of the said Roads, longer than may be necessary to load or unload the same, and then such Carriage shall be placed as near to the Side of the said Roads as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Chalk, Marl, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads or on the Side or Sides thereof, between the said Roads and the Fences now standing, or hereafter to be erected on the Sides thereof; or shall plough up, dig up, or break up any of the Soil between any Part of the said Roads and such Fences as aforesaid, for the Purpose of making Compost or Manure, or otherwise shall scrape off any Soil or other Thing from the said Roads or the Sides thereof, or shall take up and carry away any Scrapings thereof, or any Dung, Mould, Soil, Compost, or Manure from the Sides thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Windows to the Front of the said Roads, shall not, by good and close Shutters every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads or any Part thereof; or if the Surveyor or Surveyors of the said Roads, or any Contractor or Contractors for the Repairs of the said Roads, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Roads or the Sides thereof, or upon any Part of the said Roads, any Heaps of Stones or other Materials for repairing the said Roads or any Part thereof, and shall permit and suffer the same to remain in Heaps longer than shall be necessary for spreading or laying such Stones and Materials over or upon the said Roads; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

LXIX. Provided always, and be it further enacted, That it shall be lawful for any Trustee, or the Surveyor, Clerk, or Treasurer of the said Roads, or any Person employed to work thereon, to take, lead, and drive away and impound any Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle found tethered or grazing and depasturing on the Side or Sides of the said Roads; and unless such Penalty shall be paid within Five Days after such impounding, such Horse, Cow, Beast, Mule, Ass, Sheep, or other Cattle may be sold to satisfy such Penalty; and the Overplus of the Money, if any, to arise by any such Sale, shall, after Payment of all the Costs and Charges of taking and keeping such Horse, Ass, or other Cattle and making such Sale, be paid on Demand to the Owner or Owners of the Horse, Ass, or other Cattle so impounded and sold as aforesaid.

Cattle straying, &c. on Road may be impounded.

LXX. And be it further enacted, That all Doors and Gates to be hereafter made and placed in any Building, Field, or Ground adjoining the said Roads, shall be made and hung to open respectively into such

Gates to be made to open into the adjoining

[Local.]

13 B

Building,

Lands, and
not into the
Roads.

Building, and inwards towards such Field or Ground, and not outwards towards the said Roads; and it shall be lawful for the said Trustees to order all such Doors and Gates as may hereafter be erected and open outwards towards the said Roads, to be altered and made to open inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Buildings or Lands in or upon which any Door or Doors Gate or Gates are or shall be constructed so as to open outwards towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads, requiring him or them to alter such Door or Doors, Gate or Gates, and make the same to open inwards), refuse or neglect to make such Alteration, it shall and may be lawful for the said Trustees to exercise and apply the same Powers for this Purpose with which they are by Law invested for the Removal of any Nuisances, Obstructions, or Annoyances made or committed upon the said Roads.

Trustees may
contract for
Repairs or
any other
Works.

LXXI. 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 to contract and agree with any Person or Persons for widening, altering, improving or repairing the said Roads, or any Part thereof, or for doing any other Work in pursuance or Execution of this Act, in such Manner and for such Sum or Sums of Money annually, or for a Term of Years or otherwise, as the said Trustees, or any Five or more of them, shall think proper.

Persons
liable to re-
pair the
Roads to
continue so.

LXXII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given or are liable to the maintaining or amending of any Part of the said Roads, or any Bridge or Bridges or other necessary Things thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repairs thereof, in such Manner and to the same Extent, but not in any other Manner nor to any greater Extent than as they were liable and chargeable before the passing of this Act.

Statute
Labour.

LXXIII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace for the said County of *Chester*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships or Places in which the said Roads lie, and also what Proportion of the Money, received by the Surveyor or Surveyors of the Highways, of every such Parish, Township, or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons

within Fourteen Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place respectively are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of Public Highways, and out of such Lists such Justices shall or may appoint and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times, (not being Hay-time or Harvest), and on such Parts of the said Roads as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint, and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of every such Parish, Township, or Place for the Time being, to be by him or them paid over to the said Trustees or to their Treasurer at such Time or Times as the said Justices shall direct; and in default of Payment thereof by any such Surveyor or Surveyors, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors of the said Roads), shall for every Day of his, her, or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said 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 who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places respectively shall refuse or wilfully 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 or pay over such Composition or any Part thereof in Manner aforesaid, every such
Surveyor

Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Statute
Work may
compounded
for.

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

For securing
transient
Offenders.

LXXV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution, be it therefore further enacted, That it shall be lawful for the said Trustees, 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 Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County, City, Borough, or Place where such Offence shall be committed, to be dealt with according to Law.

Recovery of
Penalties.

LXXVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may in case of Non-payment thereof be recovered in a summary Way by the Order and Adjudication of any one Justice of the Peace for the County, City, Borough, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of
Distress,

Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice 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 Five Days from the Time of taking any such Security, and which Security the said Justice is 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 it shall be lawful for such Justice, or any other Justice of the Peace for such County, City, Borough, or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County, City, Borough, or Place, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

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

Offenders against the Act.

to wit. } BE it remembered, That on the _____ Day of _____
 in the Year of our Lord _____
 A. B. is convicted before me, One of His Majesty's Justices of the Peace for the said County, [or Borough, &c. as the Case may be], by virtue of an Act passed in the First Year of the Reign of King George the Fourth, intituled *An Act [here set forth the Title of this Act, and specify the Offence, and when and where committed]*. Given under my Hand and Seal the Day and Year above written.

Form of Conviction.

LXXVIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, either by the said Trustees, or by any one or more of His Majesty's Justices of the Peace, or by any other Person or Persons whomsoever, such Person may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden for the said County of *Chester*, such Appellant (if there be sufficient Time after the Cause of such Complaint shall have arisen), first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, or to such other Person or Persons whose Act or Determination shall be so appealed against, and within Four Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and for want of sufficient Time

Persons aggrieved may appeal to the Quarter Sessions.

for giving such Notice previous to the First Quarter Sessions after the Cause of such Complaint shall have happened, then such Appeal, after such Notice and under such Recognizance, may be made at the Second General Quarter Sessions of the Peace to be holden for the said County; and the Justices at such First or Second Sessions, 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 Justices at 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, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for want of sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

Proceedings
not to be
quashed for
Want of
Form.

LXXIX. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or of any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, or be removed or or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, if any, in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action commenced.

Limitation
of Actions.

LXXX. 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, under the Direction or Authority of the said Trustees, until Twenty Days Notice thereof shall be given to the Clerk of the said Trustees, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants in every such Action, shall or may at his or their Election plead specially or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall

appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant shall have appeared, or if upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

LXXXI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held pursuant to the Directions of this Act, to order and direct the Treasurer or Treasurers nominated and appointed by and acting in pursuance of this Act for the Time being, to pay and defray out of the Money in his or their Hands, arising from the Tolls and Duties collected by virtue thereof, all such Costs, Charges, and reasonable Sums as they the said Trustees, or any of them, or any Justice or Justices of the Peace shall have been at or put unto, or shall have expended in defending or prosecuting any Suit or Suits, Indictment or Indictments, Information or other Prosecution whatsoever, for or on account thereof, or for or concerning any Matter or Thing whatsoever which they shall have done or ordered to be done in the Execution of this Act.

Costs and
Expences of
the Trustees
or Justices to
be paid.

LXXXII. 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.

Public Act,

LXXXIII. And be it further enacted, That this Act shall commence on the First Day of *August* next after the passing thereof; and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Continuance
of this Act.

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