



ANNO TERTIO

GEORGIIV. REGIS.

Cap. viii.

An Act for more effectually repairing and improving the Road from the Old Bridge in the Town of *Stockport* in the County Palatine of *Chester*, to or near *Marple Bridge* in the said County; and a Branch from the said Road, near *Marple Bridge* aforesaid, to or near *Thornset Gate* in the County of *Derby*. [3d April 1822.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for making, widening, and repairing the Road from the Old Bridge in the Town of Stockport, in the County of Chester, through the several Townships of Stockport, Offerton, and Marple, to or near Marple Bridge, all in the said County; and a Branch from the said Road in the Township of Marple aforesaid, through the Village of New Mills, to or near Thornset Gate, both in the County of Derby; and another Branch from or near Thornset Gate aforesaid, through the Village of New Mills aforesaid, to or near the present Road in the Township of Disley in the said County of Chester: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in Execution, and considerable Progress hath been made in making, repairing, widening, altering, diverting, and turning the said*

41 G. 3. c.98.

[Local.]

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Roads,

Former Act repealed, and this Act to take place instead thereof.

Roads, by the said recited Act directed to be made and repaired, and have borrowed a very considerable Sum of Money upon the Credit of the Tolls thereby granted, which still remains due and owing thereon, and cannot be paid off, nor can the said Roads be properly and effectually made, amended, widened, improved, and kept in Repair, unless the Term of the said Act be further continued; and it would be more convenient to the Trustees nominated and appointed under and by virtue of the said Act, and beneficial to the said Roads, if the said Act was repealed, and other and more effectual Powers granted for making, repairing, widening, diverting, improving, and repairing the same; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that on the same Day this Act shall commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, diverting, widening, improving, and repairing the Road from the Old Bridge in *Stockport* aforesaid, to or near *Marple Bridge* aforesaid; and a Branch from the said Road near *Marple Bridge* aforesaid, to or near *Thornset Gate* aforesaid; and the Tolls by this Act granted shall and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit or on Account of the Tolls granted by the said recited Act, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on Account of the Tolls granted by this Act; and all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said former Act, according to the Provisions and Directions thereof, 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; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said former Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees under this Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Chester*, and for the County of *Derby* respectively, together with the Honourable *Richard Pepper Arden, John Arden, Richard Arkwright, Robert Arkwright, Thomas Andrew, George Andrew, Richard Bennett, Richard Browne, James Beard Clerk, George Bowden, Thomas Brown, James Bolton, Thomas Boothman, James Bates, Joshua Bruckshaw, John Barnes, Thomas Barnes, William Bridge, Joseph Bellott, Ralph Bower the elder, Francis Brindley, the Right Honourable George Augustus Henry Cavendish* commonly called *Lord George Cavendish, William Clayton, John Clayton, James Crowder,*
James

James Chetham, William Crowther, Thomas Glaughton, John Crowder, Thomas Cartwright, John Dickenson the younger, John Drinkwater, Wilbraham Egerton, William Tatton Egerton, Matthew Ellison, Michael Ellison, Thomas Ellison, Ralph Fogg, Ralph Ferns, George Ferns, Samuel Frith, Thomas Gaskell, Robert Garrett, James Gee, Joseph Gould, Samuel Gratrix, John Gregory, James Hadfield, George Heald, James Harrison, Henry Harrison, Moses Hadfield, William Heron Clerk, Joseph Hibbert, Salisbury Pryce Humphreys, John Hill, William Heginbotham, John Holme, Thomas Hole, Christopher Howe Clerk, John Isberwood, James Bradshawe Isberwood, Francis Jodrell, Henry Kirk, Egerton Leigh the younger, Thomas Legh, John Legh, John Lees, James Lees, John Oldham Lees, John Lingard, John Mitchell, Henry Marsland, Peter Marsland, Thomas Marriott, Hyde Marriott, Thomas Marriott, Thomas Marsland, George William Newton, James Antrobus Newton, James Newton, William Nicholson, Samuel Oldknow, Thomas Oldknow, Richard Orford, Charles Kenrick Prescott, Robert Parker, Alexander Patterson, Kelsall Prescott, John Pearson, John Philips, Peter Pownal, John Ryle, David Stevenson, Samuel Schofield, John Slack, Robert Slack, Daniel Shaw, Thomas William Tatton, William Taylor, John Thorniley, John Tomlinson, John Wood, Holland Watson, Emanuel Wild, Thomas Carill Worsley, Lawrence Wright, Thomas Wright, William Wright, Henry Wright, William Wright, John Wright, John White, Francis Wilson, Edward Waine, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, turning, and from Time to Time improving and keeping in Repair the said Roads herein-before mentioned and described, and for otherwise carrying this Act, and all the Matters and Things herein contained, into full and complete Execution and Effect.

III. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Ten Days Notice shall be given in the Manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies) to elect and appoint any Number of Persons, not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby 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 appointed in and by this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That when and so often as any Trustees named in this Act, or to be appointed as aforesaid, or in manner herein-after mentioned, shall become, by Bankruptcy, Insolvency, or Reduction of Property, or in any other Manner disqualified to act, or shall die, neglect, or refuse to act, or shall cease to reside for the Space of Two Years together in either of the said Counties of *Derby* and *Chester*, or either of them, then and in every such Case it shall be lawful to and for the remaining Trustees from Time to Time, at any Meeting of the said Trustees, (of the Time and Place of which Meeting Notice shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected upon the said Roads, or on the Sides thereof respectively, and also by inserting the same in some Public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days previously to such Meeting), by Writing

Election of new Trustees on Vacancies arising.

ing under their Hands, to elect One other Person living in either of the said Counties of *Derby* or *Chester*, to be a Trustee in the Room of each Trustee so disqualified to act, or dying, or neglecting, or refusing to act as aforesaid; and every Person so to be elected shall be and he is hereby empowered to act in the Execution of this Act in as full and ample a Manner, to all Intents and Purposes, as the Trustee in whose Room or Stead he shall be so elected could or might have done.

New Trustees to reside in the County where former Trustees resided.

V. Provided always, and be it further enacted, That every Person to be elected as last aforesaid shall be a Resident of or have an Establishment within the County where the Trustee in whose Place he shall be so elected resided.

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 be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; or shall be possessed of or entitled to a Personal Estate of the Value of Four thousand Pounds; or shall be Heir Apparent of a Person who shall be in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds above Reprizes; nor shall any such Person be capable of acting as a Trustee in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees,) until he shall have taken and subscribed the Oath or Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same, in the Words or to the Effect following; (that is to say),

Oath.

‘ I do swear, [*or, being One of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife, as the Case may be,*] in the actual Possession or Enjoyment of Freehold [*or Copyhold*] Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred Pounds, [*or, actually possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds, [or, am Heir Apparent of A. B. who to the best of my Knowledge and Belief is in the actual Possession or Enjoyment of Freehold [or Copyhold] Lands, Tenements, or Hereditaments, of the clear Yearly Value of Two hundred Pounds;*] and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act, passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for, &c.* [*here insert the Title of this Act.*]

‘ So help me GOD.’

Penalty on acting, not being qualified.

And if any Person not being so qualified, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, 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 One of His Majesty's Courts of Record at *Westminster*, or elsewhere, by Action of Debt or on the Case, or by Bill,

Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act; provided nevertheless, that all Proceedings of any Person acting as a Trustee in the Execution of this Act, (although not duly qualified as aforesaid) previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

All Acts of Trustees done before Conviction valid.

VII. And be it further enacted, That no Person appointed or to be appointed a Trustee for putting this Act into Execution, who shall have or accept any Place of Profit under the Authority of this Act, or who shall be interested or concerned in any Contract, or a Lessee or Farmer of the Tolls granted by this Act, shall during the Continuance of such Office or Interest be capable of acting as a Trustee in the Execution of this Act.

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

VIII. Provided always, and be it further enacted, That no common Carrier, or any Person or Persons who shall keep any Victualling House, Alehouse, or other House of Public Entertainment, or who shall sell any Wine, Cider, 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 be such common Carrier, or keep such Victualling House, Alehouse, or other House of Public Entertainment, or shall sell any Wine, Cider, Beer, Ale, Spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Victuallers, &c. incapable of acting.

IX. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

Trustees may act as Justices, except where interested, &c.

X. And be it further enacted, That for putting this Act in Execution the said Trustees shall and they are hereby required to meet at the *Warren Bulkeley Arms Inn*, or some other convenient Place in the Town of *Stockport*, on the Third *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and afterwards meet yearly some Time in the Month of *April* at the Place aforesaid, or at such other convenient Place upon or near the said Roads as the said Trustees shall think proper, for putting this Act into Execution, (which last-mentioned Meetings shall be deemed General Meetings, at which all Accounts relating to the said Trust for the Year ending the last Day of the preceding

Meetings of the Trustees.

[Local.]

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Month

Month of *March*, shall be examined, settled, and adjusted) ; and the said Trustees shall and may from Time to Time, at their Discretion, at any such Meetings, adjourn themselves to some convenient Place upon or near the said Roads for putting this Act in Execution ; and if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases (by Notice in Writing to be affixed on all the Turnpike Gates then erected on the said Road, and also inserted once in some public Newspaper circulated in the Neighbourhood through which the said Roads pass, at least Ten Days before the next Meeting), appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months next after the Day on which such last Meeting was appointed to be held ; and in case the Clerk or Clerks to the said Trustees shall in the Cases aforesaid neglect, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the said Trustees (although not assembled at a Meeting held pursuant to this Act), at any Time after the Space of Ten Days from such Neglect or Prevention, by Notice in Writing under their Hands, to be affixed and inserted in manner aforesaid, to appoint the Trustees to meet at the House where the last Meeting was held or appointed to be held, or at some other convenient House or Place upon or near to the said Roads, upon the Day Three Weeks next after the Date of such last-mentioned Notice ; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held ; and the said Trustees at all their Meetings shall defray their own Expences (save and except the Charges for the Room in which such Meetings shall be held, which Charges the Treasurer to the said Trustees is hereby authorized to pay) ; and all Acts, Orders, and Proceedings relating to this Act, which are authorized or directed to be had, made, done, or exercised, by or before the said Trustees, shall and may be had, made, done and exercised, by or before any Three or more of them (except in such Cases where any other Number is herein mentioned) ; and all Orders and Proceedings had, made, or done, by or before such Three Trustees, shall have the same Force and Effect, and be as binding on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the said Trustees : Provided always, that no Order or Proceeding shall be or be deemed to be valid unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), unless there shall be present at such Meeting Three Trustees at the least, nor unless the Majority of the Trustees present shall concur therein ; nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Person or Persons desirous of having any such Order revoked or altered shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, to be by him or them affixed and inserted in manner hereinbefore mentioned ; nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration : and at every Meeting of the said Trustees a Chairman shall be appointed, and

when

If Clerk shall omit or neglect to call such Meeting, Trustees may do it.

Trustees to pay their own Expences, except for Room.

Five Trustees a Quorum.

Orders to be made at Meetings only, &c.

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 the Chairman shall have and he is hereby empowered to give a double or casting Vote.

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 the Clerk or Clerks to the said Trustees, upon an Order in Writing, signed by any Five or more of the acting Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order, (not being less than Ten Days next after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees thereat shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Meetings
on Emer-
gencies.

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

Proceedings
to be entered
in a Book.

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

Books used
under former
Acts to be
Evidence.

XIV. 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 direct Books to be provided and kept by their Clerk or Clerks for the Time being, in which Books such Clerk or Clerks 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 such Sums of Money shall have been disbursed, laid out, and paid, which Books shall at all seasonable Times be open to the Inspection of the said Trustees, or of any Creditor on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the In-
spection of
Trustees and
Creditors.

may

may take Copies of or Extracts from the said Books without paying any thing for the same; and in case the said Clerk or Clerks shall not permit the said Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Trustees may
appoint
Officers.

XV. And be it further enacted, That the said Trustees shall and may at their first or any subsequent Meeting, as Occasion shall require, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, and all such other Officers respectively, as they shall from Time to Time think proper; and that the said Trustees shall and may from Time to Time remove such Clerks, Treasurers, Collectors, and other Officers, or any of them, and from Time to Time appoint others in the Room of such of them as shall be so removed, or shall die, or resign, or refuse, or neglect to perform, or become incapable of performing their Duty; and the said Clerks, Treasurers, Collectors, and other Officers, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce unto the said Trustees true and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or to such Person or Persons as the said Trustees shall direct and appoint; and if any of the said Officers shall refuse to give such Account as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings, in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases, it shall be lawful for any one Justice of the Peace for the County or Place where such Officer shall reside (and such Justice is hereby authorized and required) to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered and required to administer, without Fee or Reward); and if any Person shall be thereof convicted, such Justice shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; and in case any of the said Officers shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One Justice of the Peace of the County or Place where such Person or Persons shall reside, to make inquiry touching such Neglect or Refusal, in a summary Way, in manner aforesaid, and by Warrant under his Hand and Seal, to cause such Sum or Sums of Money as shall appear to him to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Officer,
rendering

rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress or Distresses cannot be made, then the said Justice shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, which Composition the said Trustees are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space of Time than Six Calendar Months.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the said Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of 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 who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Impar lance, shall be allowed.

Clerk not to be appointed Treasurer, and vice versa.

XVII. And be it further enacted, That as often as any Collector of the Tolls shall die, or shall neglect or become incapable of performing his or their Duty, or shall abscond or absent or misbehave himself or themselves, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act), shall and may discharge such Collector so neglecting or becoming incapable of performing his or their Duty, or absconding, or absenting, or misbehaving himself or themselves, and shall and may nominate and appoint a proper Person to be a Collector of the said Tolls, to continue until the then next Meeting of the said Trustees, in the stead of such first-named Collector, and such 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 in whose Place he was appointed; and if any Collector of the said Tolls who shall be discharged from his Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector who shall die or be discharged, or any other

Trustees to appoint temporary Collectors and discharge those misbehaving, and appoint others till the next Meeting.

[Local.]

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Person

Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building, erected or being in and upon or on the Side or Sides of the said Roads by virtue of this Act, for the Space of Three Days next after Demand made thereof, and Notice in Writing given for that Purpose by any Two of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the County or Place where such Toll House or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any one or more of them, or their new appointed Officer, into the Possession thereof.

Trustees
may allow
Salaries.

XVIII. And be it further enacted, That out of the Money to arise by virtue of this Act such Salaries or Allowances shall be made to the Collectors, Clerks, Treasurers, Surveyors and such other Persons as shall be assisting in the Execution of this Act, as to the said Trustees shall seem reasonable.

Treasurer,
&c. to give
Security.

XIX. Provided always, and be it further enacted, That the said Trustees shall take such Security from their Treasurers, Clerks, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Actions to
be brought
in the Name
of any one
Trustee or
Treasurer,
or Clerk, who
are not to
be personally
liable.

XX. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of any one or more of them, or in the Name or Names of their Treasurer or Treasurers, Clerk or Clerks; and that no Action or Suit to be commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of any Trustee, Treasurer or Treasurers, or Clerk or Clerks, shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees; but no Trustee, Treasurer, Clerk, or any of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof; all which Debts, Costs and Expences shall be wholly defrayed out of the Money arising under or by virtue of this Act.

Officers
under the
former Act
to account
to the Trus-
tees for exe-
cuting this
Act.

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

XXII. And

XXII. And be it further enacted, That the said Trustees shall and may either continue the present Turnpike Gates, which now stand upon or across the said Roads, called the *Dan Bank Bar*, the *Hague Lane Bar*, and the *New Mill Bar*, or set up in lieu thereof, or in addition thereto respectively, One or more Turnpike Gate or Turnpike Gates in, upon, or across any Part of the said Roads, and across any Lane or Way leading into, from, or out of the same respectively; and may also erect, build, and set up, or cause to be erected, built and set up, such and so many Toll Houses for the Convenience thereof, with suitable Outbuildings thereto, as they shall think necessary, and also inclose from any Waste Grounds thereto adjoining, convenient Garden Plots for the said Toll Houses respectively, not exceeding in the whole One Eighth Part of a Statute Acre for each Toll House, as they may judge proper; and may cause all or any of such Turnpikes, Toll Gates, and Toll Houses from Time to Time to be taken down and set up again, and to be removed or altered, in such other Situations as they shall judge proper.

Trustees may
continue or
alter Turn-
pike Gates.

XXIII. And be it further enacted, That the several Turnpikes, or Toll Gates and Toll Houses, and other Erections and Buildings, and the several Conveniences and Appurtenances thereto respectively belonging, now or hereafter to be erected or provided, in, or upon and across the said Roads, or the Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Roads, shall be and the same are hereby vested in the said Trustees; and they are hereby authorized and empowered to sell and dispose of the same, or any Part or Parts thereof, as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks, or to prefer and prosecute, or cause to be preferred and prosecuted, at the Expence of the Revenues of the said Roads, any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same, or any Part thereof, in which Bill or Bills of Indictment, it shall be sufficient to state generally such Articles, Matters, and Things to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

Turnpikes,
Toll Houses,
&c. vested in
the Trustees.

XXIV. And be it further enacted, That the respective Tolls following shall be demanded and taken (subject to the Orders Regulations, and Resolutions of the said Trustees,) by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse or Beast, or any Cart or Carriage whatsoever, shall be permitted to pass through any of the several Turnpike Gates, or Toll Gates now erected and set up, or hereafter to be erected and set up by virtue of this Act; (that is to say),

Power to
take Tolls.

For every Horse or Beast of Draught, drawing any Coach, Chariot, Hearse, or other such Four-wheeled Carriage, as follows; (that is to say), when there are Six or more Horses or Beasts of Draught, the Sum of Sixpence; and when there is a less Number of such Horses or Beasts of Draught, the Sum of Eight-pence:

For

For every Horse or Beast of Draught, drawing any Curricule, Gig, or other such Two-wheeled Carriage, as follows; (that is to say), when there are Two or more such Horses or Beasts of Draught, the Sum of Sixpence; and when there is only One such Horse or Beast of Draught, the Sum of Eight-pence.

For every Horse or Beast of Draught, drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of the Breadth of Six or Nine Inches on the Bottom or Sole thereof, as follows; (that is to say), when there are Eight or more such Horses or Beasts of Draught, the Sum of Sixpence; when there are Seven such Horses or Beasts of Draught, the Sum of Seven-pence; when there are Six such Horses or Beasts of Draught, the Sum of Eight-pence; when there are Five such Horses or Beasts of Draught, the Sum of Nine-pence Halfpenny; when there are Four such Horses or Beasts of Draught, the Sum of One Shilling; when there are Three such Horses or Beasts of Draught, the Sum of One Shilling and Four-pence; when there are Two such Horses or Beasts of Draught, the Sum of Two Shillings; and when there is only One such Horse or Beast of Draught, the Sum of Four Shillings:

For every Horse or Beast of Draught, drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of a Surface of Sixteen Inches, or Wheels rolling a Surface of Eleven Inches on each Side, or upon Rollers of the Width of Sixteen Inches, as follows; (that is to say), when there are Eight or more such Horses or Beasts of Draught, the Sum of Three-pence; when there are Seven such Horses or Beasts of Draught, the Sum of Three-pence Halfpenny; when there are Six such Horses or Beasts of Draught, the Sum of Four-pence; when there are Five such Horses or Beasts of Draught, the Sum of Five-pence; when there are Four such Horses or Beasts of Draught, the Sum of Sixpence; when there are Three such Horses or Beasts of Draught, the Sum of Eight-pence; when there are Two such Horses or Beasts of Draught, the Sum of One Shilling; and when there is only One such Horse or Beast of Draught, the Sum of Two Shillings:

For every Horse or Beast of Draught, drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, as follows; (that is to say), when there are Eight or more such Horses or Beasts of Draught, the Sum of Nine-pence; when there are Seven such Horses or Beasts of Draught, the Sum of Ten-pence Halfpenny; when there are Six such Horses or Beasts of Draught, the Sum of One Shilling; when there are Five such Horses or Beasts of Draught, the Sum of One Shilling and Two-pence Halfpenny; when there are Four such Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; when there are Three such Horses or Beasts of Draught, the Sum of Two Shillings; when there are Two such Horses or Beasts of Draught, the Sum of Three Shillings; and when there is only One such Horse or Beast of Draught, the Sum of Six Shillings:

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, with Two Wheels, the Fellies of which are of the Breadth of Nine Inches at the Bottom or Sole thereof, as follows; (that is to say), when there are Five or more such Horses or Beasts of Draught, the Sum of Two-pence Halfpenny; when there are Four such Horses or Beasts of Draught, the Sum of Three-pence; and when there is a

less

less Number of such Horses or Beasts of Draught, the Sum of Four-pence :

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, with Two Wheels of the Breadth of Six Inches at the Bottom or Sole thereof, as follows ; (that is to say), when there are Five or more such Horses or Beasts of Draught, the Sum of Three-pence ; when there are Four such Horses or Beasts of Draught, the Sum of Three-pence Halfpenny ; and when there is a less Number of such Horses or Beasts of Draught, the Sum of Five-pence :

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, with Two Wheels of less Breadth than Six Inches at the Bottom or Sole thereof, as follows ; (that is to say), when there are Four or more such Horses or Beasts of Draught, the Sum of Five-pence ; and when there is a less Number of such Horses or Beasts of Draught, the Sum of Seven-pence :

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, upon Rollers of the Breadth of Sixteen Inches, the Sum of Three-pence :

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, *per* Score, the Sum of Ten-pence ; and so in proportion for any greater or less Number.

XXV. Provided always, and be it further enacted, That the respective Tolls hereinbefore mentioned to be payable in respect of Horses or Beasts of Draught drawing any Waggon, Wain, or other such Four-wheeled Carriage, shall be applicable to and payable in respect of all Horses or Beasts of Draught drawing any Waggon, Wain, or other such Carriage with Three Wheels.

Waggons, &c. with Three Wheels to pay same Tolls as those with Four Wheels.

XXVI. And be it further enacted, That all the several and respective Tolls herein granted and authorized shall be and the same are hereby vested in the said Trustees, and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such Manner as in this Act is mentioned.

Tolls vested in the Trustees.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to cause to be erected and set up and provided One or more Turnpike Gate or Turnpike Gates, Toll House or Toll Houses, on the Side or Sides of any of the said Roads, or across any Highway leading into the same respectively, and to cause such Tolls to be collected and levied at such respective Turnpikes or Side Gates, as are by this Act made payable at the other Turnpikes or Toll Gates upon or across the same Roads.

Power to erect Side-bars.

XXVIII. Provided always, and be it further enacted, That every Person who shall have paid the full Toll hereby authorized to be taken for any Horse or Beast drawing any Carriage whatsoever, or not drawing, shall, upon producing a Ticket denoting such Payment, return Toll-free the same Day, (to be computed from Twelve of the Clock at Night to

Tolls to be paid but once for passing and re-passing, except as hereinafter excepted.

[Local.]

3 P

Twelve

Twelve of the Clock in the succeeding Night) with the same Horse or Beast in respect of which he or she shall have paid such full Toll (except for the Return of any Horse or Beast drawing any Waggon, Cart, or other such Carriage, laden with the Weight of Five hundred Weight or upwards, of One hundred and twelve Pounds to the Hundred Weight), in which excepted Case such Person shall pay the full Tolls for such Horse or Beast when returning; but nothing herein contained shall subject any Person to the Payment of more than Three full Tolls in any one Day, for passing through all and every the said Bars herein-before mentioned or hereby authorized to be erected.

Carriages to pay after passing and repassing.

XXIX. And be it further enacted, That if any Person or Persons shall pass or go a Third Time on the same Day with any Horse or other Cattle or Beast, drawing any Carriage whatsoever, or not drawing, through all or any of the Turnpike Gates now erected or to be erected by virtue of this Act, every such Person or Persons shall be liable and compellable again to pay the Tolls and Duties hereby imposed on such Horse, or other Cattle or Beast drawing any Carriage whatsoever, or not drawing, in such and the same Manner as he, she, or they is and are and would have been liable to pay the same, in case he, she, or they had not before on the same Day paid any Tolls, or passed through any of the said Turnpike Gates.

Stage Coaches and Post Chaises to pay each Time of passing, the Driver delivering a Ticket denoting a fresh Hiring.

XXX. And be it further enacted, That subject to the Restrictions herein-before contained, the Tolls hereby granted shall be paid for and in respect of all Horses or Mules drawing any Stage Coach, every Time of passing or repassing through the Turnpike Gates now erected or hereafter to be erected by virtue of this Act; and also for and in respect of all Horses or Mules travelling Post for Hire, and drawing any Post Chaise, or other such Carriage travelling for Hire, every Time they shall pass through any such Turnpike Gate, provided the Driver thereof shall deliver a Ticket denoting a fresh Hiring.

Abatement of Tolls in certain Cases.

55G.3. c.119.

XXXI. And be it further enacted, That all Waggons, Carts, or other Carriages, having the Fellies of the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to an Abatement of such Proportion of the Tolls hereby granted as the said Trustees shall approve and direct.

Table of Tolls to be put up.

XXXII. And be it further enacted, That a Table of the Tolls payable under this Act, shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively shall be placed over the said Table of Tolls.

Trustees to provide Tickets denoting the

XXXIII. And be it further enacted, That upon Payment of the said Tolls by this Act directed to be demanded and taken, the Collector and Receiver thereof shall and he is hereby required to deliver, *gratis*, to the

the Person paying such Tolls, a Ticket denoting such Payment, and there shall be specified thereon the Names of the Turnpike Gates freed by such Payment, and also the Name of the Gate at which the Ticket is delivered. Payment of Tolls.

XXXIV. And be it further enacted, That if any Person shall offer or dispose of any such Ticket with Intent to evade the Payment of any of the Tolls hereby authorized to be taken, every such Person so offering or disposing of such Ticket, and the Person receiving the same, shall respectively forfeit and pay any Sum not exceeding Forty Shillings. Penalty on Persons disposing of Tickets to avoid paying Toll.

XXXV. Provided always, and be it further enacted, That if any Person subject to the Payment of any of the said Tolls, shall after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls, by himself, herself, or themselves, and with such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horse or Horses, Beast or Beasts, Cattle, or other Thing or Things, upon or in respect of which such Toll is hereby imposed, together with its or their respective Bridles, Saddles, Gears, Harness, Accoutrements, or Loading (except the Bridle, Halter, or Reins of any Horse or Beast separate from such Horse or Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may, as soon as convenient afterwards, sell the Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted. On Non-payment of Toll, Collectors may distrain.

XXXVI. And be it further enacted, That if any Dispute shall happen about the Amount due for any of the Tolls hereby granted, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen,) be ascertained by any Two or more Justices of the Peace for the County or Place wherein the Cause of Dispute shall arise, who, upon Application made to them for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls due, and shall make such Order, and award such Costs and Charges to either Party, as to the said Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hands and Seals of such Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold. For settling Disputes concerning Tolls.

XXXVII. And

One-Horse
Carts may be
weighed.

XXXVII. And whereas it may frequently happen that Carts drawn by One Horse passing upon and along the said Roads may carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads, drawn by One Horse only, shall and may be weighed at any Weighing Machine to be erected on the said Roads; and that in case the said Trustees shall so order and direct the like additional Sums or Tolls as are payable by virtue of this Act for the Overweight of any Waggon, Cart, or other Carriage, and the Loading thereon, shall and may be demanded and taken by the said Trustees, or their Collector or Collectors, Lessee or Lessees, in respect of Carts drawn by One Horse only, and which, with the Loading thereon, shall exceed the Weights herein-after mentioned and allowed, or such of them as are applicable thereto; and that in such Case all the Powers, Regulations, and Penalties now in force relating to the Weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Toll Col-
lectors to put
up their
Names.

XXXVIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Turnpike Gate, immediately on his coming on Duty; each of the Letters of such Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall wilfully demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer to be read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and specifying the Name of the Gate at which such Payment shall have been made, and also the Names of the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without a sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such 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.

Trustees may
let the Tolls.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees at any Meeting, whereof Fourteen Days Notice shall have been given in Writing, affixed upon all the Turnpike Gates erected upon the said Roads,

Roads, and also inserted once in some public Newspaper printed or circulated in the Neighbourhood through which the said Roads pass, from Time to Time to let to farm, in such Manner and Form as they shall think fit, by Writing under their Hands and Seals, all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years at any One Time, for the best Rent or Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, without being compelled to put up the said Tolls at the Sum at which they were last let, or to have any other Meeting for the Letting thereof; and in case at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let; any thing in any Law or Statute to the contrary notwithstanding, and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

XL. And be it further enacted, That when the Tolls payable by virtue of this Act, shall be put up to be let to farm, the said Trustees may, if they shall 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.

Trustees may bid at the letting of Tolls.

XLI. Provided always, and be it further enacted, That on every Letting of any Tolls the said Trustees shall take from the respective Renters or Farmers thereof One Month's Rent in advance, before they shall put such Renters or Farmers in possession of the Toll Gate, Toll House, or Turnpike at which Tolls are to be collected; and that in every Agreement to be entered into for letting any Tolls, the Rent or Money payable for such Tolls shall be made payable monthly and in advance; and that there be contained in such Agreement, Clauses, and Conditions, that if the Rent or Money to be paid at the Commencement of any Month shall not be paid within Three Days after the same shall become due and payable, the said Agreement shall be void, if the Trustees shall think proper; and they shall be entitled to take possession of the Toll Gate, Toll House, or Turnpike at which such Toll shall be received, and the respective Renters or Farmers of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls; and in every Case where the Terms of such Agreement shall not be fulfilled, the said Trustees shall and they are hereby empowered, if they shall think proper, to re-enter and take possession of any such Toll Gate or Toll House, and the Tolls there collected, and to re-let the same in manner herein-before directed, or to appoint a Collector to receive the same; and it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal (which Warrant such Justice is hereby empowered and required to grant, upon the Request of the said Trustees,) to order any Constable, or other Peace

Rent of Tolls to be paid always One Month in advance.

[Local.]

3 Q

Officer,

Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take possession of such Gates, Turnpikes, or Bars and Premises, and to remove the Person and Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into possession of the said Toll House or Toll Houses, Gates, Turnpikes, Bars, and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees shall appoint.

Weighing
Engines may
be let.

XLII. And be it further enacted, That it shall be lawful for the said Trustees to let to farm, either together with or without the said Tolls by this Act authorized to be taken, the additional Toll or Duty herein-after granted and made payable, for every Hundred Weight of One hundred and twelve Pounds to the Hundred Weight, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any of the Weighing Engines to be erected on any of the said Roads, over and above the Weights herein-after allowed.

Trustees
may order
Weighing
Machines to
be set up for
weighing
Carriages,
and may take
Tolls for
Overweight.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to order and cause to be erected, at any or as many Turnpike Gate or Turnpike Gates erected or to be erected upon any Part of the said Roads, or at such Distance from any Turnpike Gate as they shall think requisite and expedient, a Crane, Machine, or Engine, with a suitable House or other Building thereto, proper for the Weighing of Carts, Waggon, or such Carriages conveying any Goods or Merchandize whatsoever, and to each such Crane, Machine, or Engine, to order and cause to be erected a Turnpike Gate across the said Roads, should the same be necessary; and to order all or any such Carriage or Carriages which shall pass through any Turnpike Gate erected or to be erected upon, across, or on the Side of the said Roads, or shall come upon any Part of the said Roads, within the Distance of One hundred and fifty Yards from any such Crane, Machine, or Engine, (although the same Carriage shall not have passed through any Turnpike) to be weighed, together with the Loading thereof; and it shall be lawful for the said Trustees to order any Person or Persons to receive and take, over and above the Tolls hereby granted, the several Sums of Money herein-after mentioned, as additional Tolls for the Excess of Weight which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh at any such Crane, Machine, or Engine, over and above the Weights herein-after allowed to each of them respectively; (that is to say),

Weights
allowed.

To every Waggon, or other such Four-wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons Weight in Summer, and Seven Tons Weight in Winter :
To every Waggon or Wain, having the Axletrees thereof of such different Lengths, that the Distance from Wheel to Wheel of the nearer Pair of the said Wheels be not more than Four Feet Two Inches, to be measured at the Ground, and that the Distance from Wheel to Wheel of the other Pair thereof be such, that the Fore and Hind Wheels of such Waggon and Wain shall roll only One single Surface, or Path of Sixteen Inches wide at the least, on each Side of the said Waggon or Wain, and having the Fellies thereof of the Breadth
of

of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons and Ten hundred Weight in Summer, and Six Tons Weight in Winter :

To every Waggon, or other such Four-wheeled Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons Weight in Summer, and Five Tons and Ten hundred Weight in Winter :

To every Cart, having the Fellies of the same Dimensions, Three Tons Weight in Summer, and Two Tons and Fifteen hundred Weight in Winter :

To every Waggon, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons and Five hundred Weight in Summer, and Three Tons and Fifteen hundred Weight in Winter :

And to every such Waggon so constructed as to roll, and actually rolling, a Surface of Eleven Inches by the Wheels thereof, Five Tons and Ten hundred Weight in Summer, and Five Tons Weight in Winter :

To every Cart, having the Fellies of the Wheels of the Breadth of Six Inches, Two Tons and Twelve hundred Weight in Summer, and Two Tons and Seven hundred Weight in Winter :

To every Waggon, having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Six Inches, Three Tons and Ten hundred Weight in Summer, and Three Tons Weight in Winter :

And to every Cart, having the Fellies of the Wheels of the same Dimensions, One Ton and Ten hundred Weight in Summer, and one Ton and Seven hundred Weight in Winter :

And that for the several Purposes aforesaid it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive; and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive; and that there shall be demanded and taken for such Overweights the several Sums of Money following; (that is to say),

Declaring what shall be deemed Summer and Winter, for the Purposes of this Act.

For every Hundred Weight (after the Rate of One hundred and twelve Pounds to the Hundred Weight) of such Overweight, of any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, not exceeding Two hundred, the Sum of Sixpence:

Tolls for Overweight.

For every Hundred of such Overweight of any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, above Two hundred and not exceeding Five hundred, the Sum of Sixpence :

For every Hundred of such Overweight of any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, above Five hundred, and not exceeding Ten hundred, the Sum of Two Shillings and Sixpence :

For every Hundred of such Overweight of any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, above Ten hundred, and not exceeding Fifteen hundred, the Sum of Five Shillings : And,

For every Hundred of such Overweight of any Goods, Wares, Merchandize, or other Matter or Thing whatsoever, above Fifteen hundred, the Sum of Twenty Shillings :

Which said additional Toll or Duty hereby granted shall be demanded, levied, and recovered from any Person liable thereto, or upon his or her Goods

The said last-mentioned Goods

Tolls vested
in the Trus-
tees.

Goods and Chattels, in such Manner as any other Toll or Duty is hereby directed to be levied and recovered; and the Money arising from such additional Toll or Duty shall be applied for the Purposes of this Act, and shall be and the same is hereby declared to be vested in the said Trustees in such and the same Manner as the other Tolls and Money arising by virtue of this Act.

Trustees
may exempt
Carts, &c.
with Nine-
Inch Wheels
from addi-
tional Toll.

XLIV. Provided always, and be it further enacted, That the said Trustees may and are hereby authorized and empowered, if they shall think proper, to exempt from the Whole or any Part or Proportion of the additional Tolls for Overweights herein-before granted, every Waggon, Cart, or other Carriage which shall have the Sole or Bottom of the Fellies of the Wheels thereof respectively of the Breadth of Nine Inches.

Carriages to
which the
Provisions
respecting
Overweights
do not
extend.

XLV. Provided always, and be it further enacted, That none of the Powers and Provisions herein contained respecting the Overweight of any Waggon, Cart, or Carriage, shall extend or be construed to extend to any Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, which shall be laden with One Block of Stone, One Piece of Marble, One Cable Rope, One Piece of Metal, or One Piece of Timber.

No Toll but
for Over-
weight to be
taken at the
Turnpike at
any Weigh-
ing Machine.

XLVI. Provided always, and be it enacted, That no Toll or Duty shall be collected or payable at any Turnpike or Toll Gate erected or to be erected at any such Crane, Machine, or Engine, for the Use of any such Crane, Machine, or Engine only, except for Overweight as aforesaid, unless the same shall be also a Turnpike or Toll Gate for collecting Tolls hereby and herein-before granted for the Purposes of this Act.

The Person
appointed by
the Trustees
shall weigh
all loaded
Carriages
which he
has Reason
to suspect
carry Over-
weight;

XLVII. And be it further enacted, That the Keeper of every Crane, Weighing Machine, or Engine erected upon the said Roads, shall and he is hereby authorized and required to weigh all such Waggons, Carts, and other Carriages, liable to be weighed by virtue of this Act, which he shall suspect to carry greater Weights than are allowed to pass, without paying such additional Toll, or which any of the said Trustees, or any Surveyor of the said Roads, or of any of the Highways within any of the Townships through which the said Roads pass, shall require or direct to be weighed; and if any such Keeper shall agree with any Person or Persons not to weigh his, her, or their Waggon, Cart, or other Carriage, or shall take or agree to take any Money or other Consideration from any Person or Persons for not weighing his, her, or their Waggon, Cart, or other Carriage, or shall agree with any Person or Persons to carry or connive at his, her, or their carrying in any Waggon, Cart, or other Carriage, greater Weights, including the Weight of such Waggon, Cart, or other Carriage, than are allowed as aforesaid, without weighing the same and the Lading thereof, or shall permit any Waggon, Cart, or other Carriage, which may be reasonably suspected of being, with the Lading thereof, of greater Weight than is allowed as aforesaid, to go or pass by any such Crane, Weighing Machine, or Engine, or through any such Turnpike or Toll Gate, without weighing the same; or shall permit any Waggon, Cart, or other Carriage whatsoever, which shall be required or directed by any Trustee or Surveyor as aforesaid to be weighed, to go or pass by any such Crane, Weighing Machine, or Engine, or through any

such Turnpike or Toll Gate without weighing the same; or shall permit any Waggon, Cart, or other Carriage whatsoever, which shall have been weighed, and shall, with the Lading thereof, be of greater Weight than is allowed as aforesaid to pass any such Crane, Weighing Machine, or Engine, or through any such Turnpike or Toll Gate, without demanding, receiving, and enforcing Payment of such additional Tolls as are allowed as aforesaid, every such Keeper shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Owner or Driver of any Waggon, Cart, or other Carriage, which shall pass loaded within the Distance of One hundred and fifty Yards from any such Crane, Weighing Machine, or Engine, shall refuse to have his or her Waggon, Cart, or other Carriage weighed; or shall hinder or prevent, or do any Act whatsoever to hinder or prevent such Waggon, Cart, or other Carriage from being weighed, upon being thereto required by the Collector of such additional Tolls, or by any of the said Trustees, or by any such Surveyor as aforesaid, or shall agree with any such Keeper not to weigh his or her Waggon, Cart, or other Carriage; or shall pay or give, or agree to pay or give, any Money or other Consideration to such Keeper, or any other Person whomsoever, for not weighing or requiring to be weighed his or her Waggon, Cart, or other Carriage, every such Owner or Driver, being the Owner of any such Waggon, Cart, or other Carriage, shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and every such Driver, not being the Owner of such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

or for his Neglect forfeit not exceeding 5*l*.

If any Owner or Driver shall refuse to permit his Carriage to be weighed, every Owner or Driver, being the Owner, shall forfeit not exceeding 10*l*.; and every Driver, not being the Owner, not exceeding 5*l*.

XLVIII. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned shall not extend or be deemed or construed to extend to any Waggons, Carts, or other Carriages employed only in Husbandry, or carrying only Dung, Muck, Mould, Soil, Ashes, or Lime Ashes, to be used in Husbandry, or Compost for Land, Hay, Straw, Fodder or Corn unthrashed, excepting Hay and Straw for Sale.

Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, not to be weighed.

XLIX. And be it further enacted, That during such Times as the said Tolls or Duty, or any Part or Parts thereof, shall be let or agreed to be let to any Person or Persons whomsoever, it shall and may be lawful to and for the Farmer or Taker, Farmers or Takers thereof, or such other Person or Persons as he or they shall authorize and appoint, to demand and take the same Tolls or Duty, with the like Powers for Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees is hereby invested with, to demand, take, and recover the same; and such Farmer or Taker, Farmers or Takers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Lessees and Persons appointed by them may collect the Tolls.

L. And be it further enacted, That all Demises or Leases, and Contracts, Covenants, and Agreements for demising or letting the Tolls arising on the said Roads, or any or either of them, which shall be in existence at the Time of passing this Act, shall respectively continue in force until the Time when by the Terms and Conditions thereof the same will be run

Present Leases to continue in force;

[Local.]

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out and determined ; and the respective Lessees and Farmers thereof shall in the meantime be entitled to collect and receive the Tolls by this Act imposed and made payable at the several Turnpikes or Toll Gates, as fully and effectually as if the said former Act had not been repealed, or the Term thereof expired.

Exempting
the Royal
Family from
Toll.

LI. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse or other Cattle or Beast drawing any Carriage, or not drawing, attending His Majesty or any of the Royal Family, or returning from having so attended.

Exemptions.

LII. Provided also, and be it further enacted, That no Tolls shall be demanded or taken for any Horse or other Beast drawing any Carriage passing laden with or unladen for, or returning the same day unladen after having been laden with Materials for making or repairing the said Roads, or for repairing the Highways in any Township through which any of the Roads lead ; nor for any Horse or other Beast drawing any Carriage laden with, or passing unladen for, or returning the same Day unladen, after having been laden with Grass, Hay, Straw, Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be placed in the Outhouses or on the Lands of the Owner thereof, who shall not have bought the same ; nor for any Muck, Marl, Dung or other Manure (Lime excepted), to be used in Husbandry ; nor for any Implements of Husbandry passing in order to the using or repairing of the same, in any of the Townships through which the said Roads pass ; nor for any Horse or Beast going to or from Water, Pasture, or Work in Husbandry, upon or within any of the Lands within such Townships, or any of them ; nor for any Horse or Beast belonging to any Inhabitant of any of the Townships through which the said Roads pass, which shall be only passing in order to be shod or farried, or drawing any Carriage or Implement in Husbandry, or other Thing to the Carpenter's or Wheelwright's Shop to be repaired, or for the Return of such Horses or other Cattle ; nor from any Rector, Vicar, or Curate, going to officiate or returning from officiating at his proper Parish Church, or other Place of Divine Worship, or on his or their parochial or ministerial Duty, or visiting his sick Parishioners ; nor from any Person or Persons going to or returning from his, her, or their proper parochial Church or Chapel ; nor from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, upon *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated ; nor from any Person or Persons going to or returning from the Funeral of any Person or Persons who shall die and be buried in any Parish or Place in which such Turnpike shall be situate ; nor for any Person or Persons going to or returning from any Election of a Member or Members to serve in Parliament for either of the said Counties of *Derby* or *Chester*, during the Time of, or on the Day before or Day after such Election shall begin or be concluded ; nor for any Horses, or other Beasts of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom ; nor for any Horse, Mare, or Gelding,

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 such Person be dressed in the Uniform of his Corps, and wear his Arms, Furniture, and Accoutrements according to the Regulations appointed for such Corps at the Time of claiming such Exemptions; nor for the Horses of Soldiers passing who are upon their March, or upon Duty; nor for Horses or other Beasts drawing any Waggons, Wains, or Carriages employed in conveying the Arms or Baggage of any such Soldiers, or any sick, wounded, or disabled Officers or Soldiers, or the Wives and Children of such Soldiers; nor for any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage whatsoever, employed in carrying 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, or returning after having been so employed; nor for any Horses or Beasts drawing any Carriage employed in conveying Vagrants sent by legal Passes, or Prisoners sent to any Gaol or House of Correction in Custody under any legal Warrant, or returning after having been so employed; and if any Person or Persons shall in any fraudulent or collusive Manner claim the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie on the Person claiming the same.

LIII. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than once in the same Day for the passing of any Horse or other Beast laden with Milk, Whey, Buttermilk, or Curds, or with the empty Vessels in which such Milk, Whey, Buttermilk or Curds shall have been conveyed. Milk to pay only once a Day.

LIV. And be it further enacted, That no Person owning or driving any Waggon, Wain, Cart, or 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 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 other Beasts of Draught; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to employ any Number of Horses or other Beasts of Draught, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding. Carriages conveying Military Stores not to be subject to Penalties for Overweight.

LV. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family, Servant or Servants); or if any Person or Persons owning or occupying any Passage, Land, Ground, or Place situate as aforesaid, shall knowingly or wilfully permit or suffer any Person or Persons, not being of Penalty on permitting private Passage, &c. or evading Tolls.

of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls hereby granted, or any of them, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, (except a Collector of the Tolls) any Ticket by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them; or shall forcibly, fraudulently, or wilfully pass through or over any Turnpike Gate, with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall not pay such Toll upon Demand; or shall take off or cause to be taken off any Horse, Beast, or other Cattle, from any Carriage, or after passing through any Turnpike Gate, shall put on an additional Horse or Beast to any such Carriage; or shall unload or cause to be unladen any Goods, Wares, Merchandize or other Things, from or out of any Carriage, in order to evade the Payment of any of the Tolls or Duties herein-before mentioned, or any Part thereof, all and every such Person or Persons so offending in any of the Cases aforesaid shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damages or Punishments as he, she, or they shall be otherwise liable to by Law, and over and besides any Tolls or Duties, which upon the hearing of any of the Matters aforesaid shall appear due from such Person or Persons, which Tolls or Duties shall be paid to the Collector or Person entitled thereto, and recoverable and enforced by such Means as any Penalty hereby inflicted can or may be recovered.

Penalty on Persons obstructing the Execution of this Act.

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

Power to reduce the Tolls.

LVII. Provided always, and be it further enacted and declared, That the said Trustees may, and they are hereby authorized and empowered, from Time to Time during the Continuance of this Act, to reduce all or any of the several Tolls hereby granted, and to raise the same again, so as that the same do not exceed the Tolls hereby authorized to be taken, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due and owing upon the Credit of the said Tolls, and such Tolls so reduced shall be collected, levied, and applied respectively, in the same Manner as the Tolls by this Act granted are directed to be collected, levied, and applied respectively.

Tolls to be reduced or raised equally at each Bar.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Trustees, or any of them, to lessen or reduce all or any of the Tolls to be demanded or taken at any One of the Turnpike Gates or Turnpikes now erected or hereafter to be erected by virtue of this Act, without at the same Time, and in like Manner and Proportion also, lessening or reducing the like
Tolls

Tolls to be demanded and taken at all the other Turnpike Gates now erected or hereafter to be erected as aforesaid ; or afterwards to raise and advance any of the Tolls to be demanded and taken as aforesaid, at any Turnpike Gate or Turnpike Gates, without at the same Time, and in like Manner and Proportion also, raising or advancing the like Tolls to be demanded and taken at all the other Turnpike Gate or Turnpike Gates aforesaid.

LIX. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

A Halfpenny to be taken where the Tolls amount to a fractional Part of a Halfpenny.

LX. And be it further enacted, That the said Trustees, or any Seven or more of them, may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with any Person or Persons for the Toll of any Horses, or other Cattle or Beast drawing any Carriage, or not drawing, passing through any of the said Turnpikes, so that no Composition shall be made with any Person or Persons for the Toll of any Horse, or other Cattle or Beast drawing any Carriage employed in carrying for Hire ; and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

Trustees empowered to compound for Tolls.

LXI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and empowered, to borrow and take up at Interest such Sums of Money as they may think necessary, upon the Credit of the Tolls arising by virtue of this Act ; and at any Meeting or Meetings to assign over or mortgage all or any of the Tolls to be collected and arising under and by virtue of this Act, and also the Turnpike Gates, Toll Houses, Erections, and Buildings for collecting the same, (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for any Sums of Money so to be borrowed, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Seven or more of them shall think proper ; which said Money, so to be borrowed, shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said several Turnpikes are hereby directed to be applied and disposed of ; and that such Mortgage or Mortgages, Assignment or Assignments, shall and may be in the Form following, or such other Form as the Trustees making the same shall think proper ; (that is to say),

Trustees may borrow Money.

BY virtue and in pursuance of an Act, passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act*, &c. [*here insert the Title of this Act*] and in Consideration of the Sum of _____ to *A. B.* the Treasurer appointed by the said Trustees for putting the said Act into Execution, having been on the
 [Local.]

Form of Mortgage.

3^o GEORGIIV. Cap. viii.

Day of _____ paid by C. D. of _____
 we whose Names are hereunto subscribed, and Seals affixed, being
 of the said Trustees, do grant and assign, unto the said C. D.
 Executors, Administrators, and Assigns, such Proportion
 of the Tolls arising upon the Roads in the said Act mentioned, and of
 the Turnpikes and Toll Houses, Weighing Machines, and other Engines,
 for collecting the said Tolls, as the said Sum of _____
 doth or shall bear to the whole Sum due and owing on the Credit of
 the said Tolls, or charged thereupon for the Term of this Act: To
 have, hold, receive, and take such Proportion of the said Tolls, Turn-
 pikes, and Toll Houses, Weighing Machines, and other Engines and
 Premises, with the Appurtenances, unto the said C. D.
 Executors, Administrators, and Assigns, for the Residue and Remain-
 der now to come of the Term of _____ Years for which the
 said Tolls are granted by the said Act, subject to the Proviso follow-
 ing; (that is to say), provided always, that if the said Sum of _____
 shall be repaid to the said C. D. _____ Executors,
 Administrators, or Assigns, together with Interest for the same, after
 the Rate of _____ per Centum per Annum, without any
 Deduction whatsoever, on or before the _____ Day of _____
 next ensuing, then this Assignment shall be void, or
 else shall remain in full Force. In witness whereof, we have hereunto
 set our Hands and Seals, this _____ Day of _____
 One thousand eight hundred and _____

Copies to be entered.

Trustees not liable in their private Capacities.

Mortgages may be assigned.

Form of Transfer.

Copies of all which Mortgages or Assignments shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks to the said Trustees, for which the said Clerk or Clerks shall be paid the Sum of Ten Shillings and Sixpence, and no more; but nothing in this Act contained shall extend or be construed to extend to charge the said Trustees, or any of them, or the Persons appointed to receive the said Money, or any Part thereof, to any Repayment of the same by Reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person whomsoever, by Indorsement on the Back of such Security, or by any other Writing or Writings before Two credible Witnesses, in the following Words, or in Words to the like Effect; (that is to say),

I _____ do transfer this Mortgage [or, a certain Mortgage, &c. as the Case may be], with all my Right and Title to the Principal thereby secured, and to all Interest now due and to become due upon the same, unto _____ Executors, Administrators, and Assigns. Dated this _____ Day of _____ One thousand eight hundred and _____ A. B.'

All which Assignments or Transfers shall be produced to the Clerk or Clerks to the said Trustees within Sixty Days after the Date thereof, who shall

shall cause an Entry to be made thereof in the before-mentioned Book, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, for which the said Clerk or Clerks shall be paid the Sum of Ten Shillings, and no more; and which said Book shall and may at all seasonable Times be perused and inspected by the said Trustees and Creditors, without any Fee or Reward; and after such Entry so made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

LXII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person who shall advance any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said former Act, in respect to the Priority of advancing, or of having advanced any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be (in proportion to the Sums of Money due to them) Creditors on this Act, in equal Degree one with another.

No Priority of Mortgages.

LXIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Act, and give and execute other Mortgages instead and in lieu thereof respectively, in manner and transferable as herein-before mentioned.

Old Mortgages may be called in and new ones granted.

LXIV. And be it further enacted, That if any Mortgagee or Mortgagees shall seek to obtain Possession of the said Turnpikes, Weighing Machines, Engines, 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, Turnpike Gates, Toll Houses, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

One Mortgagee may obtain Possession of the Toll Houses.

LXV. And be it further enacted, That all the Monies and other Effects which the said Trustees or any of them, or any Treasurer, or other Person

Application of Tolls.
on

on their Behalf, are or is possessed of or entitled to by virtue of the said former Act; shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies arising or to arise by virtue of the said former Act and this Act, the Expences of procuring and passing this Act shall be first paid and discharged; and the Remainder thereof shall from Time to Time be applied, first in paying the Principal and Interest of all Monies now due and owing on the Credit of the said former Act, or which may hereafter become due and owing on the Credit of this Act; then in making, repairing, widening, altering, diverting, turning, and from Time to Time improving the said Roads, and afterwards in otherwise defraying the Expences attending the Execution of this Act, and to and for no other Use or Purpose whatsoever.

Surveyors
may make
Causeways,
&c.

LXVI. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to make Causeways and Footpaths, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto; and also to make a Road through any Ground adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Roads (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the old Road is repairing; and also to build, erect, and repair any Bridge or Bridges, Arch or Arches, Culvert or Culverts, upon any Part of the said Roads, and across any River, Brook, Stream, Water, Ditch, or Drain thereon or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds, respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning the Amount of such Damages, any one Justice of the Peace for the County or Place where such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Surveyors to
get Gravel,
&c.

LXVII. And be it further enacted, That the said Surveyor or Surveyors, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Materials proper for making and repairing the said Roads, in, upon, and out of or from any Commons or Waste Grounds, Common Rivers or Brooks, in any Parish, Township, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Township, Hamlet, or Place, to be used in the making and repairing of the said Roads, without paying any thing for the same; and to cart and carry away the same over the Lands or
Grounds

Grounds of any Person or Persons, making Satisfaction as herein-after mentioned, such Surveyor or Person filling up the Pit or Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Gravel, Stones, Sand, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, Rivers, or Brooks, contiguous to the said Roads therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may cut, dig, and make any Pit or Pits, and get, gather, take, and carry away such Materials as aforesaid, in, upon, or out of, from, and over the private Lands or Grounds of any Person or Persons, where the same may be had or found within any Parish, Township, or Place in which the said Roads, or any Parts thereof, do or shall lie or be situate, or in any adjoining Parish, Township, or Place (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners and Occupiers of such Lands or Grounds such Damages for cutting, digging, gathering, taking, and carrying away the said Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, Common Rivers, or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees shall think reasonable; and in case of any Difference between the said Trustees, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, or the Value of such Materials, then and in every such Case any Justice of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Forty Days next after such Difference shall arise (on Three clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, and settle and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

LXVIII. Provided always, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person under the Authority of this Act, to dig, gather, take, or carry away Materials for repairing the said Roads, out of or from any inclosed Lands or Ground, without the Consent of the Owner or Occupier thereof, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or his Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Occupier's usual Place of Abode, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Land shall lie, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier, shall attend pursuant to such Notice, such Justice or Justices shall, if he or they shall think proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather,

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take,

Surveyors
not to carry
away Ma-
terials out
of private
Grounds
without giv-
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to the Oc-
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take, and carry away such Stone and Materials, 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 herself, or his or her Agent, such Justice or Justices shall and may 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 or her Agent, had attended; and the Order of such Justice or Justices shall be final and conclusive to and upon all Parties.

Penalty on taking away Materials gotten by Surveyor.

LXIX. Provided also, and be it further enacted, That if any Person whomsoever shall take and carry away any Materials which shall have been provided or gathered for the Purpose of making, improving, and repairing the said Roads, or 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 Surveyor or Workmen shall have discontinued working therein, for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Mines reserved to the Owners of Lands.

LXX. Provided always, and be it further enacted, That all Mines of Lead, or Mines, Veins, Beds, or Seams of Coal, Ironstone, and other Minerals whatsoever, which are in or under any Lands appropriated to the said Roads, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case the said former Act or this Act had not been made, with Liberty for him, her, or them, or his, her, or their respective Agents or Servants, to dig for, mine and work the same, in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines or Minerals shall be found, and in as full and ample a Manner as if the Lands had not been taken and appropriated for the Purposes aforesaid, so that in the Working thereof no Damage shall be done to the said Roads, or any Part thereof respectively.

Surveyors may remove Annoyances.

LXXI. And be it further enacted, That it shall and may be lawful to and 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 Rails, Steps, Cellar-holes, Sign Posts, Walls, Windows, Shutters, Projections, Watering Troughs, or otherwise, and to turn, stop, or cover, any Watercourse, Ditches, Sinks, or Drains, running into, along, out of, or by the Side of any Part of the said Roads, to the Prejudice or Injury thereof; and to open, scour and cleanse any Sough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Roads, not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, and to make the same as deep and large as the said Trustees shall think proper and necessary; and at proper Seasons of the Year to cut down, lop, or top, any Branches of Trees, Shrubs, or Bushes,

Bushes, growing in or by the Side of any Part of the said Roads, or in the Hedges or Banks adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, (in case the Person or Persons who ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes, shall neglect so to do for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by the Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act); and if after the Removal of any of the said Annoyances any Person shall again offend in like Manner, every such Person shall for every such Offence, (over and above such Charges as aforesaid), forfeit and pay any Sum not exceeding Five Pounds.

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

Power to
widen any
Part of the
Roads.

LXXIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, from Time to Time to divert, shorten, vary, alter, and improve the Course or Path of any Part or Parts of the said Roads herein-before mentioned and described, through any waste Grounds or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments within the Limits hereinafter mentioned, first tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they shall sustain thereby; and such Roads, when diverted and turned under the Authority of this Act, shall and they are hereby declared to become Common Highways to all Intents and Purposes, and shall be thenceforward repaired and maintained by the Inhabitants of the respective Townships, Hamlets, or Places in which the same are situate,
by

Trustees may
divert the
Road.

by such Means as the Common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes in which they are situate.

Trustees not to pull down Houses, &c. except as herein mentioned.

LXXIV. Provided always, and be it further enacted and declared, That the Powers and Authorities herein given to the said Trustees, shall not extend to taking down any Dwelling House or other Buildings, or to the taking in of any Orchard, Yard, Court, Park, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners and Proprietors thereof respectively.

For restricting Trustees from deviating beyond certain Distances of the Line without Consent.

LXXV. And be it further enacted, That the said Trustees in widening, diverting, or improving the said Roads, shall not deviate more than One hundred Yards from the Line or Path of the present Roads, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, and Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to injure the Canal and Railways.

LXXVI. Provided also, and be it further enacted, That the said Trustees, or any other Person or Persons whomsoever under their Authority, shall not, in or by the repairing, widening, turning, or altering the said Roads, wilfully occasion any Damage or Injury to the *Peak Forest Canal*, or the Railways of or belonging to the said Canal, or to any of the Works or Quarries of the Company of Proprietors of the *Peak Forest Canal*; or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal, Railways, Works, and Quarries, and the Business thereof.

Trustees may erect and set up Lamps, &c.

LXXVII. And be it further enacted, That the said Trustees shall and may, if they shall think proper, and they are hereby empowered to cause such and so many Lamp Irons or Lamp Posts to be made, erected, and put up upon the Wall or Pallisade of any of the Toll Houses, or of any other Buildings erected or to be erected upon the said Roads, or adjoining thereto, as they shall think proper; and also to cause such Number of Lamps to be provided with all necessary Materials, and supplied with Oil, or otherwise, and lighted in such Manner and at such Times as they the said Trustees shall think necessary for lighting the said Roads: Provided always, that nothing herein contained shall empower the said Trustees to light any of the Towns or Villages through which the said Roads pass.

Trustees may purchase, and incapacitated Persons sell, Lands and other Hereditaments wanted for the Purposes of this Act.

LXXVIII. And be it further enacted, That for the Purposes of this Act it shall be lawful for the said Trustees to contract with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for and on the Behalf of any Infants, Females Covert, Cestuique

Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all such Contracts, Agreements, Sales, and Conveyances, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

LXXIX. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Lands, Grounds, and Hereditaments which the said Trustees are by this Act empowered to purchase, shall, for the Space of Ten 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 prevented from treating, then and in every or any such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Persons, Men of the Counties of *Derby* or *Chester* (as the Case may be), from the Neighbourhood of the Place where such Lands and Hereditaments do lie; 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 such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any one or more of the said Trustees is and are hereby empowered to administer), and such Trustees shall, by ordering a View or otherwise, use all Ways and Means, as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage, Value, or Recompence, they the said Trustees shall thereupon order, adjudge, and appoint the Sum or Sums of Money, so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments respectively, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the respective County (as the Case may be), thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands lie, qualified to serve upon Juries, to appear

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

Trustees to issue Warrants to the Sheriff to impanel a Jury.

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before

Jury may be challenged.

Trustees may impose Fines on the Sheriff making Default, or on the Jury or Witnesses.

before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a 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; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing, shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for their Costs, Charges, and Expences, or appearing, shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Five Pounds on any one Person for one Offence; which said Fine or Fines shall be levied and applied as the Penalties for Offences against this Act are hereinafter directed to be levied and disposed of.

How the Expences of the Jury and Witnesses are to be borne and paid.

LXXX. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons, in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Tolls, Duties, or Monies arising by virtue of this Act, or out of any Money borrowed upon the Credit thereof; but if any Jury or Juries so summoned and sworn as aforesaid, 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 or returning the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences aforesaid, 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 respective County, not interested in the Matter in question, who is hereby required to settle the same, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means herein-after provided for levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases, where any Person or Persons shall by Reason of Absence out of the Kingdom have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees as aforesaid.

LXXXI. And be it further enacted, That every Sum of Money or Recompence to be agreed for, or assessed and ascertained as aforesaid, shall be paid out of the Tolls and Duties hereby granted, or out of the Money borrowed or to be borrowed on the Credit thereof, to the Parties or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or depositing the same in the Bank of *England* as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons, or their Agents, or to the Tenant in Possession of the Premises, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct; and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Roads for ever thereafter.

Money allowed for Lands how to be paid.

LXXXII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein particularly mentioned, such Money shall, in case the same shall amount to 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 to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments,

Application of Compensation when exceeding 200*l.*

Hereditaments, standing settled therewith, to the same or the like Uses, Intents and Purposes; or where such Money shall not be so employed, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance 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 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 Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200*l.* but not less than 20*l.*

LXXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to 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, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy 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 manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

LXXXIV. Provided also, and be it further enacted, That were such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands,
Tenements,

Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act; in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXXXV. 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 out a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful to and for the said Trustees 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 Court of Chancery; which said Court of Chancery, 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 the 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, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of
not making
out Titles.

LXXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, 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 the Possession of any Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or

Where any
Question
shall arise
touching the
Title to the
Money.

[Local.]

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Interest

Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and 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 of Chancery may order reasonable Expences of Purchases to be paid by Trustees.

LXXXVII. Provided also, and be it 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 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 and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the said 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.

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

LXXXVIII. And whereas by reason of the Purchases which the said Trustees are hereby empowered to make, or by reason of the diverting of some Part or Parts of the said Roads, or otherwise, they may happen to be seised of some Piece or Parcel of the said old Roads, or of some other Piece or Parcel of Land over and above what may be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of the said Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall think proper, to such Persons as shall be willing to contract for and purchase the same; provided that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of the said old Road or other Land, shall first offer the same to the Person whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of any Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person from whom they shall have purchased such Piece or Pieces of Ground; and in case such Persons shall refuse to purchase or repurchase the same respectively, on an Affidavit being made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Piece or Parcel of old Road or Ground shall lie, by some Person or Persons not interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person to whom it was made (as the Case may be), and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Pieces or Parcels 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.

LXXXIX. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, with such Inscription thereon, denoting the Number of Miles and Distances of Places, as they the said Trustees shall think proper.

Roads to be measured, and Mile Stones or Posts to be set up.

XC. And be it further enacted, That if any Person or Persons shall pull up or damage any Direction Posts, Mile Posts, or Mile Stones, now erected or to be erected upon or on the Side or Sides of or adjoining the said Roads, or any Part thereof; or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or shall break, throw down, damage, or injure the Lamps, Lamp-posts, or other Works to be placed upon, adjoining, or near, or on the Side or Sides of the said Roads, or shall put out or extinguish the Lights therein; or shall ride upon any Footway adjoining to the said Roads; or shall drive any Horse, Cattle, or Swine, or any Truck, Sledge, Wheelbarrow, Handbarrow, or other Handcarriage thereon; or shall cause any Damage to be done to such Footway; or shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages); or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be carried upon any wheeled Carriage, to drag upon any Part of the said Roads to the Prejudice thereof; or shall bait, drive, or worry any Bull or Bear with Dogs or otherwise, upon the said Roads, or any Part thereof; or when driving any Pigs or Swine upon the said Roads, or any Part thereof, shall suffer them to root up or damage the same, or any Part thereof; or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left-hand Side of the Middle of the said Roads; or if any Person having the Care of or driving any Waggon, Cart, or other such Carriage, upon the said Roads, or any Part thereof, shall ride within or upon the said Waggon, Cart, or other such Carriage, or shall ride upon the Shafts, or either of them, of such Waggon, Cart, or other Carriage; or if any Persons driving or riding upon any Horse or Beast of Draught, carrying Milk-cans, Crates, Cans, or Panniers, shall not keep the said Horse or other Beast of Draught on the Left-hand Side of the Middle of the said Roads; or shall ride or drive his or her Horse or other Beast of Draught opposite to or abreast of any other Person driving or riding any other Horse or Beast of Draught carrying Milk-cans, Crates, Cans, or Panniers, so that Two or more such Horses or other Beasts of Draught shall be abreast or opposite to each other in travelling upon the said Roads; or if any Person, after having blocked up any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads, or any Part thereof, the Stone or other Thing used in such Blocking; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall shoe, farry, or bleed any Horse or Cattle on the said Roads (except in case of Accident); or shall slaughter any Cattle, or singe any Pigs upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set

Penalty on Persons damaging Direction Posts, and for preventing Nuisances on the Road.

fire

fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on the said Roads; or any Part thereof respectively, or within Eighty Feet of the Centre thereof; or play at Football, or any other Game, to the Annoyance of any Passenger or Passengers on any Part or Parts of the said Roads; or if any Person riding, attending, or driving any Horse or other Beast on the said Road, and carrying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars, or Rods, Matter or Thing, across such Horse or other Beast in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Road; or if any Hawker, Pedlar, Gipse, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Road, or any Part thereof; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught, harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, (except Materials for the Repairs of the said Roads, deposited by or by the Order of the Surveyor thereof) on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Prejudice of any Person or Persons travelling along the same; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads to be made into Manure; or shall without the Consent of the said Trustees scrape off the same any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Roads, with an Iron Rake, or other Instrument with sharp Points, whereby the said Roads or any Part thereof shall be damaged; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters, every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person or Persons shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage upon the said Roads, or turn out or suffer his Cattle to be at large upon the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing
transient
Offenders.

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

Place where the Offence shall have been committed; and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

XCII. And be it further enacted, That if any Person or Persons, after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed (after having been paid or tendered a reasonable Sum of Money for his, her, or their Expences), without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing, shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, then and in either of the said Cases, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Witnesses not attending when summoned.

XCIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, except on such Part or Parts of the said Roads where the same is not fenced in, or are open on either Side to any Common or Waste Ground, it shall be lawful for the Surveyor of the said Roads for the Time being, or some other Person or Persons, to seize every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and to impound the same in the Common Pound (if any) of the Hamlet, Township, Parish, or Place, in which the same shall be found wandering, straying, or lying about the said Roads, or any Part thereof, or in such other Place or Places, as any of the said Trustees or the said Surveyor shall appoint, and the same there to detain, until the Owner or Owners thereof, shall for every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings for the First Time, and Ten Shillings for the Second and every other Time such Owner or Owners shall have any Cow, Horse, Ass, Swine, or other Live Stock, or Cattle so impounded; and the said Sum of Five Shillings or Ten Shillings (as the Case may be), shall be paid to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days next after such impounding, it shall be lawful for any one or more Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, by any Order under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle to be sold, and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been, but no such Cow, Horse, Ass, Swine, or other Live Stock or Cattle shall be impounded in the Cases aforesaid, unless the said Road shall be fenced in on both Sides thereof.

For impounding Cattle or Swine straying on the Roads, &c.

[Local.]

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XCIV. And

Punishment
of Persons
guilty of
Pound
Breach.

XCIV. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of one credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Gates not to
open into the
Roads.

XCV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging-post thereof shall be so far removed, that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing inward towards the said Roads, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Road, or any Footpath belonging thereto, then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall upon Conviction upon the Oath of one credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration, and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made, and such Penalty shall be levied, recovered, paid, and applied in manner herein-after mentioned.

Persons liable
to the Repair
of the pre-
sent Roads

XCVI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable by Reason of any
Tenure,

Tenure, Inclosure, Prescription, Custom, or other lawful Cause of Obligation to the amending, maintaining, or repairing, or to contribute to the amending or repairing of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding any thing herein contained, still remain liable and chargeable in such Manner as they were before the passing of this Act, or have been held and considered liable during the Term of the said recited Act. to continue
50.

XCVII. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Divisions, or Places through which the said Roads do pass, shall be liable to the Repair of such Parts of the said Roads as are within their respective Parishes, Townships, Hamlets, Divisions, or Places in such and the same Manner as they are liable to the Repair of any other common Public Highways within the same, or have been held and considered liable during the Term of the said recited Act. Parishes,
Townships,
&c. to be
liable to
Repairs.

XCVIII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions or Places through which the said Roads pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division or Place, either as a Highway Rate or Assessment, or in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to or for the Use of the said Trustees; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days next after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, Hamlet, Division or Place, are by Law, Custom, or otherwise, subject and liable to be called upon to do Statute Work, or to pay any Highway Rate or Assessment, or 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, Draughts, or otherwise, and also the Amount of the respective Sums to be liable to be paid, and the Assessment or Valuation by which such Statute Work or Sums are rated and calculated; which Lists shall be made in such Manner, and under such Regulations and Restrictions, as may be directed or required by such Justice, or by any Law or Statute for the Repair of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do or to be called upon 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 in such Parts of the Statute
Work.

the said Roads (nevertheless within the same Township or Place wherein the Party resides,) as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of or to be called upon to pay any Highway Rate or Assessment, or 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 such Parishes, Townships, Hamlets, Divisions or Places respectively, who shall collect and receive the same for the Use of the said Trustees, and afterwards pay over the same to the said Trustees, or their Treasurer or Surveyor, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Surveyor or Surveyors, in like Manner as any Penalty by this Act is authorized or directed to be recovered; and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Residence or Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject and liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, or any Part thereof, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 or Surveyor to the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for any of the said Townships or Places shall refuse or neglect to give such Lists as aforesaid, or shall knowingly and wilfully give in false, imperfect, or useless Lists, or shall refuse or neglect to collect or pay over such Proportion of any Highway Rate or Assessment, or such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay the Sum of Ten Pounds: Provided always, that the full Amount of the Money received or gathered in any one Parish, Township, Hamlet, Division, or Place, and paid to the said Trustees as aforesaid, shall be laid out and expended in the Repair of that Part of the said Roads lying within the same Township or Place.

Trustees
may com-
pound for
Statute
Work.

XCIX. Provided always, and be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of any Township or Place through which the said Roads pass, or any other Person or Persons appointed for that Purpose at any Vestry or other Public Meeting of the Inhabitants,

Inhabitants of such Township or Place, who shall be summoned together for that Purpose, to compound and agree from Time to Time with the said Trustees, for a certain Sum of Money by the Year or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants upon any Part of the said Roads; and in case such Composition Money shall not be paid to the said Trustees, or to such Person as they shall appoint to receive the same, within Ten Days next after the same shall become due and be demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said Counties of *Chester* and *Derby*, (as the Case may be) upon Oath made before him or them of such Default, which Oath the said Justice or Justices is or are hereby empowered to administer, and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, empowering such Person so by the said Trustees appointed to receive such Composition Money, or to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Five Days, (such Composition Money, and the reasonable Charges of such Distress and keeping the same not being sooner paid) to sell, rendering the Overplus (if any there be) to the Owner or Owners thereof upon Demand, after the Composition Money and all reasonable Charges of such Distress and Sale shall be deducted, which Composition Money shall be applied to the Purposes of this Act; and such Surveyors and other Persons, by whom such Composition shall be made on Behalf of any of the said Townships or Places as aforesaid, shall be reimbursed such Composition Money in such Manner as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Trustees
may contract
for Repairs.

[Local.]

3 Z

Suit

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

Trustees
may com-
pound for
Penalties.

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

Distress not
to be deemed
unlawful for
want of Form.

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

Trustees,
&c. may be
Witnesses.

CIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity whatsoever, or before any Justice of the Peace, under or by virtue of this Act, by reason of his being a Trustee of the said Roads, or any of them, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer, or Clerk, or Surveyor or other Officer, under this Act, or any Inhabitant of any Township, Parish, Tithing or Place through which the said Roads do or shall pass, nor shall such Testimony or Evidence (for any of the Reasons aforesaid) be rejected or liable to be questioned or set aside; and all Summonses and Precepts which may be necessary to be issued or served under the Authority of this Act shall or may be served on the respective Parties personally, or by leaving a Copy thereof at his, her, or their usual Residence.

CIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case, the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands, and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees or to their Treasurer for the Time being, as the Case may be.

In Case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

CV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and Recovery whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the said Counties of *Chester* or *Derby* (as the Case may be), either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of and previous to such Distress, and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered shall be (if not otherwise directed to be applied by this Act) paid, One Half to the Informer, and the other Half to the said Trustees, or to their Clerk or Treasurer, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless

Penalties how to be recovered and applied.

the

with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties, or quash and annul any Conviction or Convictions, Orders, or other Proceedings, of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same; and award such Costs to either of the Parties, or otherwise, as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties to all Intents and Purposes.

CVIII. And be it further enacted, That no Action or Suit shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act, till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit, and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid, shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act, and the Special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or if after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and shall also have the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

CIX. 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.

[Local.]

4 A

CX. And

Term and
Continuance
of this Act.

CX. And be it further enacted, That this Act shall commence and take Effect from 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.

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