D 6-3
4

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxxvii.

An Act for making and maintaining a Road from the *Tunſtall* and *Boſley* Turnpike Road at *Gillow Hollow*, in the Pariſh of *Biddulph*, in the County of *Stafford*, to *Park Lane*, communicating with the *Congleton* and *Leek* Turnpike Road, near *Dane-in-ſhaw* Bridge in the County of *Cheſter*, with a Branch to the ſaid *Tunſtall* and *Boſley* Turnpike Road at *Lich Lane*, in the ſaid Pariſh of *Biddulph*.

[14th *June* 1819.]

WHEREAS the making, maintaining, and keeping in Repair a convenient Carriage Road from the Turnpike Road leading from *Tunſtall*, in the County of *Stafford*, to *Boſley*, in the County of *Cheſter*, at or near a Lane called *Gillow Hollow*, in the Pariſh of *Biddulph*, in the County of *Stafford*, through the ſaid Pariſh of *Biddulph*, and the Townſhip of *Congleton*, and Pariſh of *Aſtbury*, in the County of *Cheſter*, to *Park Lane*, which communicates with the Turnpike Road from *Congleton* aforeſaid, to *Leek*, in the ſaid County of *Stafford*, with a ſhort Branch from the ſaid propoſed Road at or near the South-weſt Corner of the Church-yard of *Biddulph* aforeſaid, and through the ſaid Pariſh of *Biddulph* to join the ſaid *Tunſtall* and *Boſley* Turnpike Road at or near a Lane called *Lich Lane*, in the ſaid Pariſh; would open a direct and eaſy Communication with a Diſtrict of Country now only acceſſible by very circuitous, rugged, narrow and hilly Roads; would conſiderably ſhorten the Diſtance between *Congleton* aforeſaid and the

Staffordſhire Potteries; would facilitate the Carriage of various vegetable and mineral Productions, and the Interchange of Merchandize between the ſaid Places and the neighbouring Country, and would otherwiſe be of public Utility: 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 Sir *John Fenton Boughey* Baronet, Sir *Edmund Antrobus* Baronet, Sir *William Scott*, Sir *John Edenſor Heathcote*, *John Andrew* ſenior, *James Bateman*, *John Bateman*, *James Beech*, *John Biddulph*, *Charles Biddulph*, *John Holt Beevor*, *James Brierley*, *Jonathan Broadhurſt*, *Thomas Bowers*, *Thomas Bathwell*, *Jeſſe Breeze*, *Joſeph Brindley*, *William Bathwell*, Reverend *T. Bowneſs*, *Thomas Booth*, *William Bull*, *Charles Barlow*, *George Barker*, *William Clowes*, *John Challender*, *William Challinor*, *Richard Cowliſhaw*, *John Cotton*, *Thomas Chadock*, *William Charles Cox*, *John Cartledge*, *George Dakin*, *John Daniel*, *Edward Drakeford*, *John Davenport*, *John Smith Daintry*, *John Davenport* the younger, *Henry Davenport*, *William Davenport*, *Wilbraham Egerton*, *John Ford*, *Thomas Fenton*, *Robert Fenton*, *John Forſter*, *Iſaac Faulkner*, *George Ford*, *Francis Goſling*, *Thomas Goodall*, *Richard Gould*, *Thomas Kinnerſly*, *William Shepherd Kinnerſly*, *Thomas Kinnerſly* junior, *Richard Keymer*, *Edward Kinnerſly*, *Richard Edenſor Heathcote*, *Richard Clarke Hill*, *Philip Hall*, *Thomas Heath*, *Richard Hollins*, *John Hollins*, *John Haworth*, *John Hales*, *Richard Harwar*, *Hall*, Reverend *John Heptinſtall*, *Henry Hand*, *Robert Harriſon*, *Henry Harriſon*, *George Holt*, *William Hadfield*, *John Heathcote*, *Nigel Heathcote*, *Henry Heathcote*, *Swynfen Jervis*, *John Johnſon*, *William Johnſon*, *Charles Lowe*, *John Leigh*, *John Lockett*, *Joſeph Locker*, *John Lawton*, *Charles Lawton*, *John Lowndes*, *T. Lowe*, *Joſeph Lownds*, *Richard Lomas*, *Edward Mainwaring*, *William Malbon*, *Joſeph Machin*, *Joſeph Mayer*, *Thomas Myott*, *Richard Myott*, *Samuel Myott*, *James Myott*, *Chriſtopher Moorhouſe*, *John Morris*, *James Moulden*, *Edward Trafford Nicolls*, *George Norbury*, *Francis Newbold*, *William Nickiſſon*, *John Nickiſſon*, *Thomas Hawe Parker*, *Nathaniel Maxey Pattiſon*, *John Parſons*, *Charles Pedler*, *Edmund Plowden*, *George Plant*, *Edward Jervis Ricketts*, *Samuel Ryle*, *Thomas Rowley*, *Richard Riley*, *John Riley*, *Charles Roe*, *Joſeph Roe*, *George Reade*, *William Reade*, *Chriſtopher Robinſon*, *John Robinſon*, *John Ryle*, *James Royds*, *Henry Robinſon*, *Henry Robinſon* junior, Reverend *James Sewill*, *Thomas Stonor*, *William Sneyd*, *James Steele*, *John Smith*, *John Stonier*, *William Stonier*, *Richard Speakman*, *John Sharratt*, *Thomas Sharratt*, *Charles Sharratt*, *Samuel Sherratt*, *Thomas Sparrow*, *Joſiah Spode*, *Thomas Stonor* junior, *Charles Henry Stonor*, *John Twemlow*, *Samuel Tomkinſon*, *James Taylor*, *James Twemlow*, *John Thornycroft*, *Matthew Thornycroft*, *William Thornicroft*, *Samuel Tomkinſon*, *John Vaudrey*, *Holland Watſon*, *Hugh Henſhall Williamſon*, *Enoch Wood*, *Anthony George Wright*, *John Wright*, *James Waſhington*, *John Wardle*, Reverend *Samuel Williamſon*, *Obadiah Paul Wathen*, *Charles Wood*, *Richard Wood*, *Samuel Wood*, *J. M. Woolfenden*, *William Wallworth*, *Robert Williamſon*, *Randal Wilbraham*, *George Wilkinſon*, *John Yates*, *William Yates*, and all His Majeſty's Juſtices of the Peace, acting in and for the Counties of *Stafford* and *Cheſter* reſpectively, together with ſuch other Perſons, not exceeding the Number of Ten, as the ſaid Truſtees ſhall elect, ſhall be and they are hereby appointed Truſtees for making, maintaining, and keeping in Repair the ſaid Road and Branch of Road herein-before deſcribed, and for carrying the ſeveral Powers, Purpoſes, and Truſts of this Act into Execution.

Names of Truſtees.

II. And

Power to make the Roads and enter Lands.

II. And be it further enacted, That it shall be lawful for the said Trustees, or for such Person or Persons as they shall employ for that Purpose, and they are hereby fully authorized and empowered to set and stake out, and to form, make, and complete the said Road and Branch herein-before described, of the Breadth of Thirty-three Feet at the least, with all necessary Arches or Bridges in or upon the same, or on the Side or Sides thereof, in, upon, through, or over any Commons, Moors, or Waste Grounds, without making any Satisfaction for the same; and also in, upon, through, or over any private Lands or Grounds, first making Satisfaction to all Parties interested in such private Lands or Grounds, in Manner herein-after directed; and for the Purposes aforesaid it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon the Lands or Grounds through and upon which the said Roads are intended to pass, or the Lands and Grounds adjoining thereto, and to cut and make such Drains, Gutters, Arches and Tunnels, in or upon the said Lands adjoining or near such Roads, as shall be by them thought necessary and proper for draining the Water from such Roads, according to the true Intent and Meaning of this Act, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given, and making Satisfaction in Manner herein-after mentioned, for all the Damages which shall be sustained by the Owners and Occupiers of and other Persons interested in such Lands or Grounds respectively, by the Execution of all or any of the Powers by this Act given and created.

Plan and Book of Reference.

III. And whereas a Map, describing the Line of the said Road and Branch, and the Lands and Grounds through which the same are to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace of the said County of *Stafford*, and a Duplicate of the said Map and Book of Reference has also been deposited in the Office of the Clerk of the Peace for the said County of *Chester*; be it therefore enacted, That the said Maps and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said Counties, to the end that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and the Sum of Five Shillings more for every Hour during which such Inspection shall continue after the first, and paying after the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts.

Trustees not to deviate more than One hundred Yards from the Line.

IV. And be it further enacted, That the said Trustees, in making the said Road and Branch, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Roads, notwithstanding Misno-

V. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Road and Branch hereby authorized to be made, into, through, across, or over the several Lands

mers in the Book of Reference.

Lands or Grounds of any Perſon or Perſons who is, or are, or may be Owner or Owners of Land over which the ſame are reſpectively ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons, or of his, her, or their Tenant or Tenants may happen to be erroneouſly ſtated or omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the County wherein ſuch Lands are ſituate, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Inadvertence or Miſtake.

Buildings, &c. not to be taken without Conſent.

VI. And be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid Truſtees, or any Perſon or Perſons to be employed by them, to take, uſe, injure, or damage any Meſſuage, Dwelling Houſe, or other Building, or any Ground which on the Thirtieth Day of *September* One thouſand eight hundred and eighteen was the Site of any Meſſuage, Dwelling Houſe, or other Building, or any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Lawn incloſed, or adjoining to a Manſion Houſe, or any ancient Fiſh-pond belonging to or near any Manſion Houſe, without the previous Conſent of the reſpective Owners and Occupiers thereof, to be ſignified by Writing under their reſpective Hands.

No Railways to be laid along the Road.

VII. Provided always, and be it further enacted, That neither the ſaid Truſtees, nor any of them, nor any other Perſon or Perſons whomſoever, ſhall at any Time or Times during the Continuance of this Act, make, conſtruct, lay down, or uſe, or cauſe or procure to be made, conſtructed, laid down or uſed, any Railway or Railways of Iron or other Materials, along the Track or upon the Side or Sides of the ſaid intended Road and Branch, or either of them, or upon any Part or Parts of them or either of them; and that in caſe the ſaid Truſtees, or any of them, or any other Perſon or Perſons whomſoever, ſhall at any Time or Times during the Continuance of this Act, make, conſtruct, lay down or uſe, or cauſe or procure to be made, conſtructed, laid down or uſed, any ſuch Railway or Railways as aforeſaid, contrary to the Proviſions of this Act; then and in every ſuch Caſe each and every Perſon and Perſons ſo offending in any of the ſaid Premiſes, and being thereof convicted in a ſummary Way, on the Oath of One or more competent Witneſs or Witneſſes, upon Complaint and Information before One or more of His Majeſty's Juſtices of the Peace for the County or Diſtrict wherein any ſuch Offence ſhall be committed, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter) ſhall for every ſuch Offence forfeit and pay the Sum of Twenty Pounds; and which ſaid Penalty ſhall and may in every ſuch Caſe be levied and recovered, with all reaſonable Charges, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending as aforeſaid, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any ſuch Juſtice or Juſtices as aforeſaid, and which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered to grant on every ſuch Conviction as aforeſaid, One Moiety of which ſaid Penalty when ſo recovered ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act, any Overplus of the Money ariſing from the Sale of ſuch Goods and Chattels nevertheleſs being returned upon Demand to the Owner or Owners of the ſaid

Goods

Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and it ſhall and may alſo be lawful for any Perſon or Perſons whomſoever, without any other Warrant or Authority than the Proviſions of this Act, to take up and remove any ſuch Railway or Railways ſo laid down contrary to the Directions of this Act, and to abate and deſtroy the ſame as a public Nuiſance, or otherwiſe, at his or their Option, to proceed by Indictment or otherwiſe againſt the Perſon or Perſons ſo laying down or uſing the ſame, or cauſing the ſame to be ſo laid down or uſed as aforeſaid, as a public Nuiſance.

Power to appoint new Truſtees.

VIII. And be it further enacted, That when any of the Truſtees named in or to be elected by virtue of this Act, ſhall die, or by Writing under their Hands refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, at any Meeting to be held by virtue of this Act, whereof at leaſt Ten Days Notice in Writing ſhall have been given, by and in the Name of the Clerk to the ſaid Truſtees, upon all the Toll Gates then erected on the ſaid Roads, in caſe any ſhall then be erected, and alſo by Advertiſement, to be inſerted in One Newſpaper which ſhall be publiſhed in the ſaid County of *Cheſter*, and in One Newſpaper which ſhall be publiſhed in the ſaid County of *Stafford*; or in caſe there ſhall not be any Newſpaper publiſhed in the ſaid Counties of *Cheſter* and *Stafford*, or either of them, then in ſuch other public Newſpaper or Newſpapers as ſhall by the ſaid Truſtees be thought fit, by Writing under their Hands, to elect One other Perſon to be a Truſtee in the Room of every or any Truſtee ſo dying or refuſing to act; and every Perſon ſo elected (being qualified as by this Act is required) ſhall from thenceforth have the like Powers and Authorities to act as a Truſtee in the Execution of this Act, as if he had been named and appointed a Truſtee in and by this Act.

Qualification of Truſtees.

IX. 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 at the Time of acting be ſeiſed in his own Right, or in the Right of his Wife, and be in the actual Poſſeſſion or Receipt of the Rents and Profits of Freehold or Copyhold Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, for ſome Eſtate of Freehold or Inheritance, in Poſſeſſion, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or be poſſeſſed of a Perſonal Eſtate, or of Real and Perſonal Eſtates together, to the Amount or Value of Four thouſand Pounds, over and above what will be ſufficient to pay all his juſt Debts; provided alſo, that every Truſtee, before he ſhall act as ſuch (except in adminiſtering the following Oath) ſhall take an Oath before One or more of the Truſtees, who is and are hereby empowered to adminiſter the ſame, in the Form following; (that is to ſay),

The Oath.

'I, *A. B.* do ſwear, (*or*, being One of the People called *Quakers*, do ſolemnly affirm), That I am truly and *bonâ fide* in my own Right (*or*, in the Right of my Wife) ſeiſed and in the actual Poſſeſſion or Receipt of the Rents and Profits of Freehold or Copyhold Meſſuages, Lands, Tenements, Tythes or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, (*or*, *being Heir Apparent*,) am Heir Apparent of *C. D.* who is ſeiſed of Meſſuages, Lands, Tenements, Tythes or Hereditaments, or ſome Eſtate of Freehold or Inheritance

'in Poſſeſſion, of the clear yearly Value of One hundred and fifty 'Pounds above Reprizes, or am poſſeſſed of Perſonal Eſtate alone, or 'Real or Perſonal Eſtate together, to the Amount or Value of Four 'thouſand Pounds, over and above what will be ſufficient to pay all my 'juſt Debts; and that I will faithfully and impartially, according to 'the beſt of my Judgment, act in the Execution and Performance of the 'ſeveral Truſts, Powers, and Authorities repoſed in me as a Truſtee, by 'virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Ma-'jeſty King *George* the Third, intituled (*here ſet forth the Title of this Act*).

'So help me GOD.'

Perſons holding Places of Profit, &c. not to act as Truſtees.

X. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under this Act, or ſhall be concerned in any Contract or Contracts in or about the Execution of this Act, or ſhall be Leſſee of any of the Tolls granted by this Act, or ſhall be a Tavern-keeper, Inn-keeper, or Victualler; or ſhall ſell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail; and that ſuch Truſtees as are or may be Juſtices of the Peace ſhall not be incompetent to act as Juſtices of the Peace in the Execution of this Act by reaſon of their being ſuch Truſtees; and that no Perſon poſſeſſed of or entitled to any Mortgage or other Security upon the Tolls granted by this Act, ſhall on ſuch Account only be diſqualified from acting as a Truſtee, or incompetent or diſqualified from giving Evidence of any thing to be done relative to this Act.

Penalty for acting not being qualified.

XI. And be it further enacted, That if any Perſon hereby declared incapable of acting as a Truſtee in the Execution of this Act, ſhall preſume to act therein, 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 in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of this Act.

Acts of unqualified Truſtees, previous to Conviction, valid.

XII. Provided always, and be it further enacted, That all Acts and Proceedings which ſhall have been done by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Meetings of Truſtees.

XIII. And be it further enacted, That the Truſtees ſhall meet at the *Lion and Swan Inn*, in *Congleton* aforeſaid, or at ſome other convenient Houſe near to the ſaid Roads, on the Fourth *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be; and of ſuch firſt Meeting any Two or more of the Truſtees appointed by this Act ſhall give Notice by Advertiſement in One Newſpaper publiſhed in the ſaid County of *Cheſter*, and in One Newſpaper publiſhed in the ſaid County of *Stafford*, Ten Days at leaſt before ſuch Meeting; and the Truſtees then and there ſhall proceed to the Execution of this Act, and ſhall then and there, and from Time to Time afterwards, adjourn themſelves for the

better carrying this Act into Execution, as they shall think proper, to any Place upon or near to the said Roads; and in case a sufficient Number of Trustees shall not attend at any such Meeting, then it shall be lawful for the Clerk to the said Trustees to adjourn the said Meeting, to be held at the same Place, and on that Three Weeks from the Day on which the last Meeting was appointed to be held; and of such Adjournment made by the said Clerk Notice shall be given in the same Way as is herein directed with respect to any Meeting for the Election of new Trustees.

Annual Meeting.

XIV. And be it further enacted, That the said Trustees shall hold a General Meeting on the Second *Thursday* in the Month of *June* in every Year, at *Congleton* and *Biddulph* alternately (the first Meeting to be held at *Congleton*), or at such other Place as the said Trustees shall elect, which Meeting shall be called the Annual General Meeting of the said Trustees, and of the Time, Place, and Purpose of such Meeting Fourteen Days previous Notice shall be given by the Clerk to the said Trustees, in the same Way as is herein directed with respect to any Meeting to be held for the Election of new Trustees; and at such Annual General Meetings the said Trustees, or any Five or more of them, shall examine and audit the Annual Accounts of the Clerk, Treasurer, Surveyors and Collectors, relating to their respective Offices, and may pass such Accounts, or so much thereof as they shall think proper.

Meetings on Emergencies.

XV. 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, or in case no Adjournment shall have been regularly made, then and in either of the said Cases the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the said Trustees, which it shall be lawful for them to make, although not assembled at any Meeting held pursuant to the Directions of this Act, mentioning the Time and Place and Purpose of such earlier Meeting, shall forthwith give Notice thereof, and of the Time, Place, and Purpose of such Meeting, in the same Way as herein directed with respect to any Meeting to be held for the Election of new Trustees, and such earlier Meeting shall and may be held accordingly.

Trustees to appoint Chairman.

XVI. And be it further enacted, That the said Trustees at all their Meetings shall appoint One of the Trustees then present to preside as Chairman, and such Chairman shall have a decisive or casting Vote in all Cases where the Voices of the Trustees present shall be equally divided; and all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein directed to the contrary); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein, the whole Number of Trustees then present not being less than Five, and all Acts done by such Majority shall be as good and valid as if done by all the Trustees; and no such Order or Determination shall be revoked or altered at any subsequent Meeting, unless a greater Number of Trustees than made the same shall concur therein; and all Orders and Proceedings of the said Trustees shall be entered in a Book to be kept for that Purpose, and such Orders and Proceedings so entered, and signed by

Orders of Trustees to be made at Meetings, and entered in a Book.

by a competent Number of the ſaid Truſtees, or their Chairman, ſhall be deemed to be original Orders and Proceedings; and the ſaid Book or Books, and alſo the Book or Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments of Tolls, ſhall and may be read in Evidence in Caſes of Appeal, and in all Suits or Actions touching any thing done or to be done in purſuance of this Act; and at all their Meetings the Truſtees preſent ſhall defray their own Expences.

Books to be Evidence.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at their Firſt or any ſubſequent Meeting, as Occaſion ſhall require, to elect and by Writing under their Hands to appoint a Clerk, and a Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls and Monies which ſhall be due and payable by virtue of this Act, and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads, and ſuch other Officer or Officers as the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Clerk, Treaſurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as they ſhall ſee Occaſion, and to elect and appoint others in the Room of ſuch of them as ſhall be removed or ſhall die, and out of the Monies to be raiſed or received by virtue of this Act, to pay and allow to the Clerk, Treaſurer, Collectors, Receivers, Surveyors, and other Officers ſo elected and appointed, and to ſuch other Perſons as ſhall aſſiſt them or any of them in and about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour and Service, as to the ſaid Truſtees ſhall ſeem reaſonable and proper; and every ſuch Officer and Perſon as ſhall be appointed by virtue of this Act ſhall from Time to Time, when thereunto required by the ſaid Truſtees, make out and deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under his Hand of all Monies which ſhall have been by him had, collected, and received, and how and to whom and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments; and every ſuch Officer and Perſon ſhall and he is hereby required to pay all ſuch Monies as upon the Balance of ſuch Account ſhall appear to be owing from him, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if ſuch Officer or Perſon ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to pay the Balance remaining in his Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall direct or appoint, within Ten Days after being thereunto required by the ſaid Truſtees, or by ſuch other Perſon or Perſons, all Books, Papers and Writings in his Cuſtody or Power relating to the Execution of this Act, then and in every ſuch Caſe, Complaint being made by the ſaid Truſtees of any ſuch Neglect or Refuſal, to any Juſtice of the Peace for the County or Diſtrict where the Officer or Perſon ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon the Confeſſion

Truſtees may appoint Officers,

and remove them, &c.

Salaries.

Officers to account,

and pay Balances,

and deliver up Vouchers and Books.

Juſtices may ſettle the Accounts.

Confeſſion of the Officer or Perſon againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, it ſhall appear to the ſaid Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice may and is hereby authorized and empowered, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Monies to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of making and taking ſuch Diſtreſs, and of ſettling the ſame; or if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to make out and deliver to the ſaid Juſtice the ſeveral Vouchers and Receipts relative to ſuch Account, or to deliver up all ſuch Books, Papers, and Writings as aforeſaid, then and in either of the ſaid Caſes the ſaid Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Perſon to the Common Gaol or Houſe of Correction of the County or Diſtrict where he ſhall live or reſide, there to remain without Bail or Mainprize, until he ſhall have delivered in and ſettled his Account, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Monies which ſhall appear to be in his Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive), or until he ſhall have delivered up all ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon by virtue of this Act for any longer Time than Twelve Calendar Months.

Balance to be levied by Diſtreſs, &c.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized, directed, and required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors appointed by virtue of this Act, for the due Execution of their Offices reſpectively, as the ſaid Truſtees ſhall think proper.

Treaſurer, &c. to give Security.

XIX. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the ſame Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon, being Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or

Same Perſon not to be Clerk and Treaſurer.

by Bill, Suit, or Information, wherein no Eſſoign, Protection, Wager of Law, nor more than One Imparlance, ſhall be allowed.

Accounts of Receipts and Diſburſements.

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

Truſtees may ſue and be ſued in the Name of their Clerk.

XXI. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any thing which ſhall be done by virtue or in purſuance of this Act, in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of any ſuch Clerk without the Conſent of the ſaid Truſtees, at a Meeting held in purſuance of this Act, but that the Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences as by the Event or in conſequence of any ſuch Action or Proceedings he ſhall pay, bear, expend, or be put unto, or become chargeable with, for or by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Truſtees may erect Toll-gates.

XXII. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct or appoint, ſhall and may, when and as ſoon as the ſaid Roads ſhall be well and ſubſtantially formed, and made fit and commodious for the Paſſage of Carriages and Travellers, and ſhall be certified and declared ſo to be in Manner herein-after mentioned, erect or cauſe to be erected ſuch and ſo many Toll Gates or Turnpikes in, upon, or acroſs, or on the Side or Sides of ſuch Parts and in ſuch Places of the ſaid Roads, and at the End of any Lane or Highway leading out of the ſame, as they the ſaid Truſtees ſhall think proper and expedient, except as is herein-after mentioned; and alſo ſhall and may erect or provide a Toll-Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Conveniences, and ſhall and may pull down and remove the ſame or any of them, to any other Place or Places, when and as often as they the ſaid Truſtees ſhall think proper, upon giving Twenty-one Days pre-

vious Notice of the Meeting to be held for the Purpoſe of determining upon the Propriety of removing any ſuch Toll Gate or Toll Gates reſpectively; which Notice ſhall be given in the ſame Way as is hereby required with reſpect to the Notice of any Meeting to elect new Truſtees.

Toll Bar not to be erected in certain Places.

XXIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall not erect or cauſe to be erected any Toll Gate or Turnpike acroſs the ſaid Road or Branch, in any Situation nearer to *Gillow Hollow* than the Land of *John Wardle*; and that the ſaid Truſtees ſhall erect, or cauſe to be erected, and to be kept up at all Times during the Continuance of this Act, one Toll Gate or Turnpike upon ſome Part of the Line of the ſaid intended Turnpike Road which ſhall be laid out along a Cloſe of Land of *James Bryerly* Eſquire, called the *Wallfall Field*, and along which ſaid Cloſe of Land it is hereby expreſsly declared that the ſame intended Turnpike Road ſhall paſs; and that the ſaid Toll Gate or Turnpike ſhall be ſet up and continued in the Eaſtern or Lower End of the ſaid Field, and at a Diſtance not exceeding Twenty Yards from the Boundary thereof.

Toll Gates, &c. to be veſted in Truſtees.

XXIV. And be it further enacted, That the Right and Property in all the Toll Gates and Turnpikes and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereto belonging, which ſhall be erected, ſet up, or made upon the ſaid Roads, or on the Sides thereof, by virtue of this Act, and all Materials for building and repairing the ſame, and for making the ſaid Roads, and all the Materials, Articles, and Things which ſhall be purchaſed, collected, or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees for the Time being; and they are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require, and to bring or cauſe to be brought any Action or Actions, and to prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment, againſt any Perſon or Perſons who ſhall ſteal, take away, break down or damage any of ſuch Toll Gates or Turnpikes and Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act; and in any ſuch Action, Indictment, or other Proceeding for the Purpoſes aforeſaid, it ſhall be ſufficient to ſtate any of the Matters or Things hereby declared to be veſted in the ſaid Truſtees, to be the Property of the ſaid Truſtees for executing an Act paſſed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled (*here ſet forth the Title of this Act*), without naming or otherwiſe deſcribing them.

Tolls to be taken.

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

For

Tolls.

For every Horſe, Mule, or other Beaſt whatſoever, drawing any Coach, Chariot, Chaiſe, Hearſe, Curricle, Gig, Chair, or other ſuch Carriage, the Sum of Sixpence:

For every Horſe, Mule, or other Beaſt whatſoever, drawing any Waggon, Wain, Cart, Dray, or other ſuch Carriage, the Fellies of the Wheels whereof ſhall be of the Breadth of Six Inches or upwards, and ſhall not deviate above One Inch from a Flat Surface at the Bottom of the Sole thereof, the Sum of Two-pence, and ſhall be of leſs Breadth than Six Inches, or ſhall deviate as aforeſaid more than One Inch, the Sum of Three-pence:

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

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

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, the Sum of Five-pence *per* Score, and ſo in proportion for any greater or leſs Number exceeding One; and for One ſingly, the Sum of One Halfpenny.

Which ſaid reſpective Tolls, and all other Tolls by this Act impoſed, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is herein-after mentioned.

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

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

Tolls to be paid but once a Day.

XXVII. And be it further enacted, That if any Perſon ſhall have paid the Toll by this Act granted, for the paſſing of any Horſe, Beaſt, Cattle, or Carriage through any Toll Gate or Turnpike to be erected by virtue of this Act, ſuch Perſon, upon producing a Note or Ticket denoting Payment of ſuch Toll, ſhall be permitted to paſs through the ſame Gate or Turnpike with the ſame Horſe, Beaſt, Cattle, or Carriage, Toll-free in reſpect of ſuch Horſe, Beaſt, Cattle, or Carriage, for which he or ſhe ſhall have ſo paid the Toll as aforeſaid, on the ſame Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next ſucceeding Night.

Number of Tolls limited.

XXVIII. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing through all or any of the Toll Gates or Turnpikes erected by virtue of this Act, on the ſame Day, to be computed as aforeſaid, with the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages.

Tolls may be levied by Diſtreſs.

XXIX. And be it further enacted, That if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, either at the Gate, Bar, or Chain where ſuch Tolls ſhall be collected

lected, or immediately after passing through the same, neglect or refuse to pay such Tolls or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize or distrain any Horse or Horses, Cattle, Beast, or Carriage, or other Thing upon or for which such Tolls are hereby imposed, or any of the Lading, Harness, or Accoutrements thereof respectively (except the Bridle or Halter apart from the Horse or other Beast), or any of the Goods and Chattels of, belonging to, or in Possession of the Person or Persons so then and there neglecting and refusing; and if such Tolls or any Part or Parts thereof so neglected or refused to be paid, 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 at any Time or Times sell the Horse or Horses, Beast, Cattle, Carriage, Thing or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold (if any) upon Demand to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall have been deducted.

Disputes about the Amount of Tolls.

XXX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen) shall be ascertained by a Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Collectors of Tolls not incompetent Witnesses.

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

Collectors to deliver Tickets.

XXXII. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming thereon the Gate or Gates (if any) freed from Toll by such Payment.

Regulations as to Toll Collectors.

XXXIII. And be it further enacted, That every Toll Collector, being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees or by any Leſſee or Leſſees to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate immediately on his beginning to collect ſuch Toll or coming on Duty, each of the Letters of ſuch Names to be at leaſt One Inch in Length, and of a Breadth in proportion, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand and take Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Tolls, and naming and ſpecifying the ſeveral Gates (if any) freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay for every ſuch Offence ſuch Sum, not exceeding Fifty Shillings, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Tolls may be leſſened.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Meeting to be holden for that Purpoſe (whereof at leaſt Twenty-one Days Notice ſhall be given in Writing, in the ſame Manner as is herein directed with reſpect to the Notices required to be given of a Meeting to elect new Truſtees) from Time to Time as they ſhall think proper, to leſſen or reduce, and again to raiſe and advance, all or any of the Tolls hereby granted, as they ſhall think fit, ſo that the reſpective Tolls ſo varied or altered do not exceed the Tolls by this Act authorized to be taken, and ſo as ſuch Reduction be made with the Conſent in Writing of the ſeveral Perſons who ſhall be entitled to Four-fifth Parts of the Money then due on the Credit of the ſaid Tolls; and ſo that ſuch Reductions ſhall be general, and not for the Benefit of any Perſon or Perſons in particular, but for the Benefit and Advantage of all Perſons whomſoever paſſing along the ſaid Roads; and ſuch Tolls ſo varied, and every of them, ſhall be collected, recovered, and applied, as the Tolls hereby granted and authorized to be taken are directed to be collected, recovered, and applied.

General Exemptions from Tolls.

XXXV. And be it further enacted, That no Tolls ſhall be demanded or taken for any Horſe or Carriage belonging to or attending His Majeſty, or any of the Royal Family; nor for any Horſe or other Beaſt of Draught or Carriage, paſſing or repaſſing through any of the Turnpikes or Toll Gates which ſhall be erected by virtue of this Act, when employed in carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Gravel, or other Materials to be uſed on or about the ſaid Roads, or for erecting, altering or repairing any Bridge or Toll Houſe or Toll Gate on the ſaid Roads, or for repairing any Highways in any of the Pariſhes, Townſhips,

Townſhips, or Places in which the ſaid Roads or any Part thereof reſpectively do lie, or returning empty when ſo employed, or carrying or conveying Hay or Corn in the Straw, or other Produce of Lands not ſold or diſpoſed of, but going to be laid up in the Houſes, Outhouſes, Barns and Yards of the Owners thereof, or any Ploughs, Harrows, or other Implements of Huſbandry to be uſed in the Cultivation of Lands, or any Lime, or any Mould, Dung, Compoſt, or other Manure whatſoever; nor ſhall any Toll be paid for any Horſes, Mules, Aſſes, or Cattle going to or returning from Work in cultivating the Lands within the ſame Pariſhes or Townſhips, or any of them; nor for any Horſes, Mules, Aſſes, Cattle, Sheep, Lambs, or Hogs going to or returning from Paſture, or any Commons or other grazing Grounds or watering Places, or Blackſmith's Shop to be ſhoed, or having been ſhoed; nor for any Horſe or other Beaſt of Draught, or Carriage employed in carrying any Furze, Peats, Turf, or Heath for Fuel, or returning having been ſo employed; nor ſhall any Toll be paid by any Rector, Vicar, or Curate going to officiate or returning from officiating at any Church, Chapel, or other Place of religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other his parochial or miniſterial Duty, or by any other Perſon going to or returning from his, her, or their parochial Church or Chapel, or from any Perſon going to or returning from his or her uſual Place of religious Worſhip, tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or for the Purpoſe of attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes and Townſhips; nor for any Horſes, Cattle, Beaſts, or Carriages which ſhall only croſs the ſaid Roads or either of them, and ſhall not paſs more than One hundred Yards thereon; nor for any Horſes or Carriages belonging to or conveying His Majeſty or any of the Royal Family; nor for any Horſes or Carriages, of whatſoever Deſcription, when employed or going to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General or his Deputies, either in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; nor for the Horſes of Soldiers on March or on Duty, or Carriages or Horſes, or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers; nor for any Horſe furniſhed for or by any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or travelling with Vagrants ſent by legal Paſſes; nor for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Stafford* and *Cheſter*, or either of them; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled thereto, or ſhall make uſe of any Fraud whatſoever, whereby

whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every Perſon ſo offending for every ſuch Offence ſhall forfeit and pay a Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act: Provided always, that no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight in reſpect of ſuch Stores; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in or on any ſuch Waggon, Wain, Cart, or Carriage, or of its being drawn by any Number of Horſes or Beaſts, but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Beaſts to ſuch Waggon, Wain, Cart, or other Carriage, for drawing the ſame; any thing in this Act, or in any other Act of Parliament relating to Highways or Turnpike Roads, to the contrary notwithſtanding.

Carriages in His Majeſty's Service not ſubject to any Regulations.

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees (in ſuch Manner and Form as is directed in that Behalf by the general Laws now in being for regulating Turnpike Roads in *England*) from Time to Time to demiſe or let to farm all or any of the Tolls ariſing by virtue of this Act, for any Term not exceeding Three Years on each Demiſe, for the beſt Rent or Rents which can be gotten for the ſame, payable in ſuch Proportions, at ſuch Times, and to ſuch Perſon or Perſons, and under ſuch Conditions and Agreements, and with ſuch Sureties, Surety or Security for the Payment thereof, as the ſaid Truſtees ſhall think fit; and the Monies ariſing thereby ſhall be applied and diſpoſed of in ſuch Manner as the Tolls ſo leaſed are hereby directed to be applied.

Tolls may be let to farm.

XXXVII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let; or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in arrear by the Space of Thirty Days next after any of the Days on which the ſame ought to be paid, purſuant to the Leaſe or Agreement for the demiſing or letting thereof, then and in either of theſe Caſes it ſhall be lawful for any Juſtice of the Peace for the County or Place where the Premiſes ſhall be ſituate, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer of the Pariſh or Place where the Premiſes ſhall be ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, to enter upon and take Poſſeſſion of every or any Toll Houſe, Toll Gate, Bar, or Chain, and the Buildings and Appurtenances thereunto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and to deliver Poſſeſſion thereof to the ſaid Truſtees, or their Clerk, or any other Perſon or Perſons authorized by Writing under their Hands; and that thereupon it ſhall be lawful for the ſaid Truſtees, if they ſhall think fit, to vacate and determine the Leaſe, Contract, or Agreement for demiſing or letting

Poſſeſſion of Toll Houſes may be taken from Leſſees in certain Caſes;

and Leaſes vacated.

the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, ſave as to the Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Covenants or Agreements on the Leſſee's Part, as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees in any ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or to cauſe them to be collected, as if no former Contract or Agreement had been made relating thereto.

Penalty on permitting private Paſſages to evade Toll;

XXXVIII. And be it further enacted, That if any Perſon or Perſons whomſoever, owning or occupying any Lands or Tenements near to the ſaid Roads, ſhall knowingly or wilfully permit or ſuffer any Perſon or Perſons (ſave and except his, her, or their Servant or Servants, or any Perſon or Perſons in his, her, or their Employ, or any of his or their Family) to paſs through any incloſed Ground, Gate, Paſſage, or private Way, with any Horſe, Beaſt, Cattle, or Carriage on which a Toll is by this Act impoſed, with an Intent to evade the Payment of the ſaid Toll; or if any Perſon or Perſons owning, going in, or driving any ſuch Carriage, or owning, riding, or driving any ſuch Horſe, Beaſt, or Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or private Way, (not being the Owner or Owners, Occupier or Occupiers thereof, nor any of his, her, or their Servant or Servants, or a Perſon or Perſons in his, her, or their Employ, or Part of his, her, or their Family), with Intent to evade the Payment of the ſaid Tolls or any Part thereof; or if any Perſon or Perſons ſhall unload or cauſe to be unloaded any Goods or other Things, or ſhall take off or cauſe to be taken off any Horſe or Beaſt of Draught from any Carriage, and having paſſed through any of the ſaid Toll Gates ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, or either of them, with Intent to avoid or evade the Payment of any of the Tolls hereby impoſed; or ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon or Perſons (except the Perſon or Perſons appointed to receive the Tolls hereby made payable) any Note or Ticket with Intent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons liable to the Payment of any of the ſaid Tolls, ſhall forcibly paſs or attempt to paſs any of the ſaid Toll Gates or Turnpikes without Payment thereof at ſuch Gate or Gates; each and every Perſon and Perſons in any Manner aforeſaid offending, and being thereof convicted on the Oath of One or more competent Witneſs or Witneſſes, before One or more of His Majeſty's Juſtices of the Peace for the County or Diſtrict wherein any ſuch Offence ſhall be committed (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter), ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied for the Purpoſes of this Act.

or forging Tickets;

or forcibly paſſing Toll Gates.

Roads may be ſtopped to prevent evading Tolls.

XXXIX. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Stafford* and *Cheſter* reſpectively, within their reſpective Juriſdictions, at any ſpecial Seſſion, by Order under their Hands and Seals, to ſtop up and diſcontinue any

Bye Lane or Road opening into or communicating with the ſaid Roads or either of them, by means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they ſhall think it proper ſo to do, but ſubject to ſuch Private or Occupation Roads (if any) as they ſhall think neceſſary; ſo that public Notice be given of the Time, Place, and Purpoſe of ſuch ſpecial Seſſion, in the ſame Manner as by an Act paſſed in the Fifty-fifth Year of His preſent Majeſty, intituled *An Act to amend an Act of the Thirteenth Year of His preſent Majeſty, for the Amendment and Preſervation of the public Highways, in ſo far as the ſame relates to Notice of Appeal againſt turning or diverting a public Highway; and to extend the Proviſions of the ſame Act to the ſtopping up of unneceſſary Roads*, is directed with reſpect to the ſtopping up of unneceſſary Roads; which Order ſhall be ſubject to Appeal in like Manner as in the ſaid laſt-mentioned Act is provided or mentioned with reſpect to Orders for ſtopping up unneceſſary Roads.

Fences made on Commons.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby required, to cauſe Fences and Ditches to be made over ſuch Parts of any Open Commons and Waſte Grounds in or through which the ſaid Roads or either of them ſhall paſs, in order to prevent Payment of the ſaid Tolls being evaded; provided that no ſuch Fence ſhall exceed the Diſtance of Three hundred Yards from the ſaid Roads, or ſome Part thereof; and if any Perſon or Perſons ſhall pull down or otherwiſe diſplace or carry away any ſuch Fence, or any Part thereof, or ſhall fill up any ſuch Ditch, ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For recovering Subſcriptions.

XLI. And be it further enacted, That if the ſeveral Perſons who have agreed or ſhall hereafter agree to lend and advance any Money upon Mortgage of the Tolls hereby authorized to be taken, ſhall after Twenty Days previous Notice in Writing under the Hand of the Clerk of the ſaid Truſtees, for that Purpoſe to him, her, or them given, or left at his, her, or their Dwelling-houſe or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſo agreed to be lent and advanced, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt or on the Caſe, Bill, or Suit, againſt any Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*; and on Proof of ſuch Perſon or Perſons having ſo agreed to advance and lend Money on Mortgage of the ſaid Tolls, and of ſuch Notice as aforeſaid, ſuch reſpective Sum or Sums ſo ordered to be advanced, or ſo much thereof as ſhall be required to be paid in ſuch Notice, ſhall be recovered with full Coſts of Suit.

Truſtees may borrow Money on the Credit of the Tolls.

XLII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Meeting, to borrow and take up at Intereſt, on Mortgage of the Tolls ariſing by virtue of this Act, and of the Toll Gates, Bars, Chains, and Toll Houſes for collecting the ſame, and of the Buildings and Appurtenances thereunto belonging, ſuch Sum or Sums of Money as they ſhall think neceſſary for the Purpoſes of this Act, and they are hereby authorized and empowered, by any Writing or Writings under

their Hands and Seals, from Time to Time to demiſe, mortgage, and aſſign all or any Part of the Tolls hereby granted, and the Toll Gates, Bars, Chains, and Toll Houſes for collecting the ſame, and the Buildings and Appurtenances thereof, or any of them (the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls), for any Term during the Continuance of this Act, as a Security or Securities to any Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, or his, her, or their Truſtee or Truſtees: which Mortgages ſhall be made in the Form or in Words to the Effect following; (that is to ſay),

'BY virtue of an Act, paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*] We of the Truſtees for putting the ſaid Act into Execution, in conſideration of the Sum of paid by of to the Treaſurer of the ſaid Roads, do hereby bargain, ſell, and aſſign unto his, her, or their Executors, Adminiſtrators, and Aſſigns, the Tolls ariſing by virtue of the ſaid Act, and the Toll Gates, Bars, Chains and Toll Houſes for collecting the ſame, and the Buildings and Appurtenances thereunto belonging; to hold the ſame unto the ſaid his, her, or their Executors, Adminiſtrators and Aſſigns, from the Day of the Date hereof, for and during the Continuance of the ſaid Act, ſubject to the following Proviſo: (that is to ſay), Provided always, that if the ſaid Sum of with Intereſt for the ſame at the Rate of *per Centum per Annum*, ſhall be repaid and ſatisfied to the ſaid his, her, or their Executors, Adminiſtrators, or Aſſigns, within Calendar Months from the Day of the Date hereof, then this Mortgage and Aſſignment ſhall be void: In Witneſs whereof, we have hereunto ſet our Hands and Seals, this Day of in the Year of our Lord One thouſand eight hundred and .'

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept and provided for that Purpoſe by the Clerk to the ſaid Truſtees, which Book or Books ſhall and may at all ſeaſonable Times be peruſed or inſpected without Fee or Reward; but no Money ſhall be borrowed upon Security of the Tolls after the Firſt Meeting of the ſaid Truſtees, unleſs Twenty-one Days previous Notice ſhall be given of ſuch other Meeting, in the ſame Way as is herein directed with reſpect to any Meeting to be held for the Election of new Truſtees; and all Perſons to whom any Mortgage or Aſſignment of Tolls ſhall be made by virtue of this Act, or who ſhall be entitled to the Monies thereby reſpectively ſecured, may from Time to Time aſſign and transfer their Right, Title, Intereſt, or Benefit to the ſaid Mortgage or Aſſignment, and to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, and for ſuch Conſiderations as may be agreed upon between themſelves; and all ſuch Aſſignments or Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the ſaid laſt-mentioned Book or Books, containing the Date, Name of the Parties, and Sum of Money therein aſſigned, for which the ſaid Clerk ſhall be paid the Sum of Five Shillings, and no more; and ſuch Aſſignment or Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators and Aſſigns, to the Benefit thereof and Payment thereon, and every ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and all Perſons to whom any

any Mortgage ſhall be made as aforeſaid, their reſpective Executors, Adminiſtrators and Aſſigns, ſhall, in proportion to the Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Toll Gates, Bars, Chains, and Toll Houſes, and the Buildings and Appurtenances thereto belonging, in equal Degree one with another;

No Priority among Mortgagees.

and no Perſon ſhall have any Preference in reſpect of the Priority of advancing his or her Money, or the Date of his or her Security.

Application of Money advanced on Mortgage of Tolls.

XLIII. And be it further enacted, That all the Monies which ſhall be advanced and lent on Mortgage of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes, Buildings, and Appurtenances, ſhall be applied by the ſaid Truſtees or their Treaſurer to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order following; (that is to ſay), in the Firſt Place, in Payment of the Coſts, Charges, and Expences of preparing, obtaining, and paſſing this Act, and in anywiſe incident thereto, which Coſts, Charges, and Expences ſhall be aſcertained by the ſaid Truſtees at their Firſt Meeting to be held after the paſſing of this Act, or at ſome other Meeting to be held as ſoon as conveniently may be afterwards; and in the next Place, in purchaſing the Land, Tenements, Buildings, and Hereditaments neceſſary to be purchaſed, taken, and uſed for the Purpoſe of making the ſaid Roads, and the Bridges, Arches, Tunnels, and all other Things hereby authorized to be made, and in forming, making, and completing the ſaid Roads, and in erecting and building, and in providing the neceſſary Toll Houſes, Gates, and Chains, and the ſaid Bridges, Arches, Tunnels, and other Matters and Things aforeſaid, and in paying all the neceſſary Salaries, Charges, and Expences of the Clerk, Treaſurer, Surveyor, Contractors, and other Perſons who may be employed in and about the Premiſes, until the Completion of the ſaid Roads and other Works hereby authorized to be made.

Application of the Tolls.

XLIV. And be it further enacted, That all the Monies which ſhall from Time to Time ariſe and be received from the Tolls by this Act authorized to be taken, ſhall be applied by the ſaid Truſtees to the Purpoſes and in the Order following; (that is to ſay), in the Firſt Place, in paying and keeping down the Intereſt accruing upon the ſeveral principal Sums of Money which ſhall from Time to Time be due and owing on the ſeveral Mortgages which ſhall be made in purſuance of this Act; in the Second Place, in repairing and maintaining the ſaid Toll Houſes, Toll Gates, and Roads, and in executing the ſeveral other Powers, Purpoſes, and Truſts of this Act; and in the laſt Place, from Time to Time, at the Diſcretion of the ſaid Truſtees, in reducing and paying off the principal Sums due to ſuch Mortgagees as aforeſaid.

Ejectment may be ſupported by One Mortgagee.

XLV. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls, Toll Gates, Bars, Chains, Toll Houſes and Buildings, ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Bars, Chains, Toll Houſes and Buildings, in order to pay himſelf, herſelf, or themſelves the principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes, to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof, ſhall not apply the Tolls which may conſequently

quently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Materials may be got in Wastes without paying for them;

XLVI. And be it further enacted, That the Surveyor or Surveyors of the said Road and Branch, and such Persons as shall be employed by him or them, or by the said Trustees, is and are empowered to cut, dig, gather and take away any Stone, Gravel, Sand, or any other Materials proper for making or repairing the said Roads or either of them, or any Arches or Bridges in or upon the same, or on the Side or Sides thereof, out of or from any Commons, Moors, or Waste Grounds, common River or Brook, in any Parish, Townships, or Place in which any Part of the said Roads or either of them shall lie or be situate, without paying any thing for the same; such Surveyor or other Persons sloping down the Banks or Pits where such Materials shall be taken, or railing or fencing such Pits or Quarries, so that the same may not be dangerous to Passengers and Cattle; and where there is not sufficient of any such Materials to be procured in any Commons or waste Grounds, common River or Brook, the said Surveyor or Surveyors, or other Persons as aforesaid, may by Order of any Two Justices of the Peace for the County or District in which the Materials intended to be taken are situate, search for, cut, dig, gather, take, or carry away all such Materials as aforesaid, in, upon, or out of, from and over the Lands of any Person or Persons in any Parish, Townships, or Place in which any Part of the said Roads or either of them shall lie or be situate (not being a Yard, Orchard, Garden, Park, Paddock or Plantation, or Nursery for Trees), making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be cut, gathered, taken, or carried away, or over which the same or any other Materials so cut, dug and gathered as aforesaid, shall be conveyed, as any Two Justices of the Peace at their Petty Sessions, within their respective Jurisdictions, shall, in case of any Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

and in private Lands, making Satisfaction.

Surveyors not to get Materials in private Grounds, till after Notice.

XLVII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons, under the Authority of this Act, to dig, gather, take, or carry away any Materials for making or repairing the said Roads or either of them, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her last or usual Place of Residence, to appear before any Two or more Justices of the Peace for the County or District wherein such Lands or Grounds lie, to shew cause why such Materials should not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they

shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, or his or her Agent had attended.

Penalty on taking away Materials raised by Surveyors; or from Pits not abandoned.

XLVIII. And be it further enacted, That if any Person or Persons shall take away, or cause to be taken away, any Materials which shall have been dug or gathered in any Lands, Fields, Commons, Waste Grounds, Rivers, Brooks, or elsewhere, for the Purpose of making or amending the said Roads, or shall get, dig, 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 Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty-eight Days (except the Owner or Owners, or Occupier or Occupiers of any private Grounds, and any Person or Persons authorized by such Owner or Owners to get Materials therein for his, her, or their private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, over and above the Value of the Materials so taken away.

Nuisances by Carriages, &c. Timber or Manure, &c. drawing Trees, &c. slaughtering Beasts, hewing Wood, repairing Carriages, shoeing Horses.

XLIX. And be it further enacted, That if any Person shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, without any Horse or other Beast of Draught yoked and harnessed thereto to draw the same (except in Cases of Accident, or for any longer Time than shall be necessary for loading or unloading thereof, and the same being then drawn up as near to one Side of the Road as conveniently may be); or shall knowingly or wilfully lay any Sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Roads, or on the Sides thereof respectively; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads, any Tree or Piece of Timber or Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Roads, to the Prejudice or Injury thereof; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast or Cattle in or upon any Part of the said Roads; or shall hew or saw any Piece of Stone, Wood, or Timber, or bind, make, or repair (except in Cases of Accident) the Wheel of any Carriage, or (except in Cases of Accident) shoe, bleed, or farry any Horse or other Beast in or upon any Part of the said Roads, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For impounding Cattle or Swine straying.

L. And be it further enacted, That if any Cow, Horse, Ass, Pig, or other Live Stock or Cattle shall at any Time be found wandering, straying, or lying about the said Roads, or any Part thereof, it shall be lawful for the Surveyor of the said Roads, or some other Person or Persons employed by him, or by the said Trustees, to seize and impound every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, 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 in such other Place or Places as the said Trustees or the said Surveyor shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Pig, or other Live

Stock or Cattle ſo impounded, pay the Sum of Two Shillings and Sixpence 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 Five Days after ſuch impounding, it ſhall be lawful for the ſaid Truſtees, or the ſaid Surveyor, to ſell or cauſe to be ſold every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle; and the Money ariſing from ſuch Sale, after deducting the ſaid Penalty, and the Charges and Expences of impounding, keeping, and ſelling every ſuch Cow, Horſe, Aſs, Pig, or other Live Stock or Cattle, ſhall be paid to the Perſon whoſe Property the ſame ſo ſold ſhall appear to have been.

Penalty on Perſons not keeping on Left Side of Road, when meeting or overtaken by another Carriage; laying Manure, &c. on Roads, or ſcraping them with ſharp Inſtruments; damaging Lamps or Lamp Poſts; ſuffering Pigs to root up the Roads; making Bonfires, or letting off Fireworks.

LI. And be it further enacted, That if any Perſon or Perſons driving any Coach, Chaiſe, Waggon, Cart, or other Carriage upon the ſaid Roads, or either of them (except when overtaking in order to paſs another Carriage) ſhall not drive or keep his Carriage on the Left Hand Side of the Middle of the Road; or if any Perſon or Perſons driving or riding upon any Horſe or other Beaſt, carrying Milk Canns, Crates, Canns or Panniers, ſhall not keep the ſaid Horſe or other Beaſt on the Left Hand Side of the Middle of the Road; or if any Perſon or Perſons ſhall lay any Matter or Thing upon any Part of the ſaid Roads or Sides thereof, to be made into Manure, or ſhall 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 Cow-rake or other Inſtrument with ſharp Points, whereby the ſaid Roads or any Part thereof ſhall be damaged; or if any Perſon or Perſons ſhall break, damage, or deſtroy any Lamp or Lamp Poſt which may be ſet up on or near the ſaid Roads or either of them, or ſhall wilfully cauſe any Damage whatſoever to be done thereto; or if any Perſon driving any Pigs or Swine upon the ſaid Roads ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedge-backings, or Copſe on either Side thereof; or if any Perſon or Perſons ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him, her, or them upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Perſon or Perſons ſhall turn looſe, or permit or ſuffer any Horſe or other Beaſt or Swine to run looſe, or ſtray or graze or depaſture on the ſaid Roads, or on the Side or Sides thereof; or if any Perſon after having blocked or ſtopped any Carriage-wheel in going up any Hill or riſing Ground, ſhall leave, or permit or ſuffer to be or remain on the ſaid Roads, the Stone or other Thing made uſe of in the blocking or ſtopping of ſuch Carriage; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires commonly called Bonfires, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part or Parts of the ſaid Roads, or play at Football on any Part of the ſaid Roads, or injure or damage any Stone Walls, Hedges, or Fences on the Side or Sides of the ſaid Roads; or if any Blackſmith, or other Perſon occupying a Blackſmith's Shop, having Windows to the Front of the ſaid Roads, ſhall not by good and cloſe Shutters every Evening after it becomes Twilight, bar and prevent the Light from ſuch Shop ſhining into the ſaid Roads, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

LII. And

Surveyor to remove Annoyances.

LII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and 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 or Parts of the ſaid Roads, by Timber, Wood, Stone, Carriages, Saw-pits or other Pits, Aſhes, Dung, Filth, Rubbiſh, Straw, or otherwiſe, and to turn any Watercourſes, Gutters, Conduits, or Drains, running into, along, or out of the ſaid Roads to the Prejudice thereof, and to open, ſcour, or cleanſe, widen, deepen, and enlarge any Gutter, Ditch, Conduit, or Watercourſe adjoining to or near the ſaid Roads, or any Part thereof reſpectively, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Five Days after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees by Writing under their Hands), ſhall from Time to Time be reimburſed to the Surveyor or Surveyors by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain, or Watercourſe, or by the Perſon or Perſons occaſioning or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed, are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in like Manner, every Perſon ſhall for every ſuch ſecond or ſubſequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Preventing Buildings or Trees being placed too near the Roads.

LIII. Provided always, and be it further enacted, That from and after the paſſing of this Act no Building or Buildings ſhall be erected and built nearer than Seventeen Feet from the Centre of the ſaid Roads, or either of them, nor ſhall any young Tree or Trees be hereafter planted or permitted to grow up within Seventeen Feet of the Centre of the ſaid Roads or either of them; and if any Buildings ſhall be erected, or any Trees planted contrary to the Directions aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons authorized by them, to take down or cauſe to be taken down, any ſuch Buildings or Trees as a public Nuiſance, and to remove the ſame and every Part thereof, without making any Compenſation to the Owner or Owners for Damages, Treſpaſs, or otherwiſe.

To prevent Encroachments by Fences.

LIV. And be it further enacted, That no Perſon or Perſons whatſoever ſhall make, raiſe, or ſet any new Wall, or Hedge-fence, or Fences of Thorns or Quicks, in or upon any of the Lands or Grounds next adjoining to the ſaid Roads nearer to the Centre thereof than Seventeen Feet; and that if any ſuch new Incloſure, Wall, Fence, or Hedge ſhall be made, it ſhall and may be lawful to and for the ſaid Truſtees, from Time to Time, upon their View and Sight of ſuch new Incloſure, Wall, Fence, or Hedge, to order ſuch new Incloſure, Wall, Fence, or Hedge to be levelled, thrown down, and removed, and to levy the Expence attending ſuch levelling, throwing down, and removal, upon the Offender or Offenders, in the ſame Manner as any Penalties and Forfeitures are by this Act directed to be levied.

LV. And

Gates to open inwards.

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

Roads to be meaſured and Mileſtones erected.

LVI. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed near the ſaid Roads, with Inſcriptions thereon, denoting the Number of Miles and Diſtances of Places, as they ſhall think proper, and alſo ſhall cauſe to be ſet up on or near the ſaid Roads ſuch and ſo many Direction Poſts as they may think neceſſary; and if any Perſon or Perſons ſhall wilfully break, damage, and pull up any of ſuch Mileſtones, Mile Poſts, or Direction Poſts, or ſhall in Manner injure or damage the Cauſeways, or obliterate or deface any of the Letters, Figures, or Marks on any of the ſaid Stones or Poſts, and ſhall be thereof lawfully convicted before any Juſtice or Juſtices of the Peace for the County or Diſtrict, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety to the ſaid Truſtees, or to their Treaſurer or Clerk, to be applied for the Purpoſes of this Act.

Penalty on defacing them.

Power to make Cauſeways, Ditches, &c.

LVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the ſaid Surveyor or Surveyors, or ſuch other Perſon or Perſons as the ſaid Truſtees ſhall appoint, to make Cauſeways or Footpaths along the Side or Sides of the ſaid Roads or either of them, and to cut or make Ditches, Drains, or Watercourſes upon or through any Grounds, not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, lying contiguous to the ſaid Roads, or either of them, in order to drain or waſh the ſaid Roads, and to prevent the ſame from being overflowed, as ſuch Surveyor or Surveyors or other Perſon or Perſons, by Order of the ſaid Truſtees, ſhall judge neceſſary, making ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees, touching ſuch Damages, the ſame ſhall be ſettled by any Two or more Juſtices of the Peace for the County or Diſtrict wherein the Matter in Difference ſhall ariſe, within Four Calendar Months next after ſuch Difference ſhall ariſe.

Riding, &c. on Footways, and Cauſe-ways.

LVIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully ride or drive any Horſe, Beaſt, or Cattle upon any Footway or Cauſeway, made or to be made on the Side of the ſaid Roads for the Accommodation of Perſons travelling on Foot, or ſhall wilfully drive or draw any Barrow, Truck, Dray, Sledge, or other Carriage on any ſuch Footway, and ſhall be convicted thereof by his or their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County or Diſtrict wherein ſuch Offence ſhall be committed, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay ſuch Sum of Money as ſuch Juſtice or Juſtices ſhall adjudge, not exceeding Twenty Shillings.

Power to purchaſe Lands, &c.

LIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, for the Purpoſes of carrying this Act into Execution, to treat, contract, and agree with any Perſon or Perſons for the Purchaſe of any Lands or Grounds which may be wanted for the Purpoſes thereof, or for the Loſs or Damage which the Owners, Proprietors, and Occupiers thereof, or of any of them reſpectively, ſhall or may in anywiſe ſuſtain by the putting into Execution all or any of the Powers hereby given to the ſaid Truſtees, or to any Perſon or Perſons; and by and out of the ſaid Monies to be advanced and lent on Mortgage of the ſaid Tolls, or other Truſt Monies, to pay ſuch Sum or Sums of Money as ſhall be agreed upon between ſuch Owners, Proprietors, Occupiers, or Perſons intereſted as aforeſaid, and the ſaid Truſtees, and for the Coſts attending ſuch Purchaſe; and ſuch Lands and Hereditaments, when ſo purchaſed as aforeſaid, ſhall by the Order and Direction of the ſaid Truſtees, be laid into and made and become Part of ſuch Road reſpectively, in ſuch Manner as the ſaid Truſtees ſhall think convenient, with proper Drains, Ditches, and Fences for that Purpoſe, and ſhall from thenceforth be deemed and taken as a public common Highway, and Part of the Roads to be repaired by virtue of this Act, and in Manner herein directed.

Bodies Politic, &c. may contract.

LX. And be it further enacted, That it ſhall be lawful for all Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on the behalf of their Infants, Wards, Ceſtuique Truſts, Lunatics, Idiots, or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeized or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeized or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments and Premiſes, for Life or Lives, or for any Eſtate of Freehold or Inheritance, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, and to ſell and convey to them any ſuch Lands or Hereditaments, or any Part thereof reſpectively, for any of the Purpoſes aforeſaid; and all Contracts and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

Where Perſons neglect or refuſe to treat.

LXI. And be it further enacted, That if any ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, or Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, for Life or Lives, or for any Eſtate of Freehold or Inheritance, upon Notice to him or them given, or left in Writing at the Dwelling Houſe or Houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body or Bodies Politic or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads is to paſs, or be diverted, turned or altered, and which the ſaid Truſtees are by this Act empowered to take and make uſe of, ſhall, for the Space of Ten Days next after ſuch Notice given or left, 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 ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage or Recompence to be inquired into and aſcertained by a Jury of indifferent Men of the County wherein ſuch Lands or Hereditaments are ſituate; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time, as Occaſion ſhall be or require, to ſummon and call before ſuch Jury, and examine on Oath, any Perſon or Perſons whomſoever (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 lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners and other Perſons intereſted in any ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition, and Judgment, Order or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Remainder, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for ſummoning and returning ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County where ſuch Lands are ſituate, requiring him to impannel and return Twenty-four Perſons, qualified to ſerve on Juries, to appear 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 empannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, empannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up 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,

Damages to be ſettled by a Jury.

Verdict final.

Sheriff to ſummon Jury.

but

but shall not challenge the Array; and the said Trustees shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and 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 a Verdict, or shall 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 Jury, and being tendered a reasonable Sum for his, her, or their Expences, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined or to give Evidence, so that no such Fine be more than Ten Pounds on any one Person for One Offence.

How Expences of Jury to be paid.

LXII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to or offered by or on behalf of the said Trustees before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said Trustees out of the Monies to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs of summoning or maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or District wherein such Difference shall arise, not interested in the Matter in question (who is hereby empowered and required to examine and settle the same at a Time and Place to be by him appointed, after the summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures; provided that in all Cases where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

LXIII. And

Money agreed upon or aſſeſſed, how to be paid and tendered.

LXIII. And be it further enacted, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for or aſcertained or aſſeſſed as aforeſaid, ſhall be paid by the ſaid Truſtees out of the Monies to be borrowed on Security of the ſaid Tolls (as the Caſe may require), either into the Bank of *England* as herein-after mentioned, or to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, or depoſiting the ſame in the Bank of *England* in manner by this Act directed, and after Ten Days Notice thereof given to ſuch Parties or Perſons to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, their Surveyors, Workmen, or Agents, to make ſuch Roads, or either of them, through or over ſuch Lands or Hereditaments, and do every ſuch Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees ſhall think fit; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments, and every Part thereof.

Application of Compenſation when amounting to 200l.

LXIV. And be it further enacted, That the principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments which ſhall be purchaſed, taken, or uſed for the Purpoſes of this Act of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees or Releaſees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes Covert, or other incapacitated Perſon or Perſons, or of any Tenant or Tenants for Life, or for any other particular Eſtate, ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, or any Two or more of them, 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 or Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding charged therewith, and ſettled or aſſured to the ſame Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be ſo conveyed and ſettled, to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited to, 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 or Profits of the Lands and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when Money does not amount to 200l. but ſhall amount to 20l.

LXV. 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 or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified by Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Truſtees of the ſaid Roads (ſuch Nomination or 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 therefrom, may be applied in manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is leſs than 20l.

LXVI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or aſſeſſed to be paid as herein-before mentioned, ſhall be leſs than Twenty Pounds, then and in ſuch Caſe 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 and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid, 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.

In caſe of not making out Titles;

LXVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or ſhall refuſe or neglect ſo to do, within One Calendar Month after being required ſo to do by the Clerk to the ſaid Truſtees; or in caſe the Perſon or Perſons to whom ſuch Sum and Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments

or if Perſons cannot be found;

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

Purchase Money to be paid into the Bank;

subject to the Order of the said Court.

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

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

LXIX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Lands 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

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

of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the Truſtees of this Act, who ſhall from Time to Time pay ſuch Sum of Money for ſuch Purpoſes as the Court ſhall direct.

Power to reſell Land not wanted.

LXX. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered to make by virtue of this Act, they may happen to be ſeiſed of ſome Piece or Pieces of Ground or Hereditaments, over and above what ſhall be neceſſary for effecting the Purpoſe of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any ſuch Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed; and if ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame reſpectively, an Affidavit made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County in which the Lands ſhall be ſituated (who are hereby reſpectively empowered to take the ſame), by ſome Perſon or Perſons not intereſted, ſtating that ſuch Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein directed, with reſpect to the diſputed Value of the Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to Purchaſes made by the ſaid Truſtees, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees 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 Non-application of ſuch Monies.

Mines reſerved to the Owners of the Lands.

LXXI. And be it further enacted, That all Mines, Minerals, Coal, Lead, and Foſſils lying under any Grounds to be made uſe of for the Purpoſes of this Act, ſhall continue to be the Property of the Perſon or Perſons who from Time to Time would have been ſeiſed of or entitled to the ſame in caſe this Act had not been made; and in caſe the Owner of any ſuch Ground ſhall require a Certificate from the ſaid Truſtees of the Quantity and Situation of ſuch Ground ſo made uſe of, the ſaid Truſtees are hereby required

required to grant such Certificate *gratis*, and such Certificate may be enrolled in the Office of the Clerk of the Peace of the County or District wherein such Ground shall lie; and a true Copy thereof, signed by such Clerk of the Peace or his Deputy, shall be deemed legal Evidence of the same.

In case of Mines approaching too near to Road, Trustees may prevent Injury.

LXXII. And be it further enacted, That if the Owner or Worker, or Owners or Workers of any Coal, Iron, Lead, or other Mine or Mines, worked near or under the said Roads, or either of them, so as in the Opinion of the said Trustees to endanger or damage the same; or if the said Trustees shall make the same Roads so deep or otherwise, as in the Opinion of the Owner or Worker, or Owners or Workers of the said Mine or Mines, to endanger or damage the further working thereof; then it shall be lawful for the said Trustees to treat and agree with the Owner or Worker, or Owners or Workers, for all such Coal, Iron, Lead, or other Minerals as may be near or under the said intended Roads, as shall be thought proper to be left for the Security or Preservation of the said intended Roads or Works, or Mine or Mines as aforesaid; and in case the said Trustees, and such Owner or Worker, or Owners or Workers of such Mine or Mines, shall disagree as to the Satisfaction to be made for such Coal, Iron, Lead, or other Minerals, then such Satisfaction shall be fixed and determined by a Jury, in the same Manner as is herein directed with respect to any Lands, Tenements, or Hereditaments which it may be necessary to purchase for the Purposes of this Act; which Jury shall take into Consideration all such additional Expence or Machinery as may be found necessary for enabling the Owner or Worker, or Owners or Workers of such Mine or Mines, to get the Coal, Iron, Lead, or other Minerals, detached or separated by their being so restrained as aforesaid, at as cheap a Rate as if the Progress of the working or getting of the said Coal, Iron, Lead, and other Materials, had not been interrupted by their being so restrained; and upon Payment or Satisfaction made to such Owner or Worker, or Owners or Workers of such Mine or Mines, by the said Trustees, according to the Agreement between them, or the Verdict or Judgment of such Jury, such Owner or Worker, or Owners or Workers of such Mine or Mines, shall be and they are hereby perpetually restrained from working such Mine or Mines within the Limits for which Satisfaction shall by the said Jury be adjudged and declared to extend.

Coal and other Minerals left for the Security of the Road, not to be worked by the Trustees.

LXXIII. Provided always, and be it further enacted, That nothing herein contained shall be construed to vest such Coal or other Minerals, as shall be thought proper so to be left for the Security or Preservation of the said intended Roads, in the said Trustees, so as to enable them to work the same, or any Part thereof.

Owners of Mines not to be answerable for Damages, until Notice given.

LXXIV. Provided always, and be it further enacted, That the Owners, Lessees, and Occupiers of any Coal or other Mine or Mines, near or adjoining the said intended Roads, shall not be answerable or accountable for any Injury or Damage to be done to the same Roads by reason of working such Mine or Mines, or any Part thereof, by Agents, Workmen, or Servants, unless such Injury or Damage shall happen and arise after due

Warning or Notice of the Danger thereof, in Writing, to such Owners, Lessees, or Occupiers employing such Agents, Workmen, or Servants, by or on the Behalf of the said Trustees.

Statute Duty.

LXXV. And be it further enacted, That all Persons who by Law are or shall be liable to repair or amend the said Roads, or either of them, or any Part thereof, or to do Statute Duty thereon, shall be and remain liable thereto; and 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, order, and determine what Part or Proportion of the Statute Work shall every Year be done in and upon the said Roads hereby directed to be made and repaired, by the Inhabitants or Occupiers of Lands and Tenements in the several Parishes, Townships, Hamlets, Districts, or Divisions through which the said Roads respectively do or shall pass, and also what Proportion of the Composition Money received by the Surveyors of the Highways of such Parishes, Townships, Hamlets, Districts, or Divisions respectively, in lieu of or as a Composition for Statute Work as aforesaid, shall be by them respectively paid to the said Trustees or their Treasurer; and in order thereunto it shall be lawful for such Justices in their respective Jurisdictions, and they are hereby required from Time to Time, on such Application as aforesaid, to summon the Surveyor or Surveyors of the Highways of the said several Parishes, Townships, Hamlets, Districts, or Divisions, or any of them, to bring in before such Justices, at some Place to be expressed in such Summons, at such Time, not being less than Ten Days then next following, as the said Justices shall direct, true and perfect Lists in Writing of the Names of the several Persons who within such Parishes, Townships, Hamlets, Districts, and Divisions, or any of them, shall be by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid by each Person; which Lists shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may and are hereby required to allot, appoint, and order such and so many of the Persons who shall appear subject and liable to the Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads or either of them, as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the Roads respectively, 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 order and direct what Proportion of the Money received or receivable by the Surveyors of such Parishes, Townships, Hamlets, Districts, or Divisions respectively, from the several Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Works as aforesaid, shall be paid, and at what Time the same shall be so paid, to the Surveyor or

List of Persons liable to do Statute Work.

Composition Money.

Surveyors of every ſuch Pariſh, Townſhip, Hamlet, Diſtrict, or Diviſion, to be by him or them paid to the ſaid Truſtees or their Treaſurer, and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon ſo appointed and ordered to do ſuch Statute Work as aforeſaid, who ſhall neglect or refuſe to perform the ſame after Four Days Notice in Writing given to or left with him, her, or them, at his, her, or their uſual Places of Abode for that Purpoſe, ſigned by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by ſuch Perſon or Perſons, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Perſon or Perſons who ſhall come or be ſent to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by the ſaid Truſtees or any of them, or by any Surveyor to the ſaid Truſtees, ſuch Truſtees and Surveyor are and is hereby empowered to remove and diſmiſs the Perſon or Perſons who ſhall be found idle or negligent as aforeſaid; and in caſe every Perſon ſending ſuch Labourer, Team, or Draught, ſhall be ſubject to ſuch reſpective Forfeitures and Payments as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Hamlets, Diſtricts, or Diviſions, ſhall refuſe or wilfully neglect to give in ſuch Liſt as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition Money, or any Part thereof, in Manner aforeſaid, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Neglecting to do Statute Work.

Surveyors refuſing to deliver Liſts.

LXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound or agree, by the Year or otherwiſe, with the Owners and Occupiers of any Lands, Tenements, and Hereditaments liable and chargeable with or towards the Repair of any Part of the ſaid Roads, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo for the reſpective Surveyors of the Highways of any of the Pariſhes, Townſhips, Hamlets, and Places in which the ſaid Roads lie, to compound and agree by the Year or otherwiſe with the ſaid Truſtees for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes, Townſhip, and Places upon any Part of the ſaid Roads; all which Compoſition Monies ſhall be paid in advance; and ſuch reſpective Surveyors ſhall be repaid or reimburſed all the Compoſition Monies which ſhall be ſo paid by them, and may recover the ſame in like Manner as Surveyors of the Highways are by Law enabled to recover the Monies by them expended in buying Materials for repairing the ſaid Highways.

Truſtees may compound for Statute Duty.

LXXVII. Pro-

Statute Duty not to be called for, till Road is certified by Juſtices to be formed.

LXXVII. Provided always, and it is hereby enacted and declared, That no Perſon or Perſons who is or are or ſhall be liable to perform Statute Work, or to pay any Compoſition Money in lieu thereof, towards the Repairs of any Part or Parts of the Roads by this Act authorized to be made, maintained, and kept in Repair, ſhall be ſubject or liable thereto, until ſuch Roads ſhall be well and ſubſtantially formed, and made fit and commodious for the Paſſage of Carriages and Travellers thereon, and until they ſhould be certified ſo to be by Two Juſtices of the Peace for the County in which the Roads are ſituate, or by the Order of the Juſtices of the Peace aſſembled at any General Quarter Seſſions to be holden for ſuch County; and the ſaid Juſtices and Court of Quarter Seſſions are hereby reſpectively authorized and required, upon a View, or upon due Evidence, to make ſuch Orders accordingly.

Penalties and Forfeitures how to be recovered and applied.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby impoſed, or authorized to be impoſed (the Manner of levying and recovering whereof is not herein otherwiſe directed), ſhall, upon Proof of the Offences, and Conviction of the Offenders reſpectively, before any One or more of His Majeſty's Juſtices of the Peace for the County wherein the Offence ſhall be committed, or wherein the Offender ſhall be and reſide, and either by Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices, which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered and required to grant for thoſe Purpoſes, and to adminiſter ſuch Oath; and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and all ſuch Penalties, Forfeitures, and Fines, when ſo levied (if not otherwiſe directed to be applied by this Act), ſhall be from Time to Time paid to the Treaſurer of the ſaid Truſtees, and applied to the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of ſuch County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

LXXIX. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the Form or to the Effect following, *mutatis mutandis*, as the Caſe may happen to be:

BE

'County of Stafford, [*or* Chester, *as the Case may be*] to wit.' BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or*, us] [*Name and Style of Convicting Justice or Justices*] for that the said *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act, according to the Fact,*] contrary to the Form of the Statute made in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*]; and I [*or*, we] do therefore declare and adjudge, that the said *A. B.* has forfeited, for the said Offence, the Sum of [*Fine*]; or shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year first above written.' Form of Conviction.

LXXX. And be it further enacted, That no Order made concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form, or removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for want of Form.

LXXXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act (save and except any Order, Determination, Proceeding, Matter, or Thing herein-before directed to be final), and for which no particular Relief hath been herein-before provided, such Person or Persons may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties, conditioned to try such Appeal at, and abide by the Order of, and pay such Costs as shall be awarded against him, her, or them by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon Proof of Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes. Persons aggrieved may appeal to the Quarter Sessions.

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

Commencement and Duration of the Act.

LXXXIII. And be it further enacted, That this Act shall commence and take effect upon the Day on which the same shall receive the Royal Assent, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1819.