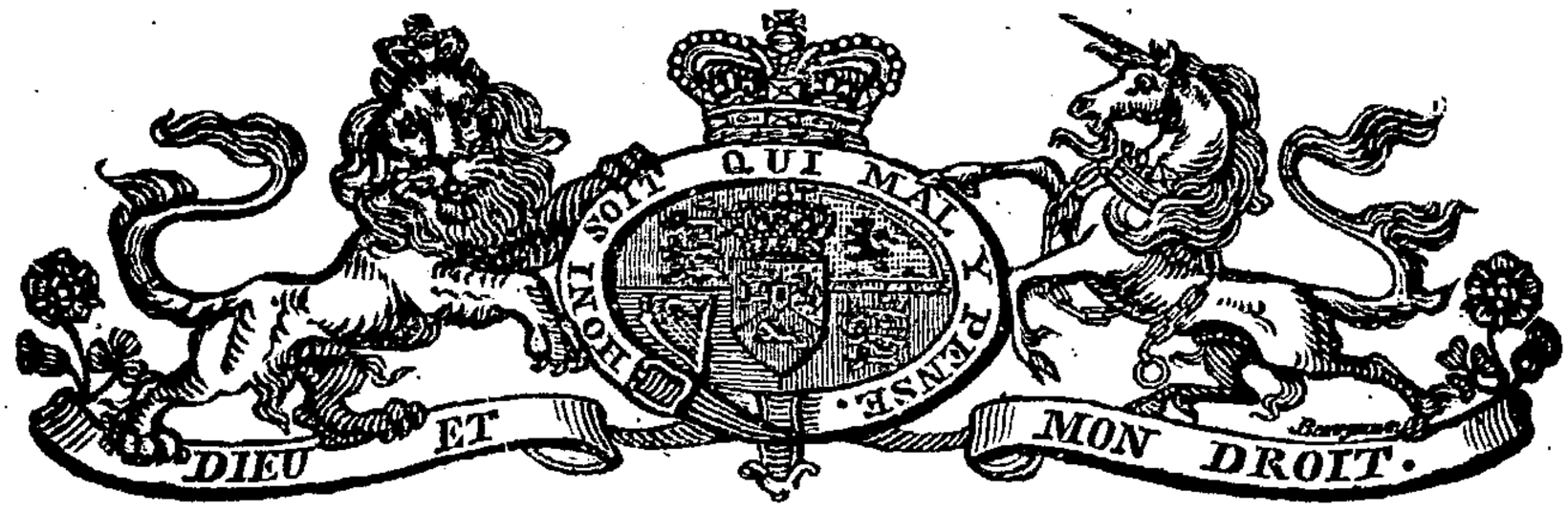


ANNO TERTIO

GEORGII IV. REGIS.

Cap. xi.

An Act for continuing the Term, and altering, amending and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*, and from thence to *Newport* in the County of *Salop*, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain Part of the Road comprised within the said District.

[3d *April* 1822.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *to* Ivetsey Bank *in the County of* Stafford, *and from thence to* Castle Bromwich *and* Stonebridge, *in the Parish of* Hampton-on-Arden *in the County of* Warwick, *and from* Castle Bromwich *to* Birmingham *in the same County;* whereby the said Roads were divided into Four separate Districts, one of which being the Road leading from the Bars at *Boughton*, within the Liberties of the City of *Chester* to *Whitchurch* aforesaid, was called the First District, and separate 33 G. 2. c. 51.

Trustees were appointed for each District: And whereas an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third,
18 G. 3. c. 86. intituled *An Act for enlarging the Term and Powers of an Act passed in the Thirty-third Year of King* George *the Second, for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *and other Roads in the said Act mentioned, and for making a Road of Communication from the said Road between* Whitchurch *and* Newport *to the present Turnpike Road from* Newport *aforesaid to* Eccleshall *in the County of* Stafford: And whereas an Act was passed in the Forty-second Year of the
42 G. 3. c. 61, Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Thirty-third Year of the Reign of His late Majesty King* George *the Second, and in the Eighteenth Year of the Reign of His then Majesty, for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *and several other Roads therein mentioned, so far as the said Acts relate to the Road leading from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch *aforesaid, being the First District of Roads in the said Acts mentioned:* And whereas the Trustees appointed in or by virtue of the said Acts for the said First District of Roads, have proceeded to put the same into Execution, and for that Purpose have borrowed several considerable Sums of Money on the Credit of the Tolls by the said Acts granted and made payable, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said District of Road be effectually amended, improved and kept in Repair, unless the Term granted and continued by the said several Acts, so far as the same relate to the said First District of Road, be further continued, some of the Powers and Provisions thereof respectively altered, amended and enlarged; and it is expedient that the Tolls granted and continued by the said Act should be increased: And whereas it would be a great Convenience to the Neighbourhood of the said Roads and of public Utility, if Powers were granted to alter or divert Part of the said Road from *Chester* to *Whitchurch*, such Alteration or Diversion to commence at or near a certain Place known by the Name of *Picker Sands*, in the Township of *Chowley* in the said County of *Chester*, over certain ancient inclosed Lands belonging to the Representatives of *William Leche* Esquire, in the said Township of *Chowley*, in the Parishes of *Coddington* and *Malpas*, or one of them, to Lands belonging to Sir *John Grey Egerton* Baronet, in the same Township of *Chowley* and in the Township of *Broxton*; also to Lands belonging to Admiral *Halliday*, in the said Township of *Broxton*; also to Lands belonging to *Thomas Tyrwhit Drake* Esquire, in the Township of *Duckington*; also to Lands belonging to the most Honourable the Marquis of *Cholmondeley*, in the said Township of *Duckington*, and to Lands in the Township of *Hampton*; to Lands belonging to *Thomas Crewe Dod* Esquire, *Smith*, the Representatives of *Randle Hopley*, and *Nickson*, in the Township of *Edge*, and to Lands belonging to *Peers*, and the Right Honourable Earl *Howe*, in the Township of *Hampton*, all in the Parish of *Malpas* in the County of *Chester*, and to come into and join the present Road at or near a Place called *Noman's Heath*; and also to deviate from the present Line of Road for the Purpose of carrying the same along a Road in the Township of *Tushingham-cum-Grindley* in the said Parish of *Malpas*, in the said

County of *Chester*; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Exemptions, Forfeitures, Clauses, Matters and Things therein contained, so far as the same Acts relate to the said First District of Road (except so far as the same are varied, altered or repealed), shall be and continue, and be executed for and during the Term hereinafter mentioned, for the Purpose from Time to Time of repairing, widening, improving, and keeping in Repair the Road included in the said First District of the said Road; and also for altering and diverting the Line of a certain Part of the said District of Roads, by making a new Cut, commencing at or near a Place called *Picker Sands*, to join the said Road again at or near a Place called *Noman's Heath*, which said Alteration, Diversion, or new Cut will pass from, through, and into the several Parishes, Townships and Places of *Malpas*, *Coddington*, *Chowley*, *Broxton*, *Duckington*, *Edge* and *Hampton*, all in the County of *Chester*; and also for deviating from the present Line of the said Roads, for the Purpose of carrying the same along a Road in the Township of *Tushingham-cum-Grindley*, in the said County of *Chester*, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, and as if the said Alteration, Diversion, and Deviation of Road had originally been Part of the Road included in the said recited Acts, but subject, nevertheless, to the Provisions, Amendments and Alterations herein contained, and which shall commence and take Effect on the passing of this Act; and this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all the Money now due on the Credit or on account of the said recited Acts, or any of them, with respect to the said First District of Road, or which shall be borrowed on the Credit of the said Acts and this Act, for the Use of the same District of Road and Deviations, and the Interest due and to grow due thereon respectively; but no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts, in respect to the Priority of advancing or of having advanced any Sum or Sums of Money; and all Persons to whom any Mortgages or Securities shall have been made or shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls granted by this Act, in equal Degree one with another.

Acts further continued.

No Preference to be given to Creditors.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County Palatine of *Chester*, and for the County of *Salop* respectively, together with the Right Honourable *Richard Grosvenor*, commonly called Lord Viscount *Belgrave*, the Right Honourable *Henry Cholmondeley*, commonly called Lord *Henry Cholmondeley*, the Honourable *Robert Grosvenor*, Sir *Richard Brooke* Baronet, Sir *Watkin Williams Wynn* Baronet, Sir *Thomas Mostyn* Baronet, Sir *John Grey Egerton* Baronet, Sir *Thomas Hanmer* Baronet, Sir *Foster Cunliffe* Baronet, Sir *John Cotgreave*, *Samuel Aldersey*, *Thomas Aldersey*, *Robert Aldersey*, *Samuel*

Trustees.

Samuel Yates Benyon, *Robert Bowers*, *Samuel Bennett*, *Henry Bowers*, *Roger Barnston*, *Harry Barnston*, *Thomas Bagnall*, *Robert Brittain*, *Francis Edge Barker*, *Robert Baxter*, *Samuel Nevitt Bennett*, *John Broster*, *James Bennett*, *William Bevin*, *James Bromfield*, *William Brookes*, *Richard Buckley*, *Wiliiam Currie* Doctor of Medicine, *William Currie* Clerk, *Thomas Claughton*, *Charles Cholmondeley*, *Charles Clarke*, *Ellis Cunliffe*, *Titus Challiner*, *Jonathan Colley*, *Charles Colton*, *William Coker*, *Thomas Clubbe*, *Thomas Crewe Dod*, *John Drake*, *Thomas Dixon*, *James Dixon*, *Davies Davenport*, *Edward Davies Davenport*, *William Davenport*, *Charles Dutton*, *Wilbraham Egerton*, *William Tatton Egerton*, *Philip Egerton* Clerk, *Thomas Edwards* Clerk, *Thomas Evans*, *John Fletcher*, *Thomas Francis*, *Birkenhead Glegg*, *Joseph Grace*, *Thomas Grosvenor*, *William Gaman*, *Wilkinson Grace*, *John Gardner*, *Peploe Hamilton* Clerk, *Henry Hesketh*, *Henry Hesketh* the younger, *William Hignett*, *John Stewart Hughes*, *George Harrison* Ironfounder, *George Harrison* Surgeon, *John Harrison*, *George Hastings*, *Bell Ince*, *John Johnson*, *Peter Jones*, *Thomas Jackson*, *John Knight*, *John Larden*, *John Larden* Doctor of Medicine, *Thomas Leigh*, *Thurleston Leche*, *Joseph Lee*, *Joseph Lee* the younger, *Griffith Lloyd* Clerk, *James Law* Clerk, *Simeon Leet*, *John Large*, *William Massey*, *Robert Morris*, *William Moss*, *Charles Mytton* Clerk, *Francis Massey*, *James Moulton*, *William Newell*, *Thomas Orton*, *Henry Potts*, *Charles Potts*, *William Richards*, *William Richards* of *Boughton*, *John Swarbeck Rogers*, *Daniel Smith*, *Daniel Smith* the younger, *Robert Shearing*, *William Seller*, *William Makepeace Thackeray* Doctor of Medicine, *Thomas Tarleton*, *John Edward Tarleton*, *Robert Taylor*, *Josiah Thomas*, *Samuel Turner*, *Thomas Vernon*, *Thomas Ward* Clerk, *John Williamson*, *John Barnes Watson*, *Robert Williams*, *Robert Whittell*, *Thomas Whittell*, *Joseph White*, *George Wildig*, *George Walker*, *John Brock Yates*, and *John Yates*, shall be and they are hereby appointed the Trustees for putting the said recited Acts (so far as the same respectively relate to the said First District of Road) and this Act into Execution, such Trustees so named and their Successors, to be elected in manner in the said first recited Act mentioned, and having qualified as in this Act directed, shall be and are hereby vested with the same Powers and Authorities for executing the said recited Acts and this Act (so far as relates to the said First District) as if they had been named and appointed Trustees in and by this Act; and all and every the Powers, Authorities, Directions, Matters, and Things by the said recited Acts or by this Act given to or directed to be done by or before the said Trustees, so far as the same relate to the First District of Roads, shall and may be exercised, had, and done by or before any Five or more of them, and all such Acts, Matters, and Things, when so done, shall be of as full force and effect as if done or executed by or before all the Trustees.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, at their First or Second Meeting to be holden in pursuance of the said recited Acts and this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of the said Acts and this Act (so far as relates to the said First District) in addition to the Trustees thereby and by this Act appointed; and such Trustees so elected, and being qualified as in this Act mentioned, shall be and they are hereby invested with the same Powers and Authorities for executing

executing the said recited Acts (so far as relates to the said First District) and this Act, as if they had been in and by this Act nominated and appointed.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be qualified to act as a Trustee in the Execution of the said recited Acts and this Act, or any or either of them, so far as respects the said First District of Roads, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation hereinafter mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath (or being one of the People called *Quakers*, an Affirmation), in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] That I truly and *bonâ fide* am, in my own Right [*or*, in Right of my Wife] in the actual Possession and Enjoyment, or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am Heir Apparent of *A. B.* who to the best of my Knowledge is seised of and in the actual Possession and Enjoyment or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds; *or*, am possessed of a Personal Estate alone, *or* Real and Personal Estate together, to the Amount or Value of Four thousand Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act.*]

'So help me GOD.'

And if any Person, not being so qualified, or not having taken and subscribed the Oath as aforesaid, (or being a Quaker not having made and subscribed such Affirmation as aforesaid), shall presume to act contrary to the true Intent and Meaning of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than one Imparlance shall be allowed; and if the Person so prosecuted shall not prove that he is so qualified, he shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, or any or either of them, (so far as relates to the said First District), any thing in the said recited Acts, or any or either of them, contained

contained to the contrary notwithstanding: Provided neverthelses, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Acts and this Act, or any or either of them, (so far as relates to the said First District), although not duly qualified previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding Places of Profit, or concerned in any Contract, &c. not to act as Trustees in the Execution of this Act.

V. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, or any or either of them, (so far as respects the said First District of Road), whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said recited Acts and this Act, or any or either of them (so far as respects the said First District of Road), nor in any Case wherein he shall be personally interested otherwise than as a Creditor; and if any Person disqualified by any of the Causes last hereinbefore mentioned, shall act in the Execution of the said recited Acts and this Act, or any or either of them (so far as respects the said First District,) every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be sued for and recovered in manner last herein-before mentioned.

Orders of former Meetings not to be revoked or altered, without Notice of a Meeting for the Purpose published.

VI. And be it further enacted, That at every Meeting of the said Trustees to be held under or by virtue of the said recited Acts and this Act (so far as relates to the said First District), a Chairman shall and may be appointed from and out of the Trustees then and there present; and when and so often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman,) then and in every such Case the Chairman shall and may and he is hereby empowered to give the decisive or casting Vote; and no Order made by any Five or more of the said Trustees shall be revoked or altered at any subsequent Meeting, unless Twenty-one Days Notice at the least shall be given to the Clerk to the said Trustees of an intended Meeting for the Purpose of revoking or altering such Order, and such Notice shall specify the Revocation or precise Alteration intended to be made, and shall be inserted in some public Newspaper circulated in the Neighbourhood through which the said Road passes, and affixed on all the Toll Gates or Turnpikes now erected or hereafter to be erected upon the said Road, Fourteen Days at least previous to such Meeting; nor shall any Order be revoked or altered, unless a Majority of the Trustees present at such subsequent Meeting shall concur therein, and such Majority shall consist of more Trustees than made and signed the original Order.

All Notices to be advertised.

VII. And be it further enacted, That all other Notices of Meetings and other Business required to be given by the said recited Acts and this Act, shall be given in some one public Newspaper circulated in the Neighbourhood through which the said Road passes, and such Publication shall be sufficient for all Purposes.

Accounts to be kept of

VIII. 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 First District of Road, 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, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner in the said recited Acts or any of them mentioned.

Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

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

Clerk restrained from acting as Treasurer, and vice versâ.

X. Provided always, and be it further enacted, That the Treasurer or Treasurers for the Time being to the said Trustees shall, and he and they is and are hereby required to produce his or their Account or Accounts with the said Trustees, or any Five or more of them, at their Meeting to be held on the First *Thursday* in the Month of *August* in every Year during the Continuance of this Act, and such Account shall be examined into and settled by the said Trustees in such Manner as is directed in and by the said recited Acts, and also at such other Time or Times as shall be required by the said Trustees.

Treasurer to account once in each Year.

XI. And be it further enacted, That nothing in the said recited Acts contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or

Trustees not to administer Oaths on verifying Officers Accounts.

or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any or either of them, for the Purpose of verifying his or their Accounts.

Trustees may remove Toll Gates, and erect new ones.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, and at any Time after the passing of this Act, take down any Toll Gate or Toll Gates now erected on any Part of the said First District of Road, and shall and may from Time to Time erect, set up and provide, or cause to be erected, set up and provided one or more Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, in, upon, or across any Part of the said District of Road, or the said Branch of Road intended to be included in this Act, or upon, across, or on the Side or Sides of the same Road or Branch of Road, or at the End thereof, or at the End or Opening of any Lane or Way leading into or out of the said Road or Branch of Road, together with such proper and necessary Toll Houses, Weighing Machines, and proper and necessary Buildings and Fences near to each Gate, Turnpike, or Bar so to be erected, as the said Trustees shall think proper.

Present Tolls insufficient.

XIII. And whereas the Tolls by the said recited Acts granted and continued are insufficient for the Purposes thereof and of this Act; be it therefore enacted, That the said Tolls (so far as respects the said First District) shall, from and after the First *Monday* in *August* next after the passing of this Act, cease, determine, and be no longer paid or payable, and that instead thereof the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Gates and Turnpikes which have been or shall be erected in, upon, across, or on the Side or Sides of the said District of Road or Branch of Road included in the said recited Acts and this Act, or at the End thereof, or at the End or Opening of any Lane or Way leading out of the said Road or Branch of Road; (that is to say),

New Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricle, Caravan, Chair, Gig, or other such Carriage, Hearse, or Litter, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbrel, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, or other Neat Cattle, (Calves excepted), and Hogs, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

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

For every Horse, Mule, or other Beast, drawing in any Waggon, Cart, Wain, or other Carriage, laden with Timber or other Trees, or Balk, One Shilling, and no more:

Tolls vested in the Trustees.

Which said several Tolls by this Act authorized to be taken shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions and Restrictions,

Restrictions, as are contained in the said recited Acts, or any of them, with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act, and the Provisions and Regulations herein contained.

Table of the Tolls to be put up.

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

Limiting the Number of Tolls to be taken in the same Day.

XV. And be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons for the passing or repassing in any one Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night), through all or any of the Toll Gates erected or to be erected on the said District of Roads, with the same Horses, Cattle, Beasts, or Carriages; and that all and every Person and Persons, after having paid such Two full Tolls at the Toll Gates now erected or hereafter to be erected on the said District of Roads, and producing a Note or Ticket denoting such Payment, shall afterwards pass Toll-free with the same Horses, Cattle, Beasts or Carriages, during such Day, (to be computed as aforesaid) through the same Toll Gates where the same shall have been so paid, or through any other Toll Gates to be erected upon the said District of Roads.

Tickets to be provided denoting Payment of Toll.

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

Exemptions.

XVII. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying and conveying on the same Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Road or Branch, or any of the Roads in the Townships in which any Part of the said Road and Branch are situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw or Corn in the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings, or on the Premises of the Owners thereof; or for or in respect of any Carriage, Horse, Cattle or Beast, employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or other Manures to be employed only in Husbandry, for manuring or improving Lands, or for any other Thing employed in the managing of any Farms or Lands, or for Lime carried or con-

conveyed in any Waggon, Cart or other Carriage, having at the Time of using thereof, Wheels of the Breadth of Six Inches on the Sole or Bottom of the Fellies thereof, with the Tire lying flat, and the Nails countersunk, so as not to rise above the Surface; or for any Horses or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person going to or returning from his or her proper Parochial Church or Chapel, or any Person going to or 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 any Hearse or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in any or either of the Parishes in which the said Road or Branch of Road shall lie or be situate; or for any Horse, Beast, Cattle or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other Public Stores of, for, or belonging to His Majesty, for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms 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 Exemptions as aforesaid; or for any Horse, Cart, Waggon or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or in the Conveyance of Prisoners in Custody under any legal Warrant, or returning from such Employment; or for any Horse, Cattle, Beast or Carriage, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Chester*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied to the Purposes of this and the said recited Acts; and the Proof of such Exemption shall lie on the Person or Persons claiming the same.

Owners or Drivers of Waggons in the King's Service, not

XVIII. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging

to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

subject to Penalties for Overweight.

XIX. And be it further enacted, That for and in respect of all Waggons, Carts and other Carriages having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and for and in respect of the several Horses and other Beasts drawing such Waggons, Carts and other Carriages, there shall be allowed the several Privileges and Exemptions granted by such Act.

Abatement of Tolls in certain Cases, under Act 55G.3.c.119.

XX. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Tollgate to be continued or erected by virtue of the said recited Acts and this Act, or either of them, upon the said First District of Roads, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or any or either of them, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the Gate at which such Payment shall have been made, and also the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said First District of Roads, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by the said recited Acts

Toll Collectors to put up their Names.

or

or this Act, or either of them, directed to be levied, recovered, and applied.

Trustees to compound for Tolls.

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

To demise Tolls for any Term not exceeding Three Years.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts thereof, in such Manner as they shall think proper, unto any Person or Persons for any Term not exceeding Three Years at any one Time, for the best Rent that can or may be gotten for the same, payable at such Times, in such Manner, under such Covenants, and unto such Person or Persons, as the said Trustees or any Five or more of them shall direct or appoint; of which Letting Fourteen Days Notice at the least shall be given in Writing, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road doth pass; and in case at any Time or Times hereafter when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls at any Sum not less than the Sum at or for which they shall have been last let, any thing in any Law or Statute to the contrary notwithstanding; and the Monies arising thereby shall be applied in the same Manner as the Tolls by this Act granted are directed to be applied.

Trustees to have a Bidding when the Tolls are put up to Auction.

XXIII. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate, Turnpikes or Toll Gates, on the said Roads shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent such Tolls may not be let for less than an adequate Value.

To appoint occasional Officers.

XXIV. And be it further enacted, That as often as any Collector of the said Tolls or other Officer shall die or misbehave himself or herself, or become incapable of performing his or her Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a Meeting to be held in pursuance of the said recited Acts or this Act, by any Writing under their Hands, to displace such Collectors and other Officers so misbehaving, or becoming incapable of performing their Duty, and appoint others in their Stead, and also in the Stead of such of them as shall so die; and all such Collectors and other Officers so appointed shall have the like Authority to act in the Execution of their respective Offices as the Person or Persons whom they shall so succeed was or were vested with, until the said

Trustees

Trustees or any Five or more of them shall, at a Meeting to be held by virtue of this Act, appoint a Collector or other Officer as aforesaid.

For settling Disputes concerning the Tolls.

XXV. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or the Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may be), until the Amount of the Tolls due, and the Charges of making, keeping, and selling of the Distress, be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath or Oaths of the Party or Parties or other Witness or Witnesses, (which Oath or Oaths such Justice is hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors not to be incompetent Witnesses, by reason of their holding Offices under the said Acts, and this Act.

XXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls or the Recovery thereof, the Person or Persons appointed 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 by reason of his, her, or their acting under the Authority of the said Trustees.

Power to take Possession of Toll Houses, &c. in certain Cases.

XXVII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, or any of the Gates, Turnpikes or Bars, or Houses or Buildings at which the same shall be collected, shall be demised or let to farm, or be agreed to be demised or let to farm, at any Time or Times, to any Person or Persons, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let, or be agreed to be let to him, her or them, either by taking a greater or less Toll in respect of any Horse, Cattle or Carriage than those demised or let, or agreed to be demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or be agreed to be demised or let, or any Part thereof, shall be in arrear and unpaid for the Space of Seven Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses belonging to such Gates, Turnpikes or Bars shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed or nominated to collect the Tolls thereat; or in case of the Decease of any such Lessee, Farmer, Toll-keeper or Collector, and the Wife or Family of such deceased Person shall refuse to quit the Premises after Seven Days

Notice in Writing under the Hand of the Clerk to the said Trustees being given or left at the Toll House, or affixed upon the Gate, Turnpike or Bar for that Purpose; then and in any and every such Case, it shall be lawful for the Trustees, or any Five or more of them, (if they shall think proper) to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, or by leaving the same at any of the said Toll Houses, or affixing the same upon any of the said Gates, Turnpikes or Bars; and such Lease and Contract, and the Term for which the said Tolls shall be let, or be agreed to be let, shall from that Time be utterly void and at an End, to all Intents and Purposes (save as to the Covenants and Agreements therein contained on the Lessee or Lessees Part and Behalf); and in case any such Lessee or Lessees, Farmer or Farmers, shall not on Service of such Notice as aforesaid, deliver up the Possession of such Toll House or Toll Houses, Gates, Turnpikes or Bars, with the Appurtenances, so demised or let or agreed to be demised or let to him, her or them; or if the Wife or Family of any deceased Lessee, Farmer, Toll-taker or Collector, shall not, on the Expiration of such Notice as aforesaid, deliver up the Possession of the Premises pursuant to such Notice, it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal, (which Warrant such Justice is hereby empowered and required to grant upon the Request of the said Trustees, or any Five or more of them,) to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes or Bars and Premises, and to remove the Person and Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes, Bars and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees, or any Five or more of them, shall appoint.

An Action of Ejectment may be supported by One Mortgagee.

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

Plan, &c. deposited at the Office of the Clerk of the Peace, to

XXIX. And whereas a Map or Plan, describing the Line of the said intended Branch of Road, and the Lands, Hereditaments, and Premises through which the same is to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Pre-

mises, hath been deposited at the Office of the Clerk of the Peace for the said County of *Chester*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County to the End that all Persons may at any reasonable Time have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being a reasonable Compensation for making such Copies or Extracts; and that the said Trustees in making the said new Branch of Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing first had and obtained of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

remain there for Inspection, &c.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Branch of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or misstated in the said Map or Plan, or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Chester*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make the Road conformably to such Plan, &c. notwithstanding Errors.

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

Houses, &c. not to be injured.

XXXII. And be it further enacted, That in case the said Trustees shall at any Meeting to be held by them think proper to order and direct the said Roads, branching out of the said First District of Road, to be made, widened, altered, improved and kept in repair, and shall have caused the same to be made, done and completed, fit for the Passage of Cattle, Carts and Carriages along the same, then and in such case the said Trustees or any Five or more of them may, and they are hereby authorized and empowered, to surrender and give up so much and such Part of the Road by the first recited Acts directed to be made, widened and repaired, called the First District of Road, as extends from the said Place called *Picker Sands* to *Noman's Heath*, and in the Township of *Tushingham-cum-Grindley*; and when the said present Road shall be so given up, every Person and Persons after having paid Toll Once at any Turnpike erected or to be erected upon the said First District between the said City of *Chester* and the Turnpike Road leading from *Wrexham* to *Gallows Tree Bank*, and producing a Note or Ticket, or Notes or Tickets denoting the Payment thereof, shall afterwards pass and repass with the same Horses, Cattle,

Old Road to be given up when new Branch made.

Cattle, Beasts and Carriages Toll-free, during such Day, through any other Turnpike or Turnpikes erected or to be erected upon the said Road from *Chester* to the said *Wrexham* Road; and that in like Manner all and every Person and Persons, after having paid Toll Once at any Turnpike erected or to be erected upon the said First District between the said *Wrexham* Road and the Town of *Whitchurch* aforesaid, and producing a Note or Ticket, or Notes or Tickets denoting the Payment thereof, shall afterwards pass and repass with the same Horses, Cattle, Beasts and Carriages Toll-free, during such Day, through any other Turnpike or Turnpikes erected or to be erected upon the said last-mentioned Part of the said Roads.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

XXXIII. Provided always, and be it further enacted, That in case the said Trustees, shall at any Time be seised or possessed of any Piece or Pieces of Ground, or Piece or Pieces of old Road not wanted for the Purposes of the said Acts and this Act, or any or either of them, then and in such Case the said Trustees shall, before they shall sell and dispose of the same, first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case such Ground shall be a Piece or Pieces of old Road, to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place where such Ground is situate (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Trustees shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in the said recited Acts, or any or either of them, directed with respect to disputed Value of Premises to be taken and used in pursuance of the said Acts or this Act, and the Expence of hearing and determining such Difference shall be borne and paid in the same Manner as the Expences of Purchases made under or by virtue of the said Acts are directed to be borne and paid; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied by the said Trustees to the Purposes of the said recited Acts and this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof in such Manner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

XXXIV. And

Restraining the Trustees from deviating more than One hundred Yards from the Line of the old Road, without Consent, &c.

XXXIV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Acts, so far as relates to the said First District, (save and except as to the new Line or Branch of Road hereinbefore mentioned) to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration first had and obtained; any thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Trustees may contract for making and repairing the Roads, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, and they and he are and is hereby empowered from Time to Time, as they shall see expedient, to contract and agree with any Person or Persons for the making, amending, widening, diverting, altering, straightening, improving and keeping in Repair the said First District of Road, and the Alterations and Diversions hereby authorized to be made, or any of them or any Part thereof, or for erecting Mile or Direction Posts or Stones thereon respectively, or for doing any other Work to be performed in the Execution of the said recited Acts and this Act, so far as relates to the said First District of Road, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper; and all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them by their Clerk, Treasurer, Surveyor or other Officer, with any Workman or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Persons who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer, in his Name respectively, and Damages and Costs recovered against the Party or Parties, Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum of Money as shall or may be requisite for making, repairing, or otherwise improving the said District of Road, or any Part thereof, or any other Matter or Thing to be done by virtue of the said recited Acts and this Act, or any or either of them, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law, Usage, or Custom to the contrary in anywise notwithstanding.

For getting Materials to make and repair the Road.

XXXVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand or other Materials for making, repairing, or otherwise improving the said Road, out of or from any Commons or Waste Grounds, common River, Brook, or Pit in any Parish, Township, or Place in which any Part of the said

said Road shall lie, or in any adjoining Parish, Townslip, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, out of or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, or in any Parish, Township, or Place, in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, planted Walk or Walks or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making and tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Ground and Premises where and from whence the same shall be cut, dug, gotten, gathered and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees or any Five or more of them shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle and determine the Matters of such Payment and Damages.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXXVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons to dig, get, gather, take and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such

such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent had attended; any thing in the said recited Acts contained to the contrary notwithstanding.

Penalty on taking away Materials got by the Surveyor.

XXXVIII. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; the same to be recovered, levied and applied in Manner by the said recited Acts or this Act mentioned.

For preventing Nuisances on the Roads.

XXXIX. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said First District of Roads, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Roads, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway, or Path formed upon or on the Side of or belonging to the said Roads, or shall drive any Horse, Beast, Cattle or Swine or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage upon the said Roads, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever within Eighty Feet of the Centre of the said Roads; or bait any Bull, Badger, or other Animal; or play at Foot Ball, or any other Game or Games on the said Roads, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person riding, attending,

attending, or driving any Horse or other Beast on the said Road, and carrying Iron in Bars or Rods, any Basket, Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket, Pannier, or other Matter or Thing, across such Horse or other Beast, in such Manner as that the same shall project more than Thirty Inches from either Side of such Horse or other Beast, or so as in any Manner to obstruct, impede, or endanger the Passage or Progress of any other Person or Persons, or any Horse, Beast, Cattle, or Carriage travelling or going along the said Roads; or if any Hawker, Pedlar, Gipsey, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage whatsoever, with or without any Horse, Mule, Ass, or other Beast, shall pitch or place any Tent, or shall encamp upon or by the Side or Sides of the said Roads, or any Parts thereof; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads; or if any Person or Persons shall in or upon any Part or Parts of the said Roads, or by the Side or Sides thereof, slaughter, singe, scald, burn, dress, or cut up any Beast or Swine, Calf, Lamb, or other Cattle; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Roads, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof, as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Matter or Thing used in such blocking; or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof; or shall take up or carry away any Scrapings thereof without Leave of the said Trustees, or any Five or more of them, or the Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Roads, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any other Nuisance or Annoyance upon the said Roads, or on the Side or Sides thereof; every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by the said recited Acts, or any or either of them, or by this Act.

For impounding Cattle or Swine straying on the Roads.

XL. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Cattle or Stock shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Roads, or any Part thereof (except on such Parts of the said Roads where the same is not fenced, or are open on either Side to any Common or Waste Ground), it shall be lawful for the Surveyor of the said Roads for the Time being, or other Person or Psrsons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine, or other live Cattle or Stock in

in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Roads, or any Part thereof, or in such other Place or Places as the said Trustees, or any Five or more of them, although not assembled at a Meeting, or the said Surveyor shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other live Cattle or Stock so impounded, pay any Sum not exceeding Ten Shillings to the Person impounding the same, together with the reasonable Expences of impounding and keeping the same; and in case the said Penalty and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other live Cattle or Stock to be sold, and the Money arising from such Sale, after deducting the said Penalty and the Expences of impounding, keeping, and selling such Cow, Horse, Ass, Swine, or other live Cattle or Stock, and all Expences attending the same, shall on Demand be paid to the Person or Persons whose Property the same so sold shall appear to have been.

Punishment of Persons guilty of Pound Breach.

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

Gates not to open or swing into the Roads.

XLII. And be it further enacted, That no Gate of any Park, Paddock, Field or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads, so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footway or Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed as to open or swing outwards towards the said Roads, contrary to the true Intent and Meaning of this Act, shall not, within Ten Days after Notice to him or her given in Writing, or left at his or her last Place of

Abode, from the Surveyor of the said Roads, cause such Gate to be so hung so that no Part of such Gate shall, when open, project over any Part of the said Roads, or any Footway or Footpath belonging thereto, then and in every such Case the Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall, upon Conviction, upon the Oath of One or more credible Witness or Witnesses, pay to such Surveyor such Sum of Money as the said Justice of the Peace shall order and direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner; and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect in the Premises, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made, and such Penalty shall be levied, paid, and applied in manner herein-after mentioned.

In case of not making out Titles.

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

If Persons cannot be found, Purchase Money to be paid into the Bank; subject to the Order of the Court of Chancery, on Motion or Petition.

Persons in Possession to be deemed presumptively entitled, &c.

XLIV. 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 said Accountant General, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of

any Estate, Right or Interest in any Lands, Tenements or Hereditaments, to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

Court of Chancery to direct Payment of Expences.

XLV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of the said recited Acts or 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 any other Lands, Tenements 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 the said recited Acts or this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

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

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

XLVII. And

Trustees may compound for Statute Work.

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

Casual Offenders to be taken up.

XLVIII. And whereas Offences may be committed against the said recited Acts and this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place, or near to the Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

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

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

that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be.

Recovery and Application of Penalties.

L. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Acts and this Act, or any or either of them, inflicted or authorized to be imposed, so far as relates to the said First District of Roads, shall upon Proof of the Offences respectively, before any One or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath or Oaths of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so 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 authorized and required to grant for those Purposes, and to administer such Oath or Oaths *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so paid and levied, (if not directed to be otherwise applied by the said recited Acts and this Act, or any or either of them,) shall from Time to Time be paid to the said Trustees, or to their Treasurer for the Time being, and shall be laid out and applied in putting the said recited Acts and this Act in execution, so far as relates to the said First District of Roads; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted, to be detained and kept in safe Custody until Return can conveniently be made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, 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, or other Prison for the County or Place where such Offence shall be committed, 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.

LI. And be it further enacted, That so much of the said recited Act of the Thirty-third Year of the Reign of His said late Majesty King *George* the Third, as enacts that no Collector, Surveyor, or other Officer, acting under the Authority of the said Trustees, shall gain a Settlement in any Parish or Place by reason of his being appointed to or serving in such Office, shall be and is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Repealing so much of 33 G. 3. as relates to Collectors, &c. gaining a Settlement by reason of serving such Offices.

LII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall immediately after the passing thereof, and in preference to all other Payments whatsoever, be paid and discharged by the said Trustees, or any Five or more of them, out of any Money which hath arisen by virtue of the said recited Acts, or out of the first Monies which shall arise by virtue thereof and of this Act, or out of any Money borrowed or to be borrowed on the Credit thereof respectively.

Expences of the Act to be first discharged.

LIII. 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.

LIV. And be it further enacted, That this Act shall commence and take Effect from the passing thereof, and that the said recited Acts and this Act, (so far as the same relate to the said First District or Division of the said Roads, subject nevertheless to the Additions, Alterations, and Amendments in this Act contained), shall commence, continue, and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Term of the Act.

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