ANNO QUINQUAGESIMO SEXTO

# GEORGII III. REGIS.

## *Cap.* liii.

An Act for continuing the Term, and altering and enlarging the Powers of several Acts passed for repairing the Roads from *Shrewsbury* through *Ellesmere* in the County of *Salop*, and *Overton* in the County of *Flint*, to *Wrexham* in the County of *Denbigh*, and other Roads in the said Acts mentioned, so far as relates to the *Ellesmere* District of the said Roads. [31st *May* 1816.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the Roads from the Town of* Shrewsbury, *through* Ellesmere, *in the County of* Salop, *and* Overton *in the County of* Flint, *to* Wrexham *in the County of* Denbigh: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of an Act for repairing the Road from* Shrewsbury *to* Wrexham, *in the County of* Denbigh, *and to repair and widen several other Roads therein mentioned, and the Road from* Wrexham *to* Chester, *and from thence to* Pen-Fordd-y-Waen, *in the Parish of* Whitford, *and also the Road from* Broughton *to* Mold, *in the County of* Flint: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-ninth Year of the Reign of King* George

25 G. 2. c. 22.

29 G. 2. c. 93.

28 G. 3. c. 112.

George *the Second, for repairing the Road from* Shrewſbury *to* Wrexham, *in the County of* Denbigh, *and from* Wrexham *to* Cheſter, *and alſo from* Broughton *to* Mold, *in the County of* Flint, *and ſeveral other Roads therein mentioned; and for making and repairing a Road from the ſaid* Wrexham *and* Cheſter *Road to the* Wrexham *and* Ruthin *Road, in the ſaid County of* Denbigh: And whereas the Truſtees appointed in or by virtue of the ſaid Acts (ſo far as regards the Roads compriſed in the ſaid Acts called *The Elleſmere Diſtrict or Diviſion of the ſaid Roads*) have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls ariſing on the ſaid Diſtrict or Diviſion of Roads; which Money ſtill remains due and owing, and cannot be paid off, nor can the ſaid Diſtrict or Diviſion of Roads be properly amended, widened, improved, and kept in Repair, unleſs the Term granted by the ſaid Acts be further continued, and ſome of the Powers and Proviſions thereof altered, amended, and enlarged, ſo far as reſpects the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads; and it is neceſſary that the Tolls granted and continued by the ſaid Acts, ſo far as regards the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, ſhould be repealed, and further and other Tolls granted inſtead thereof: 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 ſeveral recited Acts, and the Powers thereof reſpectively, ſo far as the ſame relates to the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, and all the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things therein contained, (except ſuch of them as are hereby varied, altered, or repealed, and alſo except ſuch Part or Parts of the ſaid Acts, or any or either of them, as relate to Exemptions from Stamp Duties), ſhall be and continue in full Force, and be executed for and during the Term herein-after mentioned, in as full, large, ample, and beneficial a Manner, and as fully and effectually to all Intents and Purpoſes, as if the ſaid Acts, and all the Authorities, Powers, Privileges, Proviſions, and Clauſes therein contained, were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Alterations, Amendments, and Additions herein contained; and which ſhall commence and take Effect from the paſſing of this Act, and be in full Force and Effect during the Term hereby continued and granted; and the ſaid additional Term, and the Tolls, Clauſes, and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing on the Credit or on Account of the ſaid recited Acts, or any or either of them, or that may be borrowed or become due on the Credit of the ſaid recited Acts and this Act, and all Intereſt due and to grow due for the ſame reſpectively, ſo far only as ſuch Monies relate to or concern the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, but not further or otherwiſe.

Acts further continued ſo far as regards the Elleſmere Diſtrict.

II. And be it further enacted, That *William Allwood, Francis Axon, Henry Ellis Boates, William Boates, Richard Birch, Thomas Beddow, John Bennion* of *Sontley, Edward Birch, Andrew Beacall, John Beck, Peter Beck, Richard Broughall, Richard Bickerton* of *Newton-on-the-Hill, John Cureton, William Clement, Richard Croſs, John Deſpard, Edward Humphrey Dymock,*

Additional Truſtees.

*Dymock*, *Richard Davies*, *Stephen Denſton*, *John Eaton*, *Thomas Eachus*, *Edward Eviſon*, *John Evans*, *Edward Edwards* the younger of *Vron*, *Kenric Edward Eyton*, *John Edwards*, *Robert Edwards*, the Vicar of *Elleſmere* for the Time being, *Thomas Fitzhugh*, *Richard France*, *Thomas Murhall Griffith*, *Murhall Murhall Griffith*, *George Edward Hanmer*, *Henry Hanmer*, *William Hanmer*, *John Hanmer*, *Lawrence Brock Hollingshead*, *Thomas Bulkeley Hatchett*, *Samuel Bulkeley Hatchett*, *John James Hughes* Doctor of Phyſic, *William Hawkins*, *Charles Hanmer*, *Edward Hughes*, *Charles Hughes*, *John Holbrooke*, *Thomas Humphreys*, *John Madoc Jones*, *Thomas Jones*, the Honourable *Lloyd Kenyon*, the Honourable *Edward Kenyon*, *Lloyd Kenyon*, *Thomas Kenyon*, *George Lloyd Kenyon*, *Edward Lloyd Kenyon*, *Thomas Kynaſton*, *Richard Key*, *John Kilvert*, *Joſeph Lee*, *Joſeph Lee* the younger, *Robert Lewis*, *Samuel Legh*, *Edward Lewis*, *Thomas Moores*, *Thomas Maddox*, *Joſhua Lewis Menlove*, *Thomas Menlove*, *Thomas Menlove* of *Petton*, *Abednego Mathew*, the Rector of *Marchwiel* for the Time being, *Samuel Newton*, *Samuel Newton* the younger, *William Owens*, *William Oakley*, *Richard Oakley* of *Leighton*, *Richard Oakley* of *Halſton*, *Richard Puleſton*, *Puleſton*, *Philip Parry*, *Robert Pembrey*, *William Powell*, *John Price*, *Robert Poole*, *Richard Parkes* Clerk; *Edward Lloyd Rowland*, *Samuel Ryley*, *William Parry Richards*, *George Robſon* Clerk, *John Richards*, *Charles Reynolds*, *Francis Reynolds* the younger, *Richard Wycherly Smith*, *Thomas Staveley*, *William Shingler*, *John Shingler*, *Peter Shingler*, *Robert Sandford*, *John Smith*, *James Southby*, *Robert Sandland* the younger, *John Sandland*, *William Sparling*, *Tarleton* of *Penley*, *William Teece*, *James Taylor*, *Edward Webber*, *Rowland Wingfield* Clerk, *Thomas Weaver*, *John Wood*, *Robert Wilkinſon*, *Francis Wynn*, *John Wilſon*, *Abraham Woolrich*, *Thomas Woolrich*, the Vicar of *Wrexham* for the Time being, the Curates of *Wrexham* for the Time being, *Simon Yorke* the younger, and *John Yorke*, ſhall be and are hereby added to and joined with the ſurviving or remaining Truſtees named in or appointed by virtue of or acting under the ſaid recited Acts; and that they, and alſo the ſurviving or remaining Truſtees appointed or acting under or by virtue of the ſaid recited Acts, ſhall be and are hereby declared to be Truſtees for putting the ſame Acts and this Act into Execution, ſo far as relates to the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, to all Intents and Purpoſes whatſoever.

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, at a Meeting to be held for that Purpoſe, of which Meeting, and of the Purpoſe thereof, Twenty Days Notice ſhall be given as is directed by the ſaid recited Acts, or any or either of them, reſpecting the Appointment of Truſtees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid Acts and this Act (ſo far as relates to the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads) in addition to the Truſtees hereby nominated and appointed.

Repealing former Tolls and granting new ones.

IV. And whereas ſeveral of the Tolls authorized to be taken by the ſaid recited Acts on the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads have been found to be inſufficient for the Purpoſes thereof, be it therefore enacted, That the ſaid Tolls ſhall, from and after the Fourth *Monday* next after the paſſing of this Act, ceaſe, determine, and be no longer paid

paid or payable; and that in lieu thereof the reſpective Tolls following ſhall be demanded, taken, collected, and paid at the Toll Gates, Toll Bars, and Turnpikes, now erected or hereafter to be erected under or by virtue of the ſaid recited Acts and this Act, or any or either of them, upon the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, or in or upon the Side or Sides thereof, or acroſs any Lane or Way leading into or out of the ſame, ſubject to the Proviſions herein-after mentioned:

Tolls between Shrewſbury and Elleſmere.

Within that Part of the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads as lies between the ſaid Town of *Shrewſbury* and the Market Town of *Elleſmere*; (that is to ſay),

For every Horſe or other Beaſt drawing any Carriage, the Sum of Four-pence Halfpenny:

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

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

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

Between Elleſmere and Wrexham.

Within that Part of the ſaid Diſtrict or Diviſion of the ſaid Roads as lies between the ſaid Town of *Elleſmere* and the Town of *Wrexham*, and alſo from *Overton* to the End of the Lane leading through *Hanmer* to the End of the Road leading from *Bangor* to *Whitchurch*:

For every Horſe or other Beaſt drawing any Carriage, from the Firſt Day of *October* to the Thirty-firſt Day of *March*, both incluſive, in each and every Year, the Sum of Sixpence:

For every Horſe or other Beaſt drawing any Carriage, from the Firſt Day of *April* to the Thirtieth Day of *September*, both incluſive, in each and every Year, the Sum of Four-pence Halfpenny:

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

For every Ox, Cow, or Neat Cattle, the Sum of One Halfpenny: And,

For every Calf, Hog, Sheep or Lamb, the Sum of One Farthing.

Between Twining Bank and Rhuabon.

Within that Part of the ſaid Diſtrict or Diviſion of the ſaid Roads, from the Bottom of *Twining Bank* to the Town of *Rhuabon*:

For every Horſe or other Beaſt drawing any Carriage, the Sum of Two-pence:

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

For every Ox, Cow, or Neat Cattle, the Sum of One Halfpenny: And,

For every Calf, Hog, Sheep or Lamb, the Sum of One Farthing.

Hardwick Road.

Within that Part of the ſaid Diſtrict or Diviſion of the ſaid Roads, on ſo much of the Road leading from the ſaid Turnpike Road to *Oſweſtry* as lies between the Town of *Elleſmere* aforeſaid, and the Road from *Oſweſtry* to *Wrexham*:

For every Horſe or other Beaſt drawing any Carriage, the Sum of One Penny Halfpenny: And,

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

And

And within that Part of the said District or Division of the said Roads leading from *Harmer Hill* to the End of *Cotton Wood*: Harmer Hill and Cotton Wood.

For every Horse or other Beast drawing any Carriage, the Sum of Two-pence:

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

For every Ox, Cow, or Neat Cattle, the Sum of One Halfpenny: And,

For every Calf, Hog, Sheep or Lamb, the Sum of One Farthing:

Which said Tolls shall be and the same are hereby vested in the Trustees for putting the said recited Acts and this Act into Execution, so far as relates to the said *Ellesmere* District or Division of the said Roads; 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, and Regulations, as are contained in the said recited Acts with respect to the Tolls thereby authorized to be taken on the said *Ellesmere* District or Division of the said Roads; but subject nevertheless to the Powers, Provisions, and Regulations in this Act contained: Provided always, that in case any Side Gate or Side Gates, Bar or Bars, shall hereafter be erected or set up, and Tolls demanded or taken thereat by virtue of the said recited Acts or this Act, then and in such Case Tickets shall be given by the Person or Persons collecting such Tolls, denoting the Amount of the Tolls paid; which Ticket shall name and specify the Gate or Gates freed by such Payment, and such Ticket shall be accepted for the Amount of the Tolls therein specified to be paid, in lieu or in Part of the Tolls payable at any other Gate or Gates already erected or hereafter to be erected upon, across, or on the Side of the said Roads intended to be repaired by virtue of the said recited Acts or of this Act. Tolls to be vested in the Trustees. Limiting the Toll to be taken.

V. Provided always, and be it enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, if they shall think proper, to order and direct that all Horses, or other Beasts or Cattle, passing the same Day along the said Road between *Harmer Hill* and the End of *Cotton Wood*, shall be subject to the Payment of Toll in Manner herein expressed, (that is to say), at the First Gate through which such Horses or other Beasts or Cattle shall pass, the full Toll hereby authorized shall be paid, and on such Payment the Collector of the Tolls shall deliver *gratis* a Note or Ticket naming and specifying the same, and also the Names of the Gate freed by such Payment; and at the Second Gate through which such Horses or other Beasts or Cattle shall pass, the same shall, on Production of such Note or Ticket to the Collector of the Tolls at the said Second Gate, be permitted to pass Toll free; and on the passing of such Horses or other Beasts or Cattle through the Third Gate on the said Road, the Tolls hereby granted shall be again paid; and such Horses or other Beasts or Cattle shall afterwards be permitted to repass Toll free the same Day through the said Three Turnpike Gates, or any of them; and in such Case it shall not be lawful for the said Trustees to remove or alter the Situation of the several Gates or Turnpikes now Regulating the Payment of Toll on the Harmer Hill Road.

ſtanding on the Road between *Harmer Hill* and the End of *Cotton Wood*, or to erect any other Gate or Turnpike thereon, any Thing in the ſaid Acts to the contrary notwithſtanding: Provided alſo, that in caſe it ſhall at any Time, after the Order or Direction of the ſaid Truſtees next therein-before mentioned ſhall have been made, appear to the ſaid Truſtees that the ſame has been injurious to the ſaid Road, then it ſhall and may be lawful for them, at any Meeting of which Ten Days Notice ſhall be given in Writing, to be affixed on the Turnpikes then ſtanding on the ſaid Road, and advertiſed in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads, to revoke and make void ſuch Order ſo made as aforeſaid; and from thenceforth the Power hereby given to collect and levy Tolls on the ſaid Road between *Harmer Hill* and *Cotton Wood*, in the Manner next herein-before particularly deſcribed, ſhall ceaſe and determine.

Tolls to be paid but once a Day, except on the Harmer Hill Road, and the Shrewſbury and Elleſmere Road.

VI. Provided always, and be it further enacted, That no Perſon ſhall be liable to pay the Tolls by this Act granted, for the paſſing with the ſame Horſes or other Beaſts, Cattle or Carriages, through all or any of the Toll Gates erected on the ſaid Roads (except on the Road between *Harmer Hill* and the End of *Cotton Wood* aforeſaid, in caſe the ſame ſhall have been ſo ordered in Manner by this Act directed, and alſo on the Road between *Shrewſbury* and *Elleſmere*) more than once 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, ſuch Perſon producing a Note or Ticket denoting the Payment of ſuch Toll, which Note or Ticket ſhall name and ſpecify the Gate freed by ſuch Payment, and the Collector or Collectors of the ſaid Tolls is and are hereby required to deliver ſuch Ticket *gratis* on Payment of ſuch Toll.

Repealing the Clauſe for allowing Carriages on the Elleſmere Diſtrict to be drawn by Five Horſes.

VII. And whereas it is by the ſaid laſt recited Act enacted, that it ſhould and might be lawful to and for the ſaid Truſtees of the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, or any Five or more of them, at any Meeting to be held in purſuance of the ſaid recited Act of the Twenty-ninth Year of the Reign of His late Majeſty, or of the ſaid laſt recited Act, to make an Order that any Waggon or other Four-wheeled Carriage (although the Sole or Bottom of the Fellies of the Wheels thereof ſhall not be of the Breadth or Gauge of Six Inches) might be drawn within all or any Part of the ſaid *Elleſmere* Diſtrict by any Number of Horſes or other Beaſts not exceeding Five, and any Cart or other Two-wheeled Carriage (although the Sole or Bottom of the Fellies of the Wheels thereof ſhould not be of the Breadth or Gauge of Six Inches) might be drawn within all or any Part of the ſaid *Elleſmere* Diſtrict by any Number of Horſes or other Beaſts not exceeding Four, paying for each and every Horſe or other Beaſt ſo drawing or employed ſuch Toll or Duty as is by the ſaid recited Act of the Twenty-ninth Year of the Reign of His ſaid late Majeſty, or by the ſaid laſt recited Act, impoſed upon any Horſe or other Beaſt drawing in any Carriage; and ſo from Time to Time to reſcind ſuch Order, and again make a new Order or Orders of and concerning the drawing of ſuch additional Horſe or other Beaſt as aforeſaid, as they the ſaid Truſtees of the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, or any Five or more of them, ſhould from Time to Time think proper: And whereas

it is expedient that the ſaid Clauſe ſhould be repealed; be it therefore enacted, That the ſaid recited Clauſe ſhall be and the ſame is hereby declared to be repealed, and null and void to all Intents and Purpoſes whatſoever.

Power to leſſen the Tolls.

VIII. And it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, aſſembled at their Firſt Meeting, and from Time to Time at any ſubſequent Meeting or Meetings to be holden for that Purpoſe, to leſſen or reduce all or any of the Tolls by this Act granted, and to receive the Tolls ſo reduced for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper, and may afterwards from Time to Time advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned; and the ſaid Truſtees, or any Five or more of them, may from Time to Time order and direct the Tolls hereby granted to be collected in ſuch Parts, Shares, and Proportions, and in ſuch Manner, at the reſpective Turnpikes or Toll Gates now erected or hereafter to be erected on the ſaid Diſtrict or Diviſion of Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit; and ſuch reduced Tolls, and alſo all ſuch Parts, Shares, and Proportions as aforeſaid, ſhall and may be collected, levied, paid, and applied in ſuch and the ſame Manner as the ſaid Tolls are directed to be collected, levied, paid, and applied; but no ſuch Reduction ſhall be made at any Time after the ſaid Firſt Meeting of the ſaid Truſtees, unleſs the Perſon or Perſons who ſhall be entitled to Five Sixth Parts of the Money which ſhall have been lent upon the Credit of the Tolls intended to be reduced ſhall be conſenting thereto; and that no ſuch ſubſequent Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Ten Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed on all the Turnpikes or Toll Gates which ſhall then be erected by virtue of the ſaid recited Acts or this Act upon the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads.

Collectors of Tolls not incompetent Witneſſes.

IX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall happen to ariſe, touching or in anywiſe relating to the Tolls to be collected on the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads, or the Recovery thereof, the Perſon or Perſons now appointed or hereafter to be appointed to collect the ſaid Tolls, 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 or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

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

X. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts and this Act, either in the Names of the Truſtees who may be Parties to any Deed or Inſtrument in Writing upon which any Action ſhall or may be brought, or in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the Truſtees in their Names, or in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by

by the Death, Incapacity, or Removal of any Truſtee or Truſtees, or Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees, in caſe ſuch Action ſhall be brought againſt or defended in the Name of ſuch Clerk or Treaſurer, ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action: Provided always, that ſuch Truſtees, or Clerk, or Treaſurer, in whoſe Names or Name any Suit or Action ſhall be commenced, proſecuted, or defended in purſuance of the ſaid recited Acts and this Act, or either of them, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of the ſaid recited Acts and this Act, or either of them, all ſuch Coſts, Charges, Damages, and Expences as by the Event, or in conſequence of any ſuch Action or Proceedings, they or he ſhall bear, pay, expend, or be put unto or become chargeable with, by reaſon of their or his being ſo made Plaintiffs or Defendants or Plaintiff or Defendant as aforeſaid.

For ſettling Diſputes concerning Tolls.

XI. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, as the Caſe may happen, until the Amount of the Tolls, or the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for ſuch of the Counties wherein the Cauſe of Diſpute ſhall ariſe; who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties or other Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized 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 Non-payment thereof forthwith, by Warrant under the Hand and Seal of ſuch Juſtice, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold.

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

XII. 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 or Treaſurer for the Time being, in which Book or Books ſuch Clerk or Treaſurer ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended, for or on account of the ſaid Roads, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk or Treaſurer, or the Perſon or Perſons who ſhall have the

the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Toll Collectors to put up their Names.

XIII. 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 Toll Gate to be continued or erected by virtue of the said recited Acts and this Act, or any or either of them, upon the said District or Division of the said 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, 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 give a Ticket to denote the Payment of the Toll when demanded, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, 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 and this Act, or any or either of them, directed to be levied, recovered, and applied.

General Exemptions from Tolls.

XIV. And be it further enacted, That none of the Tolls by this Act granted shall be demanded, taken, or received at any of the Toll Gates now erected or to be erected or continued upon the said *Ellesmere* District or Division of the said Roads, for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning after being so employed; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or

Horſes or other Cattle drawing the ſame, which ſhall be employed in drawing any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Rector, Vicar, or Curate going to or returning from any Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor for any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated; or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place, through which any Part of the ſaid Roads lie; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for any or either of the Counties of *Salop*, *Flint*, *Denbigh*, or *Cheſter*; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Straw, or Corn in the Straw, for the Uſe of the Owner, and not for Sale or purchaſed; or of carrying or conveying any Dung, Mould, Manure, or Compoſt (other than and except Lime) to be uſed only for manuring Land, or going or returning empty after having been ſo employed; nor for any Horſes, Beaſts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempt from Payment of Toll; nor for any Horſe, Beaſt, Cattle, or Carriage paſſing to or repaſſing from Water or Paſture, not beyond the Diſtance of Four Miles, and for either of thoſe Purpoſes going or paſſing only from one Pariſh into the next adjoining Pariſh, and not travelling more than Four Miles along the ſaid *Elleſmere* Diſtrict or Diviſion of the ſaid Roads; nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried, not beyond the ſaid Diſtance of Four Miles; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for the making or repairing any Highway or Public Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid, or building, rebuilding, or repairing any preſent or future Bridge or Bridges on the ſaid Roads; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Roads only, or ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exerciſe, Inſpection, or Review, provided that ſuch Perſon be dreſſed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations appointed for ſuch Corps at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

Owners, &c. of Waggons conveying Military Stores, not subject to Penalties for Overweight.

XV. 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, for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall and may 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 the said recited Acts or this Act contained to the contrary notwithstanding.

Penalty on Persons riding on Footways, or doing any Damage or Injury to the Roads, &c.

XVI. And be it further enacted, That if any Person or Persons shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine or Sheep, or any Cart or other Carriage thereon, or shall do or cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon Wheel Carriages, to drag upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person driving any Pigs, Sheep, or Swine upon the said Roads, shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; 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, or play at Foot-ball, or any other Game or Games, on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same, during the loading or unloading thereof, as near to the Side of the said Roads as conveniently may be; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XVII. And

Application of Compensation Money exceeding 200l.

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money where less than 200l. and exceeding 20l.

XVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased,

purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court.

Application of Compenſation under 20*l.*

XIX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid, as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Acts and this Act, and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

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

XX. 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 or Hereditaments to be purchaſed by virtue of this Act ſhall refuſe to accept the ſame, or ſhall not be able to make out a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five 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 or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments, [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall and he is hereby empowered in a ſummary Way of Proceeding, or otherwiſe, as 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 meet, 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 Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to whom Money to be paid, &c.

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

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

XXII. 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 or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of any other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the 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 Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials.

XXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and for all such 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 repairing the said Roads, and for doing any of the Works by the said recited Acts and this Act directed, out of or from any Common or Waste Ground, Common River or Brook in any Parish, Township, Hamlet, Division, District, or Place, in which any Part of the said Roads shall lie, or in any adjoining Township, Hamlet, Division, District 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 ſuch Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of the ſaid recited Acts and this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, ſigned by the Clerk to the ſaid Truſtees), ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, or out of the private Lands, Fields, or Grounds of any Perſon or Perſons where the ſame may be had or found, (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Lands, Fields, or Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Lands, Fields, or Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners or Occupiers reſpectively, or any of them, concerning ſuch Damages, it ſhall be lawful for any Two or more Juſtices of the Peace for the County, City, or Place where or from whence ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, on Application made to them for that Purpoſe, 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; and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to and upon all Parties.

Notice to be given to the Occupier of incloſed Lands before Materials are to be taken.

XXIV. Provided nevertheleſs, and be it enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, take, get, or carry away any Materials whatever, out of or from any incloſed Lands or Grounds, until Notice in Writing ſigned by the Surveyor or Surveyors of the ſaid Road 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 uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Two or more Juſtices of the Peace acting for the County, City, or Place where ſuch Premiſes ſhall lie or be ſituate, to ſhew cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or his Agent, ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe ſuch Juſtices may authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, purſuant to ſuch Notice,

ſuch

such Justices shall and may, upon Proof of such Notice to the Satisfaction of such Justices, make such Order therein as 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.

Penalties on Persons taking away Materials gotten by Order of the Surveyor.

XXV. And be it further enacted, That if any Person or Persons whomsoever shall take away or remove any Gravel or other Materials which shall have been dug or gathered by or by the Order of the said Surveyor or Surveyors in any Lands, Fields, or Waste Grounds, River or Brook, for the Purpose of amending or otherwise improving the said Roads, or any Part or Parts thereof, or shall get or take away any Gravel or other Materials out of any Pit or Quarry which shall have been made or dug for the Purpose of getting such Materials for amending the said Roads, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner to get Materials therein for his, her, or their own private Use only, and not for Sale), every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Statute Labour.

XXVI. And be it further enacted, That it shall be lawful to and for any Two or more Justices of the Peace for the County in which the said *Ellesmere* District or Division of the said Roads are situate, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Two 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 Roads, by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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 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 Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times, (not being

being Haytime or Harveſt), and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, or 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 ſaid Truſtees or 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 Acts, or either of them, 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 now 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 Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments 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 Roads; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for 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, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For paying the Expences of the Act.

XXVII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, ſhall be paid and diſcharged by the ſaid Truſtees, or any Five or more of them, out of the 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, in preference to all other Payments whatſoever.

Public Act.

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

Commencement and Continuance of this Act.

XXIX. And be it further enacted, That this Act ſhall commence and take Effect immediately upon the paſſing thereof; and that the ſaid recited Acts (ſubject to the Alterations, Additions, and Amendments herein contained) and this Act ſhall from thenceforth continue to be in full Force and Effect, 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.

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