ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxii.

An Act for improving and keeping in repair the Road from *Tarporley* in the County Palatine of *Chester* to the South East End of *Acton Forge* near *Weverham* in the same County. [30th *May* 1823.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Tarporley *in the County Palatine of* Chester *to* Acton Bridge *near* Weverham *in the same County:* And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Twenty-second Year of the Reign of His present Majesty, for repairing and widening the Road from* Tarporley *in the County Palatine of* Chester *to* Acton Bridge, *near* Weverham, *in the same County:* And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into Execution, and a considerable Sum of Money hath been borrowed on the Credit of the Tolls by the said Acts granted and continued, which still remains due and owing, and cannot be paid off; nor can the said Road be effectually amended, improved, and kept in repair, unless the Term granted by the said recited Acts be further continued; and it would be more convenient to the Trustees for executing the said recited Acts and this Act, if the said Acts were repealed, and other Powers and Provisions granted instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by

22 G. 3. c. 106.

29 G. 3. c. 99.

3 G. 4. c. 126.

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, passed in the Twenty-second and Twenty-ninth Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, turning, altering, improving and keeping in repair the Road from *Tarporley* in the County Palatine of *Chester* to the South East End of a certain Place called *Acton Forge* near *Weverham* in the same County.

Two first recited Acts repealed.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said first recited Acts, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said first recited Acts and of this Act, or either of them, and of all Interest due and to grow due for the same respectively.

This Act to be liable to Payment of Money due on account of the said first recited Acts.

III. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters, and Things contained in the said recited Act, passed in the Third Year of the Reign of His said present Majesty, shall extend and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are, or any Part thereof is, expressly varied, altered, or repealed by this Act.

Extending the Powers of 3 G. 4. c. 126. to this Act.

IV. And be it further enacted, That the said Road shall be adjudged, deemed, and taken to begin at the North East End of the Town of *Tarporley* aforesaid, and to terminate at the South East End of a certain Place called *Acton Forge*, near *Weverham*, in the said County.

Commencement and Termination of the Road.

V. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons, to or with any of the Trustees for executing the said first recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds and Securities entered into under former Acts to remain in force until satisfied and paid.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Chester*, together with the Right Honourable *Richard Grosvenor* commonly called Lord Viscount *Belgrave*, the Right Honourable *George Harry Grey* commonly called Lord *Grey*, Sir *Edmund Antrobus* Baronet, Sir *Henry Bunbury*

Trustees.

Bunbury Baronet, Sir *Richard Brooke* Baronet, Sir *John Broughton* Baronet, Sir *John Chetwode* Baronet, Sir *John Grey Egerton* Baronet, Sir *John Fleming Leicester* Baronet, Sir *Henry Mainwaring Mainwaring* Baronet, Sir *John Thomas Stanley* Baronet, Sir *Thomas Stanley Massey Stanley* Baronet, *John Arden*, *Daniel Ashley*, *Lawrence Armitstead*, *John Blackburne*, *Roger Barnston*, *John Smith Barry*, *Peter Langford Brooke*, *Thomas Langford Brooke*, *Henry Brooke*, *Thomas Barker*, *William Charles Booth*, *Charles Cholmondeley*, *Edwin Corbett*, *Henry Calveley Colton*, *John Cheshire*, *Davies Davenport*, *Edward Davies Davenport*, *John Smith Daintry*, *George Eaton*, *Wilbraham Egerton*, *Richard Egerton*, *James France France*, *John Ford*, *William Fox*, *Booth Grey*, *John Baskeroyle Glegg*, *Thomas Bayley Hall*, *Peter Heron*, *Robert Hibbert*, *Thomas Hibbert*, *John Hoskin Harper*, *John Halliday*, *Francis Joddrill*, *Egerton Leigh*, *George John Legh*, *Ralph Leycester*, *Egerton Leigh* the younger, *Willoughby Legh*, *John Legh*, *Peter Legh*, *Thomas Legh*, *Thomas Lyon*, *William Massey*, *John Marshall*, *Thomas Marshall*, *Thomas Parker*, *Domvile Poole*, *William Rigby*, *John Royle*, *Thomas Assheton Smith*, *Thomas Assheton Smith* the younger, *Charles Watkin John Shakerley*, *Charles Peter Shakerley*, *James Stanton*, *Clement Sweetenham*, *Trafford Trafford*, *Richard Legh Trafford*, *Thomas William Tatton*, *Robert Taylor*, *Rowland Eyles Egerton Warburton*, *Lawrence Wright*, *Randle Wilbraham*, *George Wilbraham*, *James Wilde*, *William Henry Worthington*, *Offley Crewe* Clerk, *William Cotton* Clerk, *William Wickham Drake* Clerk, *Philip Egerton* Clerk, *George Heron* Clerk, *Peter Leigh* Clerk, *Richard Massie* Clerk, *Edward Mainwaring* Clerk, *Edward Stanley* Clerk, *James Tomkinson* Clerk, *Rowland Egerton Warburton* Clerk, and their Successors, shall be and they are hereby appointed the Trustees for putting the said last recited Act and this Act in execution.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said last recited Act, in addition to the Trustees hereby and by the said last recited Act appointed; and such Trustees so elected, and being qualified according to the Directions of the said last recited Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last recited Act, as if they had been hereby nominated and appointed.

Trustees to take an Oath truly to execute the Acts.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the said last recited Act into Execution, unless he shall be qualified in such manner as in and by the said last recited Act is directed and prescribed; and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last recited Act, and the Oath herein-after mentioned) take and subscribe, before any Three or more of the said Trustees, an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, [*or, being a Quaker,* do affirm], That I will truly, honestly, and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed

'reposed in me as a Trustee by virtue of an Act passed in the Fourth 'Year of the Reign of His Majesty King *George* the Fourth, intituled '*An Act, &c.* [*here insert the Title of this Act*], and also an Act passed 'in the Third Year of the Reign of His said Majesty, intituled *An Act* '*to amend the general Laws now in being for regulating Turnpike Roads in* '*that Part of* Great Britain *called* England. So help me GOD.'

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same 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, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person, who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Meetings of the Trustees.

IX. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at some convenient House or Place on or near the said Road, on the Second *Tuesday* next after the passing of this Act, or as soon after as may be convenient, for the Purpose of carrying the same and the said last recited Act into Execution; and the said Trustees shall and may meet yearly in the Month of *December*, or at such other Time, and at such Place near the said Road, as they the said Trustees shall think proper, for the Purpose of letting the Tolls granted by this Act, and for other Purposes relating to the said Road; and that the said Trustees, or any Three or more of them, shall and may adjourn themselves from Time to Time, and meet at the same or at some other convenient House or Place on or near the said Road, as they, or any Three or more of them, may think proper; and that if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, the Meeting shall be adjourned, and that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case the said Trustees, or any of them, shall not attend, or shall omit to adjourn, then the Clerk to the said Trustees shall adjourn the said Meeting, and appoint the said Trustees to meet at the Place where such last Meeting was appointed to be held, within Five Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on the several Turnpike Gates on the said Road, at least Ten Days before such Meeting.

Power to appoint Officers.

X. And be it further enacted, That the said Trustees shall and may, if they think proper, at their First Meeting to be held under or by virtue of this Act, by Writing under their Hands, elect and appoint a Treasurer

or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said last recited Act and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Road, and all such other Officers as they the said Trustees shall think proper; and the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under or by virtue of the said last recited Act and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in Consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said last recited Act and this Act, as to the said Trustees shall seem proper.

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Old Officers may continue until others are appointed.

XII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer) nominated and appointed under and by virtue of the said first recited Acts hereby repealed, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the

the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Books used under former Acts to be Evidence.

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

Officers under the former Acts to account.

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

Trustees may erect Gates.

XV. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said Two first recited Acts, or which shall or may be erected by virtue thereof and of this Act, or either of them, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Road, and upon the Sides thereof respectively, and also across any Lane or Way leading into or out of the same; and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses or any of them, as they the said Trustees or any Three or more of them shall think expedient; and also may take in and inclose from the said Road convenient Garden Spots for the said Toll Houses respectively, not exceeding One-eighth Part of an Acre to each Toll House: Provided always, that nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting under their Authority, to collect or take any Toll from any Person or Persons at a certain Side Bar or Gate called *Acton Lane Gate*.

Power to sell the present Toll Houses.

XVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his,

her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road not wanted for the Purposes of any Turnpike Road is authorized to be sold and disposed of.

Power to take Tolls.

XVII. And be it further enacted, That the respective Tolls herein-after mentioned shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates now erected or to be erected on the said Road, by such Person or Persons as the said Trustees or their Lessee or Lessees, Collector or Collectors for the Time being, shall from Time to Time appoint, before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse, with Four Wheels, and drawn by Six Horses or other Beasts, the Sum of Five-pence:

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse, with Four Wheels, and drawn by Four Horses or other Beasts, the Sum of Four-pence:

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Phaeton, Chaise, Chair, Calash, or Hearse, drawn by Two Horses or other Beasts, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, drawing any Chaise, Chair, Calash, or Hearse, with Two or more Wheels, and drawn by One Horse or other Beast, the Sum of Four-pence:

For every Horse or other Beast, drawing any Waggon, Wain, or other Carriage, with Four Wheels having the Tire of the Wheels of the Breadth of Six Inches or upwards, the Sum of Five-pence:

For every Horse or other Beast, drawing any Cart or other Carriage with Two Wheels, having the Tire of the Wheels of the Breadth of Six Inches or upwards, the Sum of Four-pence:

For every small Cart, drawn by One Pony, Mule, or Ass, the Sum of Four-pence:

For every Horse, drawing any Stone or Timber Carriage, of whatever Description, the Sum of Nine-pence:

For every Horse or other Beast (except as herein-after mentioned) laden or not laden, and not drawing, the Sum of One Penny:

For every Mule or Ass, laden or not laden, and not drawing, the Sum of One Halfpenny:

For every Score of Horned or Neat Cattle, the Sum of Ten-pence; and so in proportion for any greater or less Number: And,

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence; and so in proportion for any greater or less Number.

Tolls vested in the Trustees.

Which said respective Tolls, and all other Tolls by the said last recited Act and this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby

hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as hereinafter is mentioned or referred to.

Tolls to be paid only Once a Day.

XVIII. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than Once in one and the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, except where a different Computation is directed in and by the said Act for regulating Turnpike Roads), for passing or repassing with the same Horses, Cattle, Beasts, or Carriages through all or any of the Toll Gates or Turnpikes erected by virtue of the said Two first recited Acts, or to be erected by virtue of this Act; but that all and every Person or Persons after having once paid Toll as aforesaid, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment or Payments of such Toll, shall afterwards pass Toll-free with such Horses, Cattle, Beasts, and Carriages during such Day (to be computed as aforesaid), through all and every Gate and Gates, Turnpike or Turnpikes, so erected as aforesaid, or to be erected by virtue of this Act; and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis* on Receipt of the Toll in manner aforesaid.

No Toll for only crossing Roads.

XIX. And be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse, Cattle, Beast, or Carriage which shall only cross the Road to which this Act relates, or which shall not pass more than One hundred Yards thereon.

Application of Tolls and other Monies.

XX. And be it further enacted, That all Monies and other Effects which they the said Trustees, or any of them, or any Treasurer or Treasurers, or other Person or Persons on their Behalf, are or is entitled to by virtue of the said recited Acts, or any or either of them, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies which shall arise by virtue of the said recited Acts or either of them, or this Act, and not herein otherwise appropriated or directed to be applied, the Expences attending the preparing, obtaining, and passing this Act shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the said Tolls by virtue of the said recited Acts, or any or either of them, or shall be borrowed upon the Credit and Security of the Tolls by this Act granted, and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in repair all the said Road, and in erecting, repairing, and maintaining proper Turnpikes, Toll Gates, and Toll Houses; and lastly, in reducing, paying off, and discharging the several principal Sums now due and owing on the Credit of the said Tolls, or which may hereafter become due and owing, and in defraying the Expences attending the Execution of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

XXI. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or

or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, with a Ticket denoting a fresh Hiring.

Trustees may contract for the making or repairing the Road.

XXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Road, or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators.

Houses, &c. not to be injured.

XXIII. Provided always, and be it further enacted, That the Powers and Authorities hereby and by the said last recited Act given or granted shall not extend or be construed to extend to authorize or empower the said Trustees, in repairing and widening the said 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 or 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.

Regulations as to the Performance of Statute Work.

XXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or 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, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be ex-

pressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, 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 is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists, such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said 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 may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors 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 Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected 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 or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition 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 Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways, by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of

the Peace for the County or Place where the Offence shall be committed, on Complaint made to such Justices by the Surveyor to the said Trustees.

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

XXV. 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 in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury, as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

Public Act.

XXVI. 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.

Term of the Act.

XXVII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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