ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xciii.

An Act to continue the Term and enlarge the Powers of Two Acts of His present Majesty's Reign, for repairing the Road from *Rochdale Lane End*, in the Village of *Heywood*, to a Place called the *Land's End* in *Prestwich*, in the County Palatine of *Lancaster*. [14th *June* 1819.]

WHEREAS by an Act passed in the Twenty-ninth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from* Rochdale Lane End, *in the Village of* Heywood, *in the Parish of* Bury, *to a Place called the* Land's End, *in the Parish of* Prestwich, *in the County Palatine of* Lancaster: And whereas an Act was passed in the Thirty-eighth Year of the Reign of His said present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and enlarging the Powers of an Act passed in the Twenty-ninth Year of the Reign of His present Majesty, for repairing and widening the Road from* Rochdale Lane End, *in the Village of* Heywood, *in the Parish of* Bury, *to a Place called the* Land's End, *in the Parish of* Prestwich, *in the County Palatine of* Lancaster, certain Tolls, Powers, and Authorities, were given and granted to the Trustees therein named, and their Successors, for the Purposes therein mentioned, which said Act commenced on the Seventh Day of *June* One thousand seven hundred and

29 G. 3. c. 110.

38 G. 3. c. 42.

and ninety-eight, and was to continue and be in force for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament: And whereas in purſuance of the ſaid Acts Turnpike Gates have been erected, and Tolls taken according to the full Rates thereby authorized, and the Produce thereof, together with a conſiderable Sum of Money borrowed and remaining due on the Credit of the ſaid Tolls, have been from Time to Time applied for the Purpoſes of the ſaid Acts: And whereas the Term granted and continued by the ſaid Acts is near expiring, and the ſaid Debt cannot be diſcharged, nor can the ſaid Road be effectually amended, widened, improved, and kept in repair, unleſs the Term of the ſaid Acts be further continued, and the Powers thereof altered, amended, and enlarged; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and all and every the Tolls, Duties, Powers, Proviſions, and Clauſes therein contained (except ſuch as are varied, altered, or repealed) ſhall be and continue in full Force and Effect, and ſhall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Alterations and Variations herein contained, and which ſhall commence and take effect on the Third *Thurſday* next after the paſſing of this Act; which ſaid Term, and the Tolls, Duties, Powers and Clauſes hereby continued, granted, and enacted, are hereby made ſubject and liable to the Payment of all Sum and Sums of Money now due and owing on the Credit of the ſaid Road, and alſo of ſuch other Sum or Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid recited Acts, and the Intereſt due or to grow due for the ſame.

Recited Acts continued.

Truſtees.

II. And be it further enacted, That His Majeſty's Juſtices of the Peace acting in and for the ſaid County Palatine of *Lancaſter*, together with ſuch Number of Perſons, not exceeding Ten, as the ſaid Truſtees ſhall at their Firſt or any other Meeting appoint, ſhall be, and they and their Succeſſors to be elected in Manner in the ſaid recited Act mentioned, are hereby appointed Truſtees, and added to and joined with the ſurviving or remaining Truſtees appointed in or by virtue of the ſaid recited Acts for putting the ſaid Acts and this Act in Execution.

Qualification of Truſtees.

III. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any caſe in the Execution of the ſaid recited Acts and this Act, unleſs at the Time of his acting therein he ſhall have or be ſeized in his own Right, or in Right of his Wife, and be in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of a Real Eſtate, being Freehold or Copyhold in the County Palatine of *Lancaſter*, of the clear yearly Value of One hundred Pounds above Reprizes, or be Heir Apparent of ſome Perſon ſeized of ſuch an Eſtate of the yearly Value of Three hundred Pounds, or be in Poſſeſſion of a Perſonal Eſtate to the Amount of Four thouſand Pounds, nor (except in adminiſtering the Oath or Affirmation herein-after mentioned) unleſs he ſhall have taken and ſubſcribed before any Two or more of the ſaid Truſtees, (who are hereby authorized and empowered to adminiſter the ſame), the Oath or Affirmation following; (that is to ſay),

'I Do ſwear, [*or, being one of the People called Quakers,* do ſolemnly affirm], That I am truly and *bona fide* ſeized in my own Right, or in the Right of my Wife, and in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of a Real Eſtate, [being Freehold *or* Copyhold in Law or Equity], ſituate in the County Palatine of *Lancaſter*, of the clear yearly Value of One hundred Pounds, [*or*, am Heir Apparent of a Perſon, who to the beſt of my Knowledge and Belief is ſeized of ſuch an Eſtate of the clear yearly Value of Three hundred Pounds, [*or*, am poſſeſſed of a Perſonal Eſtate to the Amount of Four thouſand Pounds]. So help me GOD.' Oath.

And if any Perſon not being ſo qualified ſhall preſume to act in the Execution of the ſaid recited Acts and this Act, or any or either of them, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of the ſaid Acts and this Act, or either of them, any thing in the ſaid Acts contained to the contrary hereof notwithſtanding: Provided always, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of the ſaid recited Acts and this Act, or either of them, (although not duly qualified as aforeſaid), previouſly to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act. Penalty on Perſons acting not being qualified.

IV. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe known by the Sign of the *Hare and Hounds Inn*, in *Middleton* in the ſaid County, on the Fourth *Thurſday* next after the paſſing of this Act, between the Hours of Ten and Two, and proceed to the Execution of the ſaid recited Acts and this Act, notwithſtanding any Adjournment may then have been made by the Truſtees by virtue of the ſaid recited Acts; and that the ſaid Truſtees ſhall and may adjourn themſelves to meet at ſuch Time and Place near the ſaid Road as they ſhall think proper. Meetings of Truſtees.

V. And be it further enacted, That all Acts to be done relative to the Execution of the ſaid recited Acts or this Act, ſhall and may be done and executed by the Majority of the Truſtees who ſhall be preſent at the reſpective Meetings to be holden in purſuance thereof reſpectively, the whole Number preſent of ſuch Truſtees not being leſs than Three; and all Acts, Proceedings, Matters, and Things ſo done ſhall be as good valid and effectual as if the ſame had been done by all the Truſtees named in or appointed under or by virtue of the ſaid Acts and this Act, or any or either of them, except in Caſes otherwiſe provided for or required by the ſaid Acts or this Act; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any Meeting of the ſaid Truſtees, upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe Three to be a Quorum of Truſtees, to act at Meetings, and Power to appoint a Chairman.

Caſe the Chairman ſhall have and he is hereby empowered to give the deciſive or caſting Vote.

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

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

Clerk reſtrained from acting as Treaſurer, and vice verſa.

VII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of the ſaid recited Acts and this Act, or any or either of them, or the Partner of any ſuch Clerk the Treaſurer for the Purpoſes of the ſaid Acts and this Act, or any or either of them, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Acts and this Act, or any or either of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Acts and this Act, or any or either of them, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid recited Acts and this Act, or any or either of them, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered 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.

Repealing the Power in 38 G. 3. declaring that no Compoſition or Exemption from Toll, unleſs in Broad wheeled Carriages.

VIII. And whereas it is by the ſaid recited Act of the Thirty-eighth Year of the Reign of His preſent Majeſty enacted, that no Compoſition ſhall be made for Tolls, nor ſhall any Perſon have any Benefit or Exemption from Toll, either by the ſaid firſt recited Act, or the ſaid Act of the Thirty-eighth Year of His ſaid preſent Majeſty's Reign, for or in reſpect of any Waggon, Cart, or ſuch like Carriage, or of any Horſes or Beaſts drawing the ſame, unleſs ſuch Carriage or Carriages have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and unleſs ſuch Fellies, and the Tire upon ſuch Fellies lie flat, or ſo as not to deviate more than Half an Inch from a flat Surface, and have the Nails counterſunk, ſo as not to riſe above the Surface; nor ſhall any Compoſition be made

made for Tolls for or in reſpect of any ſuch Carriage or Carriages, which, together with the Loading thereof, ſhall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes;* to ſuch Carriage or Carriages, and laden with ſuch Goods as do not exempt the ſame from the Additional Tolls by the ſaid Act of the Thirty-eighth Year of His ſaid preſent Majeſty's Reign; and that it ſhall be lawful for the ſaid Truſtees to order all ſuch Carriages to be weighed in like Manner, and with the ſame Powers and Authorities, as directed for the weighing of Carriages by the ſaid Act made in the Thirteenth Year of His preſent Majeſty's Reign: And whereas it is expedient that the ſaid Clauſe ſhould be repealed; be it therefore further enacted, That the ſaid Clauſe ſhall be and the ſame is hereby declared to be repealed, and null and void to all Intents and Purpoſes whatſoever.

Toll Houſes to be erected.

IX. And be it further enacted, That the ſaid Truſtees ſhall and may continue, provide, erect, and ſet up, or cauſe to be continued, provided, erected, or ſet up, One or more Turnpike or Turnpikes in and acroſs any Part or Parts of the ſaid Road between the ſaid Village of *Heywood* and the *Land's End* in *Heaton* aforeſaid, and ſhall and may continue, erect, and provide, or cauſe to be continued, erected, and provided, a Toll Houſe, with convenient Out-buildings at each Gate or Turnpike, and take in and incloſe on the Side of the ſaid Road at each Toll Houſe a ſuitable Garden Spot for the ſame, and may cauſe the ſaid Gates or Turnpikes, or any of them, together with the Toll Houſes and other Buildings from Time to Time to be taken down, altered, or removed, and ſet up again, as the ſaid Truſtees ſhall think proper; and alſo ſhall and may continue, provide, erect, ſet up and build, or cauſe to be continued, provided, erected, ſet up and built, acroſs any Lane or Way leading into the ſaid Road, ſuch and ſo many Gates and Turnpikes, with ſuch Buildings ſuitable thereto, and a convenient Garden Spot for each Toll Houſe, as the ſaid Truſtees ſhall judge proper; and alſo ſhall and may continue, provide, erect, and ſet up, or cauſe to be continued, provided, erected and ſet up acroſs any Lane or Way leading into the ſaid Road, ſuch and ſo many Gates and Turnpikes, and a Toll Houſe to each Gate or Turnpike, with ſuch Buildings ſuitable thereto, and a convenient Garden Spot for each Toll Houſe, as the ſaid Truſtees ſhall think proper.

Exemptions.

X. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted ſhall be demanded or taken for or in reſpect of any Carriage, Horſe, Cattle or Beaſt employed in carrying or conveying, or going to carry and convey, or returning from carrying or conveying on the ſame Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips in which any Part of the ſaid Road is ſituate; or Hay, Graſs, Turnips, Potatoes, or other Fodder, Straw, or Corn in the Straw, not ſold or diſpoſed of, or paſſing for that Purpoſe, but paſſing to be placed or laid up in the Buildings or on the Premiſes of the Owners thereof, or for or in reſpect of any Carriage, Horſe, Cattle, or Beaſt employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been

employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost or other Manure, to be employed only in Husbandry for manuring or improving Lands, (and not for printing, dyeing, or other Purposes of Trade), or for any other thing employed in the managing of any Farms or Lands; or for any Horses or Cattle going to or returning from Pasture or watering Place, or going to be or returning from being shoed or farried; or from any Person going to or returning from his or her proper parochial Church or Chapel, or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse or attending the Funeral of any Person who shall die or be buried in any of the Parishes of *Bury*, *Middleton*, or *Prestwich* aforesaid; or for any Horse, Beast, Cattle or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse, or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat or other public Stores of, for, or belonging to His Majesty, for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast or Carriage carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, a Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this and the said recited Acts.

Owners or Drivers of Carriages in the King's Service not liable to Penalties for Overweight.

XI. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen;

but it shall be lawful for the Owner or Driver of any such Waggon, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tickets to be provided denoting payment of Tolls, &c.

XII. And be it further enacted, That upon Payment of the Tolls by the said recited Act of the Thirty-eighth Year of the Reign of His said present Majesty granted, the Collector or Receiver thereof shall, and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Name or Names of the Gate or Gates freed by such Payment.

For settling Disputes concerning Tolls.

XIII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls, or the Charges of the Distress, (as the Case may happen) be ascertained by some Justice of the Peace for the County 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 of a Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them, as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, 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.

Toll Collectors to put up their Names.

XIV. 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 either of them, shall be and 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 after coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Acts and this Act, or either of them; or shall demand or 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

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to any Perſon or Perſons who ſhall demand the ſame, on having been paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid 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 or this Act or either of them directed to be levied, recovered, and applied.

Truſtees not to adminiſter Oaths on verifying Accounts.

XV. And be it further enacted, That nothing in the ſaid recited Acts contained ſhall extend or be conſtrued to extend to authorize or empower the ſaid Truſtees, or any of them, to adminiſter any Oath or Oaths to any Clerk, Treaſurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the ſaid recited Acts and this Act, or any or either of them, for the Purpoſe of verifying his or their Accounts.

To enable Truſtees to take Poſſeſſion of Toll-Houſes.

XVI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this and the ſaid recited Acts at the ſaid Turnpike Gates, or any of them, ſhall be demiſed or let to Farm to any Perſon or Perſons in purſuance of the ſaid recited Acts or this Act, and ſuch Perſon or Perſons ſhall neglect or refuſe to perform the Terms and Conditions of the Demiſe or Contract by which the ſame are let to him, her, or them, either by taking a greater or leſs Toll in reſpect of any Kind of Carriage, Waggon, Cart, Horſe, Beaſt, or other Cattle, than thoſe demiſed or let to him, her, or them, or in any other Way or Manner; or in caſe the Rent for which ſuch Tolls ſhall be demiſed or let, or any Inſtalment thereof, ſhall be in Arrear and unpaid for the Space of Five Days next after any of the Days or Times whereon the ſame ſhall become due, and ought to be paid purſuant to ſuch Demiſe or Contract, and the Toll Houſe or Toll Houſes appertaining to ſuch Turnpike Gate or Gates ſhall be in the Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or Perſon or Perſons by him, her, or them appointed to collect the Tolls thereat, then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees, if they ſhall think proper, to vacate and determine ſuch Demiſe and Contract, giving Notice in Writing of ſuch their Determination to ſuch Leſſee or Leſſees, Farmer or Farmers, by leaving the ſame at the Toll Houſe or Toll Houſes at ſuch reſpective Turnpike or Turnpikes, and ſuch Leaſe or Contract ſhall from that Time be utterly void to all Intents and Purpoſes, (ſave as to the Covenant for Payment of the Rent to the Day of ſuch Notice being delivered); and in caſe ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall not, on Service of ſuch Notice as aforeſaid, deliver the Poſſeſſion of the Toll Houſe or Toll Houſes, and the Turnpike Gate or Gates, with the Appurtenances, ſo demiſed or let to him, her, or them, it ſhall be lawful for any Juſtice of the Peace for the County in which ſuch Toll Houſe or Toll Houſes, Turnpike Gate or Gates ſhall be ſituate, by Warrant under his Hand and Seal, to order any Conſtable or other

Peace

Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof as the said Trustees shall appoint.

Turnpikes to be vested in Trustees.

XVII. And be it further enacted, That the Right and Property of the several Toll Houses, and Turnpikes or Toll Gates, Weighing Machine or Engine, and other Erections and Buildings to be erected and provided by virtue of the said recited Acts and this Act, with the Materials, Grounds, Rails, Fences, and Appurtenances thereto belonging, and of all Arches, Bridges, Walls, and other Erections, Buildings, and Premises, and of all Mile Stones and Posts to be erected, and also of all Materials, Tools, and Implements which shall be provided for the Use of the said Road, shall be and the same respectively is and are hereby vested in the said Trustees; and they are hereby empowered to cause any Action to be brought in the Name of their Clerk or Treasurer for the Time being, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, take away, break down, injure, spoil, or deface any such Toll House, Turnpikes, or Toll Gates, or other Buildings or Erections, Rails, Fences, Mile Stones, Posts, or any of them, or any such Materials, Tools, or Implements as aforesaid, in which Bill or Bills of Indictment it shall be sufficient to state generally, that any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Rails, Fences, Mile Stones, Posts, or any such Materials, Tools, or other Implements, or other Matters or Things, to be the Property of the Clerk or Treasurer for the Time being to the said Trustees.

Application of Money raised.

XVIII. And be it further enacted, That out of the Tolls to be collected and levied by virtue of the said recited Act, or out of the First Monies to be borrowed on the Credit thereof, and of this Act, the said Trustees shall and they are hereby required in the first Place to pay the Charges and Expences of passing and executing this Act, and in the next Place to pay Interest after the Rate of Five Pounds *per Centum per Annum* for the Sum of Money borrowed for the Purpose of defraying such Expences, and afterwards all the said Tolls and Monies shall be applied in defraying the Costs and Expences of continuing, erecting, and providing Turnpikes, Toll Houses, and other Buildings, and of altering, widening, and maintaining the said Road, and of making and repairing any Bridge or Bridges erected or to be erected on the said Road, and in paying the Interest and Principal of the Money due and owing on the Credit of the Tolls granted by the said recited Acts, or to be borrowed for the Purposes of the said recited Acts or this Act, and defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of the said recited Acts and this Act into Execution, in such Manner as the said Trustees shall from Time to Time appoint.

A Deviation of more than One Hundred Yards, not allowed.

XIX. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, varying, or altering the Course or Path of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owner or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion

Diverſion or Alteration; any thing in the ſaid recited Acts contained to the contrary thereof in anywiſe notwithſtanding.

Houſes, &c. not to be injured.

XX. Provided always, and be it further enacted, That the Powers and Authorities given by the ſaid recited Acts, or any or either of them, or by this Act, ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down, injure, or damage any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, other than and except ſuch as are expreſsly mentioned in the ſaid recited Acts, and ſuch as have been erected or made within the Diſtance of Five Yards from the Centre of the ſaid Road ſince the Commencement of the ſaid recited Acts; any thing in this Act contained to the contrary in anywiſe notwithſtanding.

Gates not to open into the Road.

XXI. And be it further enacted, That all Gates hereafter to be placed in any Field or Ground adjoining any Part of the ſaid Road ſhall be made and hung to open and ſwing into the ſaid Fields or Grounds, and not unto or towards the ſaid Road; and it ſhall be lawful for the ſaid Truſtees to order all ſuch Gates as are now erected, or may hereafter be erected and open unto or towards the ſaid Road, to be altered ſo that they will only open into the ſaid Fields or Grounds, as the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Land upon which any Gate or Gates is, or are, or ſhall be conſtructed ſo as to open towards the ſaid Road, ſhall (after Ten Days Notice from the Surveyor of the ſaid Road, requiring him, her, or them to alter any ſuch Gate or Gates, and make the ſame to open only towards the ſaid Fields or Grounds), refuſe or neglect to make ſuch Alteration, or after ſuch Alteration ſhall have been once made ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

An Action or Ejectment may be ſupported by One Mortgagee.

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

For getting Materials to make and repair the Road.

XXIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and to or for all ſuch Perſon or Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get,

get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for repairing the ſaid Road, out of or from any Commons or waſte Grounds, common River, Brook, or Pit in any Pariſh, Townſhip, or Place, in which any Part of the ſaid Road ſhall lie, or in any adjoining Pariſh, Townſhip, 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, leveling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may, by Order of any Two or more Juſtices of the Peace for the County or Place in which the ſaid Road doth lie, ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, out of, or from the private Lands, Fields, or Grounds of any Perſon or Perſons in any Pariſh, Townſhip, or Place in which any Part of the ſaid Road lies or is ſituate, where the ſame may be had or found (ſuch Lands, Fields, or Grounds not being a Garden, or Orchard, Yard, Park, Paddock, 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 ſame, and for any Damages done thereby to the Owners or Occupiers of the Ground and Premiſes where and from whence the ſame ſhall be cut, dug, gotten, gathered, and taken or carried away, or over which the ſame or any other Materials for repairing the ſaid Road ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds and Premiſes, as the ſaid Truſtees or any Five or more of them ſhall deem reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſons employed as aforeſaid, and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall be lawful for any Two Juſtices of the Peace for the County or Place in which the ſaid Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

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

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

Owner

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

Penalty on taking away Materials got by the Surveyor.

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

Application of Compenſation Money when amounting to or exceeding 200l.

XXVI. 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, 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 the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Parts 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 to the like Uſes, Truſts, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, or 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 or 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 the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds

per

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 the Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Settlement or Purchaſe were made.

Application when the Compenſation is leſs than 200l. and not leſs than 20l.

XXVII. 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, belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-after 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 by the ſaid Truſtees for executing the ſaid recited Acts and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch principal Money, and the Dividends and Intereſt ariſing thereon, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20l.

XXVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before-mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the ſaid recited Acts and this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in caſe of Lunacy or Infancy, 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.

If Perſons cannot be found, Pur-

XXIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Acts or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be

Chaſe Money to be paid into the Bank;

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

Subject to the Order of the Court of Chancery on Motion or Petition.

Reſpecting diſputed Titles.

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

Court of Chancery to direct Payment of Expences.

XXXI. Provided always, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Acts or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid

recited Acts or this Act, or ſo much of the ſaid Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to repair the Road to continue ſo.

XXXII. And be it further enacted, That where any particular Part or Parts of the ſaid Road hath or have been accuſtomed, or ought to be repaired and maintained by any particular Perſon or Perſons, Body or Bodies Politic or Corporate, by Reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road ſhall from Time to Time be maintained and kept in repair by ſuch Perſon or Perſons, Body or Bodies Politic and Corporate, in ſuch and the like Manner as the ſame reſpectively were or ought to have been maintained and kept in repair before the paſſing of this Act.

Statute Labour.

XXXIII. 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 thereto, in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace for the ſaid County Palatine of *Lancaſter*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Three 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 Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip 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 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 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, or appoint and order, ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times, (not being Hay-time or Harveſt) and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, 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

for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parishes, Townships, or Places respectively, to be by him or them paid over 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 Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, 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 Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Townships or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect and 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 Forty Shillings.

Trustees may compound for Statute Work.

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

XXXV. And

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall ſlaughter, burn, or dreſs any Animal on or adjoining the ſaid Road, or ſhall leave or ſuffer any Horſe, Cattle, Sheep, Pig, or Beaſt, to graze or be and remain looſe on the ſaid Road, or any Footway or Path on the Side or Sides thereof, or if any Perſon ſhall ride upon any Footway, Cauſeway, or Path, formed upon or on the Side of or adjoining the ſaid Road, or ſhall drive any Horſe, Beaſt, Cattle, or Swine, or any Carriage upon, or cauſe any Damage to be done to any Footway, Cauſeway or Path; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Timber, Stone or other Thing (otherwiſe than upon wheeled Carriages) or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon wheeled Carriages to drag upon the ſaid Road, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road ſhall ſuffer them to root up or damage the ſame, or the Hedges or Fences on either Side thereof; or if any Perſon driving any Waggon, Wain, Cart or other Carriage, ſhall ride on the Shafts, or other Part of ſuch Waggon, Wain, Cart, or other Carriage, or on any of the Horſes drawing the ſame; or if any Perſon driving or having the Care of any Coach, Chaiſe, or other ſuch like Carriage, upon the ſaid Road, ſhall drive the ſame without holding the Reins; or if any Perſon driving or having the Care of any Carriage whatſoever, and meeting another Carriage, ſhall not keep his Carriage on the left or near Side of the ſaid Road, and alſo keep on the ſame Side himſelf or herſelf; or if any Perſon ſhall in any other Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage under his or her Care upon the ſaid Road; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, or play at Football or any other Game or Games on the ſaid Road, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the Annoyance of any Paſſenger or Paſſengers; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, (except in Caſes of Accident) upon or on the Side of the ſaid Road, without a proper Perſon in the Cuſtody or Care thereof, longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame, during the Time of loading or unloading thereof, as near to the Side of the ſaid Road as conveniently may be, either with or without any Horſe or other Beaſt of Draught harneſſed or yoked thereto; or if any Perſon, after having blocked any Waggon, Wain, Cart, or other Carriage whatſoever, in going up any Hill or riſing Ground, ſhall leave on the ſaid Road the Stone or other Matter or Thing uſed in ſuch blocking; or ſhall plough, dig, or break up any of the Soil within Twenty Feet of the Centre of the ſaid Road; or ſhall ſcrape off any Soil or other Thing from the ſaid Road or the Side or Sides thereof, or ſhall take up or carry away any Scrapings thereof, without leave of the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors; or if any Perſon ſhall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever upon the ſaid Road, or on the Side or Sides thereof, to the Prejudice of the ſaid Road, or to the Prejudice, Annoyance, or Interruption of any Perſon or Perſons paſſing or travelling thereon; or if any Perſon or Perſons ſhall wilfully commit any other Nuiſance or Annoyance upon the ſaid Road, or on the Side or Sides thereof, every Perſon offending in any or either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

For the Prevention of Nuiſances.

Public Act. XXXVI. 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.

Continuance and Term of this Act. XXXVII. And be it further enacted, That the Term granted by the said recited Acts shall, upon the Third *Thursday* next after the passing of this Act, cease and determine; and that the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act, shall thenceforth commence, and continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament.

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