ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lxxx.

An Act for repealing an Act of His late Majesty's Reign, for improving the Road from *Manchester* to *Bolton*, and other Places therein mentioned, in the County of *Lancaster*, so far as relates to the *Moses Gate* District of Road therein mentioned; and for granting further and more effectual Powers instead thereof; and for repairing and improving the said District of Roads; and making a new Branch of Road to communicate with the said District of Road. [28th *May* 1821.]

WHEREAS an Act was passed in the Thirty-third Year of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and improving certain Roads leading to and from the Towns of* Salford, Warrington, Bolton, *and* Wigan, *and to certain Places called* The Broad Oak, *in* Worsley, *and* Duxbury Stocks; *and also the Road from a Place called* South Sea, *in* Pendlebury, *to* Agecroft Bridge, *and from thence through* Hilton Lane *to* Dawson Lane End; *and also from* Agecroft Bridge *over* Kersal Moor *to* Singleton Brook, *all in the County Palatine of* Lancaster; whereby the said Roads were divided into several Districts, and a certain Part thereof particularly described was directed to be called *The Moses Gate District of Road:* And whereas the Trustees, acting under and by virtue of the said recited Act 33 G. 3. c. 181.

Act for the said *Moses Gate* District of Road, have proceeded to put the same into Execution, and a considerable Progress hath been made in repairing, altering, diverting, widening, and improving the Roads within the said District; but a considerable Sum of Money heretofore borrowed still remains due and owing on the Credit of the Tolls arising within the said District, which cannot be paid off, nor can the said District of Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted by the said recited Act, so far as the same relates to the said *Moses Gate* District of Road, be continued, and the Powers and Provisions of the said recited Act amended, altered, and enlarged: And whereas the extending the said District of Road called *Moses Gate* District, from a certain Place called *Burnden Bridge*, to a certain Brewery in the Township of *Great Bolton*, in the said County Palatine of *Lancaster*, in the Occupation of *Matthew Corr Dawes*, and the making and maintaining a new Branch of Road from and out of the said District of Road, to commence from and out of the said District of Road at or near a certain Place called *Stone Clough*, within the Parish of *Dean*, in the said County, to and to communicate with the Turnpike Road leading from *Radcliffe Bridge* to *Manchester*, at or near a Garden Wall belonging to *Richard Kaye* Esquire, in the Parish of *Prestwich*, all in the said County Palatine of *Lancaster*, would be productive of great public Utility, and advantageous to the Country adjacent; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Second *Thursday* next after the passing of this Act, so much of the said recited Act as relates to the said District of Road therein mentioned, called *The Moses Gate District of Road*, such District commencing at and from a certain Place called *The Four Stumps*, within *Kersley* aforesaid, by the said Place called *Stone Clough*, by One Line to a certain Place called *Burnden Bridge*, within the Township of *Great Lever*, in the said County, shall be and the same is hereby repealed, and null and void to all Intents and Purposes whatsoever.

So much of the said Act repealed as relates to the Moses Gate District.

This Act to commence instead of recited Act.

II. And be it further enacted, That this Act shall commence and take place instead of the said recited Act, so far as relates to the said District, and shall be put into Execution as well for the Purpose of more effectually amending, widening, altering, improving, and keeping in Repair the Road comprising the said District of Road from the *Four Stumps* aforesaid to *Burnden Bridge* aforesaid, as also of extending the said Road from the said Place called *Burnden Bridge* aforesaid, to the said Brewery in the aforesaid Township of *Great Bolton*, and called by the Name of *The Moses Gate District of Road*; and also of making and maintaining a new Branch of Road from and out of the said District of Road, to commence from and out of the said District of Road at or near a certain Place called *Stone Clough* within the said Parish of *Dean* aforesaid, to and to communicate with the Turnpike Road leading from *Radcliffe Bridge* to *Manchester*, at or near a Garden Wall belonging to *Richard Kaye* Esquire, in *Prestwich* aforesaid.

III. And

Tolls by this Act granted made liable to former Debts.

III. And be it further enacted, That the Tolls by this Act granted shall be and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit or on Account of the Tolls authorized to be taken and collected upon the said District of Road by virtue of the said recited Act, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on Account of this Act, or of the Tolls hereby granted.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County Palatine of *Lancaster*, together with *John Ashworth*, *Richard Ainsworth*, *Peter Ainsworth*, *Fletcher Barton Allen*, *William Rigby Bradshaw*, *James Bradshaw*, *Egerton Arden Bagot* Clerk, *Thomas Blackburne* Clerk, *John Barton* of *Swinton*, *Moses Bury*, *John Baron*, *Edward Bolling*, *William Bolling*, *Joseph Best*, *Joseph Bourn*, *George Blair*, *Robert Barlow*, *Ralph Boardman*, *William Bowker*, *William Balshaw*, *John Bamber*, *William Bamber*, *John Booth*, *Edward Ashton Burrows*, *John Crompton*, *Thomas Crompton*, *James Carlile*, *William Carlile*, *James Cross*, *William Crompton*, *Brian Coulthard*, *Henry Casson*, *John Cocker*, *James Cocker*, *James Crompton*, *Richard Constantine*, *Joshua Cross*, *Ralph Crompton*, *John Cross*, *Peter Dorning*, *Matthew Corr Dawes*, *Robert Darbishire*, *Isaac Dobson*, *Benjamin Dobson*, *Peter Ditchfield*, *Ralph Fletcher*, *Ellis Fletcher*, *Thomas Fogg*, *Matthew Fletcher*, *James Fletcher*, *Richard Fell*, *William Gray*, *John Gardner*, *Thomas Grundy*, *Edward Hobson*, *John Hargreaves*, *Roger Holland*, *Thomas Howell*, *John Horrocks*, *Thomas Hardcastle*, *Thomas Heelis*, *John Heelis*, *Pitt Hewitt*, *Samuel Houghton*, *Benjamin Hick*, *Roger Holland* the younger, *Philip Hughes*, *Thomas Horridge*, *Lawrence Horrocks*, *John Horrocks*, *James Hardcastle*, *Jonathan Hitchen*, *John Johnson* of *Bolton*, *Thomas Jackson*, *John Johnson* of *Stand Hall*, *John Jones*, *Andrew Kellie*, *Andrew Knowles*, *Richard Kay*, *Richard Kay* of *Stand*, *James Kirkman*, *Robert Lonsdale*, *Richard Lonsdale*, *John Livsey*, *Robert Lord*, *John Mawdsley*, *Thomas Morris*, *Thomas Merry*, *John Moore*, *James Ormrod*, *Peter Ormrod*, *John Pilkington*, *Robert Philips*, *Nathaniel Philips*, *George Piggot*, *Benjamin Rawson*, *Benjamin Rawson* the younger, *Peter Rothwell*, *Peter Rothwell* the younger, *Thomas Rushton*, *James Ramsbottom*, *John Rainforth*, *John Smith*, *Robert Smith*, *Igdaliah Seddon*, *James Scowcroft*, *John Stanton*, Reverend *James Slade*, *John Smith* of *Lever Hall*, *John Smith* of *Bolton*, *James Sothern*, *Benjamin Sothern*, *John Taylor*, *Thomas Thwaits*, *James Taylor*, *William Taylor*, *Thomas Tong*, *John Todd*, *John Walton*, *James Watkins*, *John Woods*, *James Whitehead*, *Thomas Whitehead*, *Thomas Wingfield*, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Road, and the Extension thereof, and the new Branch aforesaid, and for otherwise putting this Act into Execution.

Power to appoint Trustees on Deaths, &c.

V. And be it further enacted, That when and as often as any Trustee or Trustees shall die, neglect, or refuse to act, or by Bankruptcy or Insolvency, or otherwise be disqualified to act in the Execution of this Act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect One

or

or more Person or Persons to be a Trustee or Trustees in the Room and Stead of such Trustee or Trustees so deceased, or refusing to act, but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks of the said Trustees, by affixing the same upon the respective Turnpikes or Toll Gates now erected or hereafter to be erected upon the said District of Roads, and also by inserting the same in one of the *Manchester* Newspapers at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act into Execution, so far as relates to the said District of Roads, as the Persons in whose Places they shall be respectively chosen were vested with.

Power to appoint additional Trustees.

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

Qualification of Trustees.

VII. Provided always, and be it further enacted, That no Person hereby appointed, or hereafter to be appointed a Trustee as aforesaid, (except such as are hereby appointed Trustees by virtue of their Office, shall be capable of acting as such in the Execution of this Act, otherwise than in administering an Oath or Affirmation to the Effect following to the other Trustees) unless at the Time of his acting therein he shall have, or be seised of in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Freehold or Copyhold Estate of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to a Person seised of such an Estate of the clear yearly Value of Two hundred Pounds, or shall be possessed of a Personal Estate of the Amount of Four thousand Pounds, nor before he shall have taken and subscribed the Oath or Affirmation herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath.

'I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am seised of in my own Right, [*or*, in the Right of my Wife (*as the Case may be*), and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Freehold [*or*, Copyhold] Estate of the clear yearly Value of One hundred Pounds [*or*, am Heir Apparent of a Person seised of such an Estate of the clear yearly Value of Two hundred Pounds [*or*, possessed of a Personal Estate to the Amount of Four thousand Pounds; and that I will truly and faithfully act in the Execution of the Powers and Trusts reposed in me by an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*]. So help me GOD.'

Nor shall any Trustee hereby appointed, or hereafter to be appointed, be capable of acting as such during the Time he shall enjoy any Office of Profit

Profit under this Act, or have any Share or Interest in any Contract or Bargain relating to the Execution hereof; nor shall any Trustee hereby appointed, or hereafter to be appointed as aforesaid, act or interfere in the Direction or Management of the Tolls or Money arising from any of the Turnpike Gates continued or to be erected in pursuance or by virtue of this Act, or in the Execution of any of the Powers therein or herein contained, except during such Time only as he shall reside within Ten Miles of *Moses Gate* Turnpike, or shall have such an Estate as aforesaid, situate within Ten Miles of the same, as shall qualify him to act as a Trustee for the Purposes of this Act; and if any Person not being so qualified, or being disqualified by Bankruptcy, Insolvency, or otherwise, shall presume to act as a Trustee in the Execution of this Act, (except in administering such Oath or Affirmation as aforesaid,) or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation; or if any such Trustee shall presume to act during such Time as he shall enjoy such Office of Profit as aforesaid, or have any Share or Interest in any such Contract or Bargain; or if any such Trustee shall act or interfere in the Direction or Management of the Tolls, or Money arising from any of the Turnpike Gates continued or to be erected in pursuance or by virtue of this Act, or in the Execution of any of the Powers herein contained, otherwise than whilst he shall so reside or have such Estate as aforesaid situate within the same, every such Person so offending in all or any of the Premises, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to and for the Use of such Person or Persons as shall sue for the same, to be recovered with full Costs of Suit, by Action of Debt, or upon the Case, in His Majesty's Court of Common Pleas held for the said County Palatine of *Lancaster*; and in every such Action brought against any such Person for acting as a Trustee in the Execution of this Act, without being qualified as aforesaid, the Proof of Qualification shall be on the Person so prosecuted, and it shall be sufficient for the Prosecutor to prove that the Person so prosecuted had acted as such Trustee.

Meetings of the Trustees.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Bridge Inn* in *Little Bolton* in the said County, on the Third *Thursday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon, and Three of the Clock in the Afternoon, and proceed to the Execution of this Act, notwithstanding any Adjournment may then have been made by the Trustees by virtue of the said recited Act; and that the said Trustees, or any Five or more of them, shall and may adjourn themselves from Time to Time to and at such Time and Place near the said Road as they shall think proper; provided, that if at any Meeting there shall not appear a sufficient Number of Trustees to act or to adjourn to another Day, (Three Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall, by Notice in Writing, to be affixed on all the Turnpike Gates which shall be then erected on the said District of Road at least Twenty Days before the then proposed Meeting, appoint the Trustees to meet at the House where their then last Meeting was held or was appointed to have been held; and in case the said Clerk shall by any Means omit giving Notice as aforesaid, then it shall and may be lawful for any Five or more of the Trustees

(although not assembled at a Meeting), at any Time or Times after the Space of Ten Days from such Omission, by Writing under their Hands to be affixed in Manner aforesaid, to appoint the said Trustees to meet at the Place where the last Meeting was held or was appointed to have been held upon that Day Week next after the Date of their said Notice; and that the said Trustees shall at all their Meetings defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, and not otherwise, (except in Cases hereby particularly provided for), and that no Order or Determination shall be made unless the major Part of the Trustees shall concur therein; and that all Acts, Orders, and Proceedings relative to this Act which are directed to be done, made, or had, by or before the said Trustees, shall and may be done, made, or had, by or before the Majority who shall be present at the respective Meetings to be holden by virtue of this Act, the whole Number present not being less than Five of the said Trustees, except where any other Number is herein directed; and that all Acts, Orders, and Proceedings done, made, or had, by or before such Five or more Trustees shall have the same force and effect as if the same were done, made, or had, by or before the whole Number of Trustees; and in all Cases where the Trustees, or any Justice or Justices of the Peace are authorized to examine any Person or Persons upon Oath, it shall and may be lawful for the said Trustees, or any Five or more of them, or such Justice or Justices of the Peace, to administer such Oath; 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 (including that of the Chairman) at any such Meeting upon any Question, then and in every such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote.

No Order to be revoked unless a Majority of Trustees concur therein.

IX. And be it further enacted, That no Order made by any Five or more of the said Trustees shall be revoked or altered unless at a Meeting to be held for that Purpose, of which intended Alteration Twenty-one Days Notice at the least shall be given at a previous Meeting of the said Trustees, and entered in their Book of Proceedings; and such Notice shall specify the Revocation or Alteration intended to be made, and shall be affixed on all the Turnpikes then erected on the said District of Road Ten Days at least previous to such Meeting; nor shall any such Order be revoked or altered unless a Majority of the Trustees present at such Meeting shall concur therein, such Majority to consist of Nine at least.

Trustees may appoint Officers.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may at their First or any subsequent Meetings, as occasion shall require, elect and appoint a Clerk or Clerks, Surveyor or Surveyors, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls hereby granted, and other Officers respectively, as they shall from Time to Time think proper; and that the said Trustees, or any Five or more of them, shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see occasion, and from Time to Time appoint others in the room of such of them as shall be so removed, or shall die, or resign, or refuse, or neglect to perform, or become incapable

capable of performing their Duty; and the said Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers, and other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce and give unto the said Trustees true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses or Purposes, as the said Trustees or any Five or more of them shall direct and appoint; and if any of the said Officers or other Persons shall refuse to give such Account or Accounts as aforesaid, or to produce and deliver to the said Trustees the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases it shall be lawful for any One or more of the Justices of the Peace for the County or Place where such Officer or other Person shall reside, and such Justice or Justices is and are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice and Justices is and are hereby empowered and required to administer without any Fee or Reward); and if any Person shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One or more of the Justices of the Peace of the County or Place where such Person or Persons shall reside to make Inquiry touching such Neglect or Refusal in a summary Way, in Manner aforesaid, and by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Sum or Sums of Money as shall appear to him or them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) upon Demand, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted, unto the Party on whom such Distress or Distresses shall be made; and if sufficient Distress cannot be found, then the said Justice or Justices shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at

at any Meeting are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space than Six Calendar Months.

Officers to give Security.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, or other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees or any Five or more of them shall think proper.

Trustees not to administer Oaths on verifying Officers Accounts.

XII. Provided always, and be it further enacted, That nothing in this Act 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 this Act, for the Purpose of verifying his or their Accounts.

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

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

Clerk to be reimbursed his Expences.

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

XIV. 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 District of Road, 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 by the said recited Act or this Act granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect such Book or Books, or take

take such Copies or Extracts as aforesaid, such Clerk shall for every such Offence forfeit and pay any Sum of Money not exceeding Twenty Pounds, to be levied and recovered in Manner herein-after mentioned .

Offices of Clerk and Treasurer not to be held by the same Person.

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

Present Toll Gates to be continued.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby empowered to continue the present Turnpike and Turnpike Gates, Weighing Machine, and Houses and Offices already erected, and which now stand across and on the Sides of the said *Four Stumps* and *Burnden Bridge* District of Road, in the Township of *Farnworth*, in the said County of *Lancaster*, and commonly called or known by the Name or Names of the *Moses Gate* Toll Bar and Weighing Machine, where they now stand, or from Time to Time to erect and set up in lieu thereof a Turnpike and Turnpike Gate across the said Road, at any Place between where *Moses Gate* now stands and *Burnden Bridge* on the Road to the Town of *Bolton*; and also that the said Trustees, or any Seven or more of them, shall and may and are hereby fully authorized and empowered to erect and set up, and to continue erected and set up, Gates or Toll Bars across the said new Branch of Road leading from *Stone Clough* aforesaid, to *Pilkington* aforesaid, at the following Places, (that is to say), one of such Gates or Toll Bars between *Stone Clough* and the South End of *Ringley Bridge*, and another Gate or Toll Bar between the East End of *Ringley Bridge* and Mr. *Kay's* Garden Wall; and also, that the said Trustees, or any Seven or more of them, shall and may and are hereby fully empowered to continue such Toll Gates and Bars so erected and to be erected, and to erect and build a Toll House and Toll Houses, with convenient Buildings at such new Gate or Toll Bar upon the said *Four Stumps* and *Burnden Bridge* District of Road, and also at such new Gates or Toll Bars upon the said intended new Branch of Road, and at the Side Gate and Side Gates thereof respectively; and the Expences of setting up and erecting of such Turnpikes and Turnpike Gates, (as the Case may be), and of building, erecting, and providing Materials for all such Toll Houses, and keeping up and supporting the same, to be borne and paid by and out of the Monies to be raised, procured, and collected within the said new Branch of Road from *Stone Clough* aforesaid to *Pilkington* aforesaid, by

and under the Powers and Authorities in this present Act, in the Manner herein-after mentioned and provided.

Toll Houses and Turnpikes vested in the Trustees.

XVII. And be it further enacted, That the Right and Property of the several Toll Houses and Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, and other Erections and Buildings now and hereafter to be erected and provided by virtue of this Act, with the Materials, Grounds, 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 or for repairing or improving the Roads to be made and repaired by virtue hereof, shall be and the same respectively are and is hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered to cause any Action to be brought, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, spoil, or deface any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Mile Stones, Posts, or any of them, or any such Materials, Tools, or Implements as aforesaid, or disturb them in the Possession thereof, but subject nevertheless to such and the like Estates, Rights, and Interests as the present Mortgagees of the Tolls respectively have or claim in the same, or they might respectively have had or claimed in or to the Turnpikes or Toll Houses already erected under and by virtue of the said recited Act, so far as relates to the said District of Road, 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, Fences, Mile Stones, Posts, or any such Materials, Tools, or Implements, or other Matters or Things, to be the Property of the Treasurer or Clerk for the Time being to the said Trustees.

Power to take Tolls.

XVIII. And be it further enacted, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Seven or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through the same, (except as herein-after is excepted and provided), that is to say, at the Turnpike now erected and to be continued within the said *Four Stumps* and *Burnden Bridge* District, at the said Place called *Moses Gate* within the Township of *Farnworth* aforesaid, or at the Turnpikes or Toll Bars to be erected and continued upon the said intended new Branch of Road:

Tolls.

For every Coach, Berlin, Landau, Chaise, Chair, Calash or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or Beast of Draught, the Sum of Four-pence:

For every Waggon or other Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Five or Six Horses or Beasts of Draught,

the Sum of Two Shillings; and drawn by Four, or by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling:

For every Waggon or other Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, drawn by Five or Six Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four, or by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling:

For every Waggon or other Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, the Sum of Two Shillings and Eight-pence:

For every Cart, or other Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforesaid, drawn by Four, or by more than Four Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Three Horses or Beasts of Draught, the Sum of Seven-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Five-pence:

For every Cart, or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches, drawn by Four Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Three Horses or Beasts of Draught, the Sum of Seven-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Five-pence; and drawn by One Horse or Beast of Draught, the Sum of Four-pence:

For every Cart, or other Two-wheeled Carriage, with Wheels of less Breadth than Six Inches as aforesaid, drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling; and for every Cart, or other Two-wheeled Carriage, drawn by One Horse or Beast of Draught, the Sum of Five-pence:

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

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

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

Which respective Sums of Money shall be demanded and taken as and for or in the Name of Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses or other Cattle, with their Bridles, Saddles, Harness, or other Accoutrements, or of any Carriage with its Lading, or the Horses drawing the same, in respect of which such Tolls is by this Act imposed; and if any such Tolls, and the reasonable Charges of taking and keeping such Distress, shall not be paid within Ten Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle, and Carriages, and other Things so distrained, for the best Price that can be gotten for the same, for Satisfaction of the said Tolls so neglected or refused to be paid as aforesaid, and Charges of the Distress and Sale, returning the Overplus (if any) on Demand, to the Owner thereof; and that all Monies so to be collected or levied shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act.

XIX. Pro-

Not more than One full Toll to be taken on the Road.

XIX. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for the passing or repassing at any Time or Times in any one Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), through any One of the Toll Gates or Bars erected or to be erected on the said Roads, with the same Horses,

Exceptions.

Cattle, Beasts, or Carriages, (except such Waggon, Cart, Caravan, Timber Carriage, or other Carriage, which shall pass or repass through any of the said Turnpikes laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and shall return the same Day also laden with any Loading of the Weight of Five hundred Pounds or upwards, as aforesaid; which Tolls for such Carriages of the Weight of Five hundred Pounds or upwards as aforesaid shall be paid for each and every Time such Person or Persons shall pass and repass through any of the said Turnpike Gates on the same Day, to be computed as aforesaid; and also except any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, Chaise Marine, Diligence, Chaise with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriages now is or are, or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a public Stage Coach, or Stage Coaches or Stage Carriages, employed in carrying Passengers for Hire to and from different Places, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket such Collector is hereby required to deliver *gratis* on the Receipt of the Toll.

Only One Half Toll to be taken at the Moses Gate Turnpike.

XX. Provided also, and be it further enacted, That no Person who shall have paid Tolls for passing with any Cattle, Carts, or Carriages, through the Toll Bar erected on the Turnpike Road from *Worsley*, in the said County, to or near *Moses Gate* aforesaid, shall be liable to the Payment of more than One Half of the respective Tolls hereby authorized to be taken at *Moses Gate* aforesaid, or the Turnpike to be erected in lieu thereof, or at the Gates on the intended new Branch of Road from *Stone Clough* to *Stand*, in *Pilkington*, in respect of such Cattle, Carts, or Carriages, for passing and returning through the same on the same Day with such Cattle, Carts, and Carriage, upon producing a Ticket denoting the Payment of such Tolls.

Tolls to be paid but once a Day, for Horses laden with Milk, Butter, &c.

XXI. And be it further enacted, That no Person shall be subject to the Payment of Toll more than once in the same Day for any Horse, Mare, Gelding, Mule or Ass, laden with Milk, Whey, Butter Milk, or Curds, or for the Return of any such Gelding, Mule, or Ass, with the empty Vessels in which such Milk, Whey, Butter Milk, or Curds shall have been conveyed, any thing herein-before contained to the contrary notwithstanding.

Tickets to be delivered denoting the Payment of Tolls.

XXII. And be it further enacted, That upon Payment of the Tolls by this Act 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, and 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.

Power to erect Side Gates.

XXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to cause to be erected,

set

set up, and provided, One or more Turnpike or Turnpikes, or Turnpike Gate or Gates, Toll House or Toll Houses, on the Side or Sides of any of the said Roads, across any Highway leading into the same, except in the Township of *Great Bolton*, and to cause such Tolls to be collected and levied at such respective Turnpikes as are by this Act made payable upon the same respective Roads, so as that the same do not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid for passing through any of the Turnpikes or Turnpike Gates herein-before authorized to be erected across the said respective Roads hereby directed to be made, improved, and repaired.

Exemptions from Tolls.

XXIV. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying on the same Day, Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said District of Road or Branches, or any of the Roads in the Townships or Precincts in which any Part of the District of Road and Branch are situate, or for the building or repairing any public Bridge, or any Toll House or Toll Houses, erected or to be erected upon the said District of Road, or Branches on the Side or Sides thereof, or any Part thereof; or Hay, Grass, Turnips, Potatoes or other Fodder, Straw, or Corn, 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 any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Compost or 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 or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor from any Clergyman going to or returning ftom visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in any of the Parishes of *Bolton-in-le-Moors*, *Dean*, *Middleton*, and *Prestwich*, in the County Palatine of *Lancaster* 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 attending His Majesty or any of the Royal Family, or returning after having so attended; 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 drawing the same, which shall

be employed in conveying any Ordnance, Barrack, Commissariat or other Public Stores of, for, or belonging to His Majesty, or 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 and 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, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting Carriages conveying King's Stores from Penalties for Overweight.

XXV. 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; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

Exemptions by 55 G. 3. c. 119. not to be affected.

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

Penalty for fraudulent Use of Tickets.

XXVII. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person, in order to evade the Payment of the said Tolls, every such Person so offering or disposing of such Note or Ticket, and the Person receiving or making use of the same, shall

shall respectively forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on evading Tolls.

XXVIII. And be it further enacted, That if any Person or Persons (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants) shall, with any Horse, Cattle, Beast or Carriage whatsoever, pass through any Land or Ground adjoining to or lying near any Toll Gate or Turnpike continued or erected by virtue of this Act, the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or of his, her, or their Family) with any Horse, Cattle, Beast or Carriage, to go or pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person, other than the Collector of the said Tolls, or shall forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Turnpike, with any Horse, Cattle, Beast or Carriage, without Payment of Toll; or shall take off or cause to be taken off any Horse or other Cattle or Beast, from any Waggon, Wain, Cart or Carriage; or shall leave or cause to be left upon any Part of the said District of Road, any Waggon, Wain, Cart or Carriage, Horse, Cattle or Beast, whereby the Payment of any of the said Tolls, or of any Part thereof shall be evaded; or if any Person or Persons shall unload or cause to be unloaden any Goods, Wares or Merchandize from any Waggon, Wain, Cart or Carriage, whereby larger Quantities of such Goods, Wares or Merchandize shall be carried through any of the said Toll Gates or Turnpikes in one and the same Day, than would have been done if such Goods, Wares, or Merchandize had not been so unloaden; or if any Person or Persons, after travelling along any Part of the said District of Road with any Waggon, Wain, Cart or Carriage, Horse, Cattle or Beast, shall turn out of the same into any other Road, and afterwards proceed with such Waggon, Wain, Cart or Carriage, Horse, Cattle or Beast, into and upon the said District of Road, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be evaded, every Person offending in all or any of the Cases aforesaid shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Allowing Carts drawn by One Horse to be weighed.

XXIX. And whereas it frequently happens that Carts drawn by One Horse, passing upon and along the said Roads, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing upon the said Roads, or any Part thereof, drawn by One Horse only, from and after the passing of this Act, shall and may, in case the said Trustees or any Seven or more of them shall so order and direct, be weighed at any Machine now or hereafter to be erected on the said Roads, and that in such Case the like additional Sums or Tolls as are payable by virtue of any Law or Laws now in force for the Overweight of any Waggon, Cart or other Carriage, and the Loading thereon, shall and may be demanded and taken by the said Trustees, or any Seven or more of them, or their Collector or Collectors, in respect of Carts drawn by One Horse only, and which, with the

the Loading thereon shall exceed the Weights herein-after mentioned, (that is to say,) Carts having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, One Ton and Ten hundred Weight, of One hundred and twenty Pounds to the Hundred, in Summer, and One Ton and seven hundred Weight of One hundred and twenty Pounds to the Hundred, in Winter; and Carts having the Sole or Bottom of the Fellies of less Breadth or Gauge than Six Inches, One Ton and seven hundred Weight in Summer, and One Ton and five hundred Weight in Winter; and that all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages, drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters and Owners thereof; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Power to lessen the Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time assembled at any Meeting to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and to take and collect such Tolls so lessened or reduced for such Time or Times, and in such Manner as the said Trustees or any Seven or more of them shall think proper, and afterwards from Time to Time to advance all or any of the Tolls so reduced to any Sum or Sums of Money not exceeding the respective Rates hereinbefore granted; and to order and direct such Tolls, so lessened and reduced, or advanced again, to be collected, received, taken, laid out and applied for the Purposes of this Act, in such manner as the Tolls are by this Act directed to be collected, levied and applied; but no such Reduction shall be made except at the First Meeting of the said Trustees, unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall be then owing on the Credit of the Tolls intended to be reduced shall be consenting thereto; nor shall any such Reduction or Advancement be made unless Twenty Days Notice at the least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates then erected on the said District or Branches of Road, and inserted in One of the *Manchester* Newspapers, expressing the Intention, Time, and Place of the Meeting for making such Reduction or Advancement.

Regulations as to Toll Collectors.

XXXI. 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 this Act, upon the said District of Road, or intended Branches thereof, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front, or in some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on 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 this Act, or shall demand and take a Toll from

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 and Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis* denoting the Payment of the Toll, and naming and specifying the Gate freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said District of Road, or the Branches thereof, 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 made shall adjudge, and such Penalty shall be levied, recovered, and applied, in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

Enabling the Trustees to take Possession of Toll Houses in certain Cases.

XXXII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act at the said Turnpike Gates, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of this Act, and such Person or Persons shall neglect or refuse to perform the 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 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 Ten 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 Possession of any such Lessee or Lessees, Farmer or Farmers, or any 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, or any Seven or more of them (if they shall think proper), to vacate and determine such Demise and Contract, giving a 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, Side Gate or Side Gates, at such respective Turnpike or Turnpikes, and such Lease and Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered) as if the same had not been made; and in case any 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, Side Gate or Side Gates, 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 said County Palatine of *Lancaster*, by Warrant under his Hand and Seal, to order any Constable or other 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 in Possession thereof as the said Trustees, or any Seven or more of them, shall appoint.

For settling Disputes respecting the Tolls.

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

Application of the Tolls, &c.

XXXIV. And be it further enacted, That out of the Tolls to be collected and levied by virtue of this Act at the said Turnpike Gate called *Moses Gate* Turnpike, or any other Gate to be erected in lieu thereof, or out of the first Monies to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall and they are hereby required in the first 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 the Expence of obtaining and passing this Act; and afterwards all the said Tolls and Monies shall be applied in defraying the Costs and Expences relating to the obtaining and passing of this Act, and in paying the Principal Money and Interest borrowed for the Purpose of the said recited Act, on the Bonds of any of the said Trustees, and now due and owing, and in defraying the Costs of continuing, erecting, and providing Turnpikes, Toll Houses, and other Buildings, and making, repairing, widening, turning, and altering the said District of Road called *Moses Gate District*, and the said Extension thereof in the Township of *Great Bolton*; and in the next Place in paying the Principal and Interest of the Money due and owing on the Credit of the said former Tolls, or to be borrowed for the Purposes of this Act; and in defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of this Act into Execution, so far as regards the same District of Road, and the said Extension thereof.

Limiting the Sum to be laid out yearly on the Road in the Township of GreatBolton.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, nor shall it be lawful for them, to lay out or expend in any Year during the Continuance of this Act, in the Repairs of the said Road in the said Township of *Great Bolton*, from or out of the said Tolls, or Monies to be borrowed on Credit thereof, or other the Funds to arise or be received from or in respect of the *Moses Gate* Turnpike, or any Turnpike Gate to be

erected in lieu thereof, any Sum or Sums of Money exceeding in the Whole the annual Sum of One hundred Pounds.

Application of the Tolls on the new Branch from Stone Clough to Pilkington.

XXXVI. And be it further enacted, That out of the Tolls to be collected and levied by virtue of this Act at the said Turnpikes to be erected on the said Branch of Road leading from *Stone Clough* to *Pilkington* aforesaid, or out of the first Monies to be borrowed on the Credit thereof, the said Trustees, or any Seven or more of them, shall and they are hereby required in the first 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 the Expences of obtaining and passing this Act, and afterwards all the said Tolls and Monies shall be employed in defraying the Costs and Expences relating to the obtaining and passing of this Act, and in paying the Principal Money and Interest borrowed for the Purposes of this Act, and in defraying the Costs of erecting and providing Turnpikes, Toll Houses, and other Buildings, and making, widening, turning, and altering the said Branch of Road from *Stone Clough* to *Pilkington* aforesaid, and in defraying all other necessary Costs, Charges, and Expences attending the same and carrying the Purposes of this Act into Execution, so far as regards the same Branch of Road.

No Composition to be made for Tolls.

XXXVII. And be it further enacted, That no Lessee or Lessees, or Farmer or Farmers of the Tolls, at any Toll Gate or Toll Bar to be erected upon the said Road, or his, her, or their Deputy or Deputies, Agent or Agents, shall make any Composition, by the Year or otherwise, with the Inhabitants of any Town or Place, or with any Person or Persons whomsoever, for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage, liable to be weighed at any Engine or Engines to be erected upon the said Road, for or in respect of the Overweight thereof; and in case any Lessee or Farmer, or Deputy or Agent, shall offend herein, every such Lessee or Farmer, or Deputy or Agent, shall on Conviction thereof, by Confession, or upon the Oath of one Witness, before any one of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*, forfeit and pay, besides the Costs and Charges attending the Conviction, any Sum not exceeding Five Pounds, and shall also forfeit his or their Contract or Lease for renting the Tolls, if the Trustees shall think proper to order that the same shall be thereupon vacated and made void; and every such Composition shall be and the same is hereby declared to be null and void; and One Moiety of every such Penalty as aforesaid shall be paid to the Informer, and the other Moiety to the Clerk or Treasurer of the said Road to be applied towards the Repair thereof; the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices as aforesaid.

Power to raise Money on Mortgage of the Tolls.

XXXVIII. And be it further enacted, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be given in Writing, to be affixed on all the said Turnpike Gates, and inserted in One of the *Manchester* Newspapers, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals respectively, to assign over or mortgage the Tolls to be collected and levied at such Turnpikes respectively, or any Part thereof, and also the said respective Toll Houses and Appurtenances (the Charges of assigning and mortgaging the same

same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees respectively, or any Nine or more of them, upon the Credit of such respective Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees who shall advance and lend the same to secure the Repayment thereof, with such Interest (not exceeding legal Interest) as the said Trustees or any Nine or more of them shall think proper; which said Money so borrowed shall be applied and disposed of in such Manner as the Tolls of the said respective Turnpikes are herein directed to be applied and disposed of; and that such Mortgage or Mortgages, or Assignments, may be in the Form following, or such other Form as the said Trustees respectively making the same shall think proper:

Form of the Mortgage.

'BY virtue and in pursuance of an Act passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*] and in consideration of the Sum of Pounds to *A. B.* the Treasurer appointed by the said Trustees for putting the said Act into Execution, having been this Day paid by *C. D.* of We whose Hands and Seals are hereunto subscribed and set, being of the said Trustees, do grant and assign unto the said *C. D.* his Executors, Administrators, and Assigns, the Tolls arising or to arise by virtue of this Act, at or from the Turnpike at *Moses Gate* aforesaid, or such new Turnpike as may be erected in lieu thereof, or at such Turnpikes as may be erected and set up on the said new Branches of Road respectively, and also the Toll House erected at *Moses Gate* aforesaid, or to be erected at such new Turnpikes as aforesaid: To have, hold, receive, and take the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said his Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term for which the said Tolls are granted by the said Act (subject to a Mortgage for securing the Sum of Pounds to *as the Case may be*); and also subject to the Proviso following (that is to say), Provided always, that if the said Sum of Pounds shall be repaid to the said his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*, without any Deduction whatsoever, on or before the Day of next, then this Assignment shall be void, or else to remain in full Force. In Witness whereof we have hereunto set our Hands and Seals the Day of One thousand eight hundred .'

Assignments or Mortgages to be entered.

XXXIX. And be it further enacted, That all and every the Mortgage or Mortgages, Assignment and Assignments to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, which said Book or Books shall and may be seen and perused at all seasonable Times without Fee or Reward.

Mortgages may be transferred.

XL. And be it further enacted, That all and every Person and Persons to whom any Assignment or Assignments shall have been made by virtue of the said Act of the Thirty-third Year of the Reign of His said late Majesty, or by virtue of this Act, or who shall be entitled to the Money secured

secured by the said Acts, or either or any of them, shall and may from Time to Time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, and Interest, or Benefit to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect; (that is to say),

Form of Transfer.

'I the within-named *A. B.* [*or*, I *C. D.* Assignee, Executor, or Administrator of the within-named *A. B. as the Case may happen*], do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, with all Interest now due and hereafter to grow due upon the same, unto *E. F.* of , his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord One thousand eight hundred and Witness to the signing hereof.'

Which Transfer shall be produced and notified to the Clerk to the said Trustees within Six Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books to be kept for entering the original Mortgages, for which Entry the said Clerk shall be paid the Sum of Five Shillings and no more, and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer has been or shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities; and whenever the said Trustees shall be enabled to pay off any of the Money which has been or shall hereafter be borrowed as aforesaid, they shall ascertain the Securities to be first paid off by Ballot, in such Manner as they or any Five or more of them shall think proper.

Trustees not to deviate more than 100 Yards.

XLI. 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 District of Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing in the said recited Act contained to the contrary thereof in any anywise notwithstanding.

An Action or Ejectment may be supported by one Mortgagee.

XLII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall

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

Act not to interfere with Trustees for improving Great Bolton.

XLIII. And be it further enacted, That nothing in this Act shall abridge or in any Manner interfere with the Rights, Interests, Powers, and Privileges of the Trustees for improving the Town of *Great Bolton* in the said County of *Lancaster*.

Maps and Plans of the new Alterations to remain with the Clerk of the Peace, &c.

XLIV. And whereas Maps or Plans, describing the Line of the said intended Branches of Road, and the Lands, Hereditaments, and Premises through which the same are to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the said Maps or Plans, and List of Owners or Occupiers, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making the said Branch of Road, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

Not to take down Houses, &c. except those described.

XLV. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the taking down of any Dwelling House or other Building, or taking in the Site of any House or other Buildings, or to take in, cut through, or otherwise damage any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Proprietors thereof respectively first had and obtained, other than and except the Land and a Grass Plat in *Manchester* Road in *Great Bolton* aforesaid, belonging to the said Earl of *Bradford*, and in Lease to Major *Thomas Cox Kirby*, and in the Occupation of *Edward Ashton Burrows*; and also of a Grass Plat and Garden in *Manchester* Road aforesaid belonging to the said Earl of *Bradford*, and in Lease to and in the Occupation of *Richard Fell*; and also of certain Fields and Gardens in *Manchester* Road aforesaid, belonging to the said Earl of *Bradford*, and in the several Occupations of *John Hardcastle*, *Michael Hardcastle*, *Richard Fell*, *Thomas Chantler*, *John* and

George Jones, and Widow *Hatton*; and also of Two Gardens in *Manchester* Road aforesaid, belonging to the Trustees of *Robert Rowbottom* Esquire, and in Lease to and in the Occupation of *James Crompton* and *Samuel Swan*; and also of a Meadow in *Manchester* Road aforesaid, belonging to the said Trustees of *Robert Rowbottom* Esquire, and in the Occupation of Widow *Hatton*; and also of a Plantation in *Manchester* Road aforesaid, belonging to and in the Occupation of the Executors of the late *Hilton Lever*, deceased; and also of Land and Garden in *Manchester* Road aforesaid, belonging to *John Woods*, and in the several Occupations of himself and *Thomas Thwaites*; and also of Two Fields and Garden in *Manchester* Road aforesaid, belonging to the said Trustees of *Robert Rowbottom* Esquire, and in the several Occupations of *Richard Taylor*, *Roger Holland*, and *William Grime*; and also of the Ground before the Doors of the Houses, and Cellars, and Stone Steps in *Burnden* Road in *Great Bolton* aforesaid, belonging to *Ann Eckersley*, and in the several Occupations of herself, *Robert Hilton*, and *Robert Haworth*; and also of a Wall, Garden, Fence, Pales, Ground before the Door, and Stone Steps, in *Burnden* Road aforesaid, belonging to and in the Occupation of *Peter Heywood*; and also of a Wall, Garden, Fence, Pales, Ground before the Door, and Stone Steps, in *Burnden* Road aforesaid, belonging to *Peter Smith*, as Executor for *Ann Hamer*, and in the Occupation of *William Grime*; and also of a Wall, Garden, Fence, Pales, Ground before the Door, and Stone Steps, in *Burnden* Road aforesaid, belonging to and in the Occupation of Miss *Colliers*; and also of the Ground before the Front of Four Houses, and Stone Steps, in *Burnden* Road aforesaid, belonging to Miss *Colliers* aforesaid, and in the several Occupations of *Ralph Brownlow*, *Samuel Pendlebury*, Widow *Haslam* and *James Haslam*; and also of the Field and Land in *Burnden* Road aforesaid, belonging to the said Trustees of *Robert Rowbottom*, and in the Occupation of the said *Roger Holland*; and also of those several Fields, Garden, and Land, in the Township of *Great Lever*, belonging to the said Earl of *Bradford*, and in the several Occupations of *Roger Holland*, *Peter Smith*, and *John Taylor*; and also of those several Fields and Lands in the Township of *Farnworth*, belonging to the Trustees of the late Duke of *Bridgewater*, and in the several Occupations of *John Crompton*, *John Davenport*, and *Thomas Tinsley*; and also of certain Plantations, Wood Land, Garden, Grass Platt, and Meadow, in *Farnworth* aforesaid, belonging to and in the Occupation of *John Livesey*; and also of certain Plantations, Meadow and Pasture Land in *Farnworth* aforesaid, belonging to *Samuel Heywood*, and in the Occupation of *Todd*; and also of Ground before the Front of the *Bowling Green* Public House, the *Bowling Green* Out-building, Cote, or Shed, in *Farnworth* aforesaid, belonging to and in the Occupation of *Ann Taylor*; and also of a Field in *Farnworth* aforesaid, belonging to *Benjamin Rawson* Esquire, and in the Occupation of the said *Ann Taylor*; and also of a Cottage or Dwelling House and Two Gardens in *Farnworth* aforesaid, belonging to *Richard Bullough*, and in the Occupation of himself and *James Chatterton*; and also of a Garden in the Township of *Kearsley*, belonging to *John Lever*, and in the Occupation of *William Simonds*; and also of certain Land and Coal Pit Brow in *Kearsley* aforesaid, belonging to the Trustees of *High Stile* School, and in the Occupation of *Ellis Fletcher* Esquire; and also of certain Cottages, Dwelling Houses, Weaving Shop, Orchard, and Garden, in *Kearsley* aforesaid, belonging to *Ellen Brindle*, and in the Occupation of herself and *William Scholfield*; and also of certain Fields and

Land

Land in *Kearsley* aforesaid, belonging to *Jonathan Dorning*, and in the Occupation of *Joshua Cross*; and also of a Meadow in *Kearsley* aforesaid, belonging to *Benjamin Rawson* Esquire, and now in the Occupation of *James Boyd*; and also of a Road, Brows, and Land in *Kearsley* aforesaid, belonging to the said *Benjamin Rawson*, and in the Occupation of *Joseph Bowker*; and also of Land in *Kearsley* aforesaid, belonging to the Earl of *Derby*, and in Lease to and in the Occupation of *James Turner*; and also of Land in the Township of *Outwood* within *Pilkington* aforesaid, belonging to the said Earl of *Derby*, and in Lease to and in the Occupation of ..... *Dearden* Esquire; and also of Land in *Outwood* within *Pilkington* aforesaid, belonging to the said Earl of *Derby*, and in Lease to and in the Occupation of *Samuel Woods*; and also of Land in the Township of *Outwood* within *Pilkington* aforesaid, belonging to the said Earl of *Derby*, and in Lease to and in the Occupation of *Robert Unsworth*; and also of Land in the Township of *Outwood* within *Pilkington*, belonging to the said Earl of *Derby*, and in Lease to and in the Occupation of *Joseph Taylor*.

Errors or Omissions in the Description of the Premises not to impede the Execution of this Act.

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

Gates not to open into Road.

XLVII. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Road, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Road, so that no Part of the Gate when open shall project over any Part of the said Road, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing outward towards the said Road, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing, from the Surveyor of the said Road, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Road, or any Footpath belonging thereto; then and in every such Case the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Direction of this Act; and the Person or Persons guilty of such Neglect or Default upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall upon Conviction, upon the Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expence of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings,

lings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made, and such Penalty shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

Power to divert, widen, and turn the Road.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they or any Seven of them are hereby fully empowered from Time to Time, at their Discretion, to widen, divert, turn, or alter, within the Limits in this Act mentioned, the Course or Path of any Part or Parts of the said Roads, and to set out and make the same of any Width not exceeding Sixty Feet, through any Common or Waste Ground, without making any Satisfaction for the same, and also through any private or inclosed Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby, and for that Purpose it shall and may be lawful for the said Trustees, or any Seven or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads, through such Lands and Hereditaments; and it shall and may be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of Infants, Femes Covert, or Cestuique Trusts, Tenants for Life or in Tail General or Special, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Seven or more of them, for the Sale of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes of the said recited Act or this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

In case Parties cannot agree as to the Value of the Lands wanted, the same to be ascertained by a Jury, &c.

XLIX. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Tenants for Life or in Tail General or Special, or any Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon such Notice to him or them given, or left in Writing at the Dwelling House or Dwelling Houses, or Place or Places of Abode of such Person or Persons, or the Head Officer or Head Officers of such Bodies Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to any of the said Roads, and through which any of the said Roads shall be turned as aforesaid, shall for the Space of Ten Days after such Notice given or left as aforesaid neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or in any such Case the Trustees named or to be named or appointed under the Authority of this Act, or any Seven or more of them, shall cause it to be inquired into and

ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Lancaster* (which Oath any Two or more of the said Trustees are hereby empowered and required to administer), what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested for or on account of the taking of such Lands or Hereditaments into any of the said Roads, or of widening, diverting, turning, or altering such Roads through the same; and in order thereunto the said Trustees, or any Seven or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they the said Trustees, or any Seven or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, and such Trustees shall order, adjudge, and determine the Sum and Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury, which Verdict or Inquisition, and Judgment, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Seven or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County Palatine of *Lancaster*, thereby commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Seven or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid, and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jury may be challenged.

L. Provided always, and be it further enacted, That the said Trustees, and all Persons interested, shall have their lawful Challenge against any of the said Jurymen; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or being sworn, or refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting

ing their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, or shall refuse to be examined and to give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as the said Penalties and Forfeitures are herein-after directed to be levied and disposed of, so as that no such Fine exceed the Sum of Fifty Pounds upon any one Person for one Offence.

On Payment of Money agreed for or ascertained Trustees may enter on the Lands.

LI. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the respective Roads so to be widened, diverted, turned, or altered, or on the Monies to be borrowed on the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being of the said Trustees, for the Use of such Person, and after Ten Days Notice thereof given to such Persons or their Agents, to receive such Money, it shall and may be lawful for the said Trustees, or any Seven or more of them, their Surveyors, Agents, or Workmen, to enter into or upon, and to take into or add to the said Roads such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, in relation to such Lands and Hereditaments, as the said Trustees, or any Seven or more of them, shall think proper; and such Lands and Hereditaments so taken into or made Part of the said Roads shall be deemed and taken to be and shall be to all Intents and Purposes a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be repaired are by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Roads shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied to the Purposes of this Act.

How the Expences of the Jury are to be paid.

LII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, or any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be ascertained and settled by some one or more Justice or Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments shall lie, not being interested in the Matter in question (who is and are hereby empowered

powered and required to examine into, ascertain, and settle the same), and to be recovered in case of Nonpayment thereof by Distress and Sale of the Goods and Chattels of the said Trustees, by Warrant under the Hand and Seal of such Justice; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be paid by the Person or Persons with whom the said Trustees shall have had such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some one or more Justice or Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments respectively shall lie, not being interested in the Matter in question (who is and are hereby empowered and required to examine, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person and Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines.

In cases where Persons are absent Trustees to pay Expences.

LIII. Provided always, and be it further enacted, That in Cases where any Person or Persons shall by reason of Absence out of the Kingdom have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Monies to arise under or by virtue of this Act.

Money allowed for Lands, &c. how to be charged and tendered.

LIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of the said Tolls, or out of the Monies borrowed on the Credit thereof, either into the Bank of *England* as herein-after mentioned, or to the Parties or Persons respectively entitled thereto, or to their Agents, as the Case may require; and upon Payment or Tender thereof to the Party or Parties entitled to receive the same, or their Agent, or on depositing the same in the Bank of *England* in Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Roads in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall from thenceforth to all Intents and Purposes whatsoever become and be and be deemed and taken to be a common Highway, and Part of the said Road hereby directed to be repaired, and shall and may be repaired and kept in Repair in such Manner as the same Road hereby appointed to be made and repaired is respectively by this Act to be made and repaired; and after such new Road shall be completed, the Lands constituting such former Road, or any Part thereof, unless leading over some Moor or Waste Ground, or

to

to some Village, Town, or Place to which such new Road doth not lead, shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied to the Purposes of this Act; and the Sale or Sales, Conveyance or Conveyances, to be made of such Lands or Grounds being executed by the said Trustees, and enrolled in the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*, shall be good and effectual in Law to all Intents and Purposes whatsoever.

First Offer of Overplus Lands to be made to the former Owners thereof, or the Owners of adjoining Lands.

LV. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, turned, or altered by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell the same (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, or Hereditaments adjoining to such diverted Road, or the Person or Persons from whom the same Piece or Pieces of Ground shall have been purchased; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments, on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased, shall refuse to purchase or re-purchase the same (as the Case may happen to be) on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, such Affidavit stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and refused or not agreed to by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of re-purchasing the Ground or Soil of such diverted Road, or of re-purchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Compensation Money when

LVI. 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 this Act, for the Purposes

amounting to or exceeding 200*l.*

poses thereof, which shall belong to any Corporation, Feme Covert, Lunatic, Tenant for Life, or in Tail, 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 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, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

When less than 200*l.* and exceeding 20*l.*

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

Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Trustees for executing 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 arising thereon, may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 20*l.*

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

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

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

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

Persons in Possession to be deemed

LX. 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

presumptively entitled, &c.

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

The Court of Chancery may direct the Payment of Expences.

LXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, 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 to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Surveyor may remove Annoyances on the Road;

LXII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors having an Order from the said respective Trustees, or any Seven or more of them, for that Purpose) to remove and prevent all Annoyances on any Part of the said Roads by Filth, Dung, Ashes or Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Roads, to the Prejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Roads, and make the same as deep and large as he or they shall think proper and necessary, and at proper Seasons of the Year to cut down or lop any Branches of any Trees or Bushes growing in the said Roads, or in the Hedges or Banks adjoining thereto, the same not being in any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to any House, and not being an Ornament or Shelter to a House, or in any inclosed Ground planted and set apart as a Nursery for Trees, and to take and carry away the same in case the Owners or Occupiers of the Premises shall neglect to remove the same; or to cut down or carry away any such Branches of Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand

Hand or Hands of such Surveyor or Surveyors, the Charges thereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

and make Causeways, &c.

LXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors (by Order of the said Trustees, or any Seven or more of them) to make or cause to be made Causeways, and also Ditches and Drains, in and upon the said Roads, and also through any Grounds lying contiguous thereto; and to erect Arches upon the said Roads, and also to make or cause to be made a Road through the adjoining Grounds of any narrow or ruinous Part of the said Road (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees (except as herein-before is particularly mentioned and excepted) to be made use of for all Passengers, Cattle, Carriages or otherwise, as a public Highway, whilst the old Road is repairing or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same, making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively through which any such Drains shall be made, or on which any such Arches shall be erected, or through which any temporary Roads shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace for the Hundred of *Salford* in the said County, or at their Second Quarter Sessions of the Peace at farthest, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final.

Lands liable to the Repairs of Bridges, &c. to continue so.

LXIV. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, or Sewers, lying in and upon the said Roads, which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by Reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, or by the said County Palatine of *Lancaster*, or any Parish or Township therein respectively, or otherwise howsoever, all and every such Part or Parts of the said Roads, and all such Bridges, Arches, Drains, and Sewers, shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politic and Corporate, Counties, Wards, Parishes, or Townships, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Parishes to continue liable to Repair; and regulating the Statute Labour.

LXV. And be it further enacted, That the Inhabitants of the several Parishes, Townships, and Places through which the said Roads shall pass shall be liable to the Repair of such Parts of the said Roads as are within their respective Parishes, Townships, and Places, in such and the same Manner as they are liable to the Repair of any other Highways within the same; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or any Seven or more of them, or by their 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 Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto, it shall and may be lawful to and 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 expressed in such Summons, (within Ten Days after the serving of such Summons), 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 Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of such Parishes, Townships, and Places respectively, to be by him or them paid over to the said Trustees or their Treasurer at such Time or Times as they 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 this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for the Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the De-

fault of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him 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 shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are 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 sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid as if such Team or Draught had not been set to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or 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 or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LXVI. And be it further enacted, That it shall and may be lawful to and 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 Roads, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all and every of the Parishes, Townships, or Places, duly authorized for that Purpose at a public Vestry, 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 Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance, on or before the First Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

For getting Materials to make and repair the Road.

LXVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said District of Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for repairing and improving the said District of Road, out of or from any Common or Waste Ground, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of the said District of 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, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries,

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 District of Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found in any Parish, Township, or Place in which any Part of the said District of Road shall lie or be situate, or in any adjoining Parish, Township, or Place (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, 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 and Occupiers respectively of the Grounds 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 District of 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 District of 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; any thing in the said recited Acts, or any of them, contained to the contrary thereof notwithstanding.

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

LXVIII. 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 this Act, to dig, gather, get, take, or carry away any Materials for repairing or improving the said Road, or for making the said Branch out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing by such Surveyor shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the said County Palatine of *Lancaster*, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice 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 this Act contained to the contrary thereof notwithstanding.

LXIX. Pro-

Penalty on taking away Materials got by the Surveyor.

LXIX. 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 Roads, or for making the said Branches, 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 Ten 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 or her 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 in the said recited Act mentioned.

Penalty on Persons obstructing the Execution of this Act.

LXX. And be it further enacted, That if any Person or Persons shall assault or hinder, or cause to be assaulted or hindered, the Collectors of the said Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by them, or any of them, or by the said Trustees, or any Seven or more of them in the Execution of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Roads to be measured, and Mile Stones erected.

LXXI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall be and are hereby empowered and required to cause the said Roads to be measured, and Milestones or Posts to be set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles, and Distance of Places, and also proper Direction Posts, where any other Roads lead out of or into the said Roads hereby directed to be repaired respectively, with Inscriptions thereon, denoting to what Place or Places such other Roads respectively do lead, as they or any Seven or more of them, shall think fit; and if any Person or Persons shall wilfully break or pull down, dig up, injure or destroy any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on riding on Footpaths, &c.

LXXII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Roads, or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Roads and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which now are or shall or may be erected for the Security of the said Footpaths or Causeways, or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads to the Prejudice or Injury thereof,

or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, so as wilfully to damage the said Roads, or any Part thereof; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Roads any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, leave or suffer or permit to be and remain on any Part of the said Roads the Stone or other Thing used in such blocking or stopping; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up or damage the said Roads, or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse, on either Side thereof; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Beast, Pig, or Swine to graze or be and remain loose on the said Roads; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person or Persons shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart or other Carriage, under his or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to, or let-off, or throw any Squib, Rocket, Serpent or Firework whatsoever, on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games whatsoever, on any Part of the said Roads, to the Annoyance of Persons travelling thereon; or if any Person or Persons shall, in or upon any Part or Parts of the said Roads, or by the Side or Sides thereof, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Roads as conveniently may be, in or upon the Side of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hindrance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For impounding

LXXIII. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other live Stock or Cattle shall at any Time be found tied or fastened, or wandering,

Cattle or Swine straying on the Roads.

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

Trustees may contract for Repairs.

LXXIV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Roads, or any Part or Parts thereof respectively, and for erecting, building and making Arches and Bridges upon the same, and for erecting Mile and Direction Stones or Posts thereon, and for making any Hedges or Fences, or turning, altering, diverting, widening, or making any Part or Parts of the said Roads, or for doing any other Work to be performed in the Execution of the said recited Act and this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper.

Contracts to be binding.

LXXV. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, and signed by any Five or more of them, shall be binding to the said Trustees, and also to the other Parties who shall sign the same, and the Executors and Administrators of such other Parties, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

For securing transient Offenders.

LXXVI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed

pointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County near to the Place where the Offence or Offences shall have been committed, and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint.

Penalties and Forfeitures how to be recovered and applied.

LXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly described), shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so paid and levied (if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting this Act in Execution; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction or other Prison for the said County Palatine of *Lancaster*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

How Conviction shall be drawn up.

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

'} BE it remembered, That on the Day of
'to wit. } in the Year of His Majesty's Reign, and in
'the Year of our Lord *A. B.* is convicted before
'of His Majesty's Justices of the Peace for the County of
'[*here specify the Offence and when and where committed,*] contrary to
'the Form of the Statute made in the Second Year of the Reign of His
'Majesty King *George* the Fourth, intituled *An Act*, [*here set forth the*
'*Title of this Act,*] and I [*or* We] do therefore declare and adjudge,
'that the said *A. B.* has forfeited for his said Offence the Sum of
'(or shall be committed to [*the Place of Imprisonment*] for
'the Space of). Given under my Hand and Seal, [*or*
'our Hands and Seals] the Day and Year first above written.'

Allowing an Appeal to the Quarter Sessions.

LXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, (save and except the Verdict of the Jury with respect to the Value of Lands, Messuages, or Tenements, in turning, altering, diverting, widening or making any Part or Parts of the said Roads as herein-before is directed), and for which no particular Relief hath been herein-before appointed, such Person or Persons may within Two Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace for the said County Palatine of *Lancaster*, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, or other the Person or Persons against whose Act such Appeal shall be made, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said respective Counties, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him, her, or them by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, on due Proof being given of such Notice as aforesaid, and of the entering into such Recognizance, shall proceed in, hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall respectively think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Distress not unlawful for want of Form only.

LXXX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said recited Act and this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relative thereto;

thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damages in an Action on the Case.

Proceedings not to be vacated for want of Form.

LXXXI. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter to be done or transacted in or relating to the Execution of this Act, shall be quashed for want of Form, or be liable to be removed by Certiorari or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Inhabitants may be Witnesses.

LXXXII. And be it further enacted, That no Inhabitant of any Parish, Township, or Place, in which any Offence may be committed against the said recited Act or this Act, shall be deemed to be an incompetent Witness by reason of his or her being an Inhabitant of such Parish, Township, or Place.

Not to recover if sufficient Tender of Amends before Action brought.

Defendants allowed to pay Money into Court before Issue joined.

LXXXIII. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding committed in carrying the Trusts of this Act into Execution, or in any Matter or Thing concerning or relating to the same, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no Tender shall have been made, it shall and may be lawful to and for the Defendant in any such Action, with Leave of the Court wherein such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he shall see fit, whereupon such Proceedings, or Orders and Judgments shall be had and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

General Issue.

LXXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days after Notice shall be thereof given to the Clerk of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months after the Fact committed; and every such Action or Suit shall be laid or brought in the County wherein the Cause thereof did arise, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially, or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty Days Notice thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, or if the Plaintiff or Plaintiffs shall

shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law. Treble Costs.

LXXXV. And be it further enacted, That all Persons who have subscribed to pay any Money towards making, extending, and repairing the said Roads and Branch shall and he, she, and they is and are hereby required to pay his, her, and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees, or any Seven or more of them; and if any Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, in the Name of their Clerk or Treasurer for the Time being, to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*. For Payment of Subscription.

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

LXXXVII. And be it further enacted, That this Act shall commence upon the Second *Thursday* next after the passing thereof, and shall from thenceforth continue and be in force and effect, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term and Continuance of this Act.

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