ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 14.

An Act for more effectually repairing and improving the Road from a Place called *Nightingales*, in the Townſhip of *Heath Charnock*, to the Bridge at the Weſt End of the Town of *Bolton in the Moors*, in the County Palatine of *Lancaſter*, and other Roads therein mentioned. [5th *April* 1805.]

WHEREAS an Act was paſſed in the Third Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the Road from a Place called* Nightingales, *in the Townſhip of* Heath Charnock, *to the Bridge at the Weſt End of the Town of* Bolton in the Moors, *in the County Palatine of* Lancaſter: And whereas an Act was paſſed in the Twenty-fifth Year of the Reign of His ſaid preſent Majeſty, for reviving, continuing, and enlarging the Term and Powers of the ſaid Act: And whereas great Progreſs hath been made in the Repair of the ſaid Road, and ſeveral Sums of Money have been borrowed for that Purpoſe, on the Credit of the Tolls authorized to be taken thereon, and a conſiderable Part of ſuch Money ſtill remains due and owing, and cannot be paid off, nor can the ſaid Road be effectually amended, improved, and kept in Repair, unleſs the Term of the ſaid Acts be further continued: And whereas the Powers and Proviſions of the ſaid Acts have been found in many Reſpects defective and inſufficient, 3 G. 3.

it would be more convenient to the Truſtees for the Care and Management of the ſaid Road, and the ſaid Road might be more effectually repaired, improved, and maintained, if the ſaid Acts were repealed, and further and other Powers granted inſtead thereof in One Act: And whereas the Road or Highway leading from the *Four Lane Ends*, in *Heaton*, near a Place there called *Bob's Smithy*, acroſs the hollow Part of a certain Field called *The Coppice*, and down the Scar, in the Poſſeſſion of *William Longworth*, into the new Turnpike Road leading from *Bolton* to *Preſton*, in the ſaid County Palatine of *Lancaſter*, at a certain Place within the Diſtance of One Mile from the North Weſterly Side of a Place called *Hunk's Field*, in the ſaid County, and alſo the Road or Highway leading from a Place called *Abigail Bromileys*, in the Townſhip of *Halliwell*, by a certain Mill called *Smithill's Mill*, in the ſaid Townſhip of *Halliwell*, to the Turnpike Road leading from *Bolton* to *Blackburn* aforeſaid, at a certain Place between *Boardman's Platting* and a Place called *Wright's Lane End*, in *Little Bolton*, in the ſaid County Palatine of *Lancaſter*, are out of Repair, narrow, circuitous, and incommodious, and in ſome Parts a Highway for Perſons on Foot and on Horſeback only, and not for Carriages; and it would be of great Advantage to the Publick, as well as to the Proprietors and Occupiers of Lands adjoining thereto, if the ſame were effectually amended, improved, and opened from henceforth for ever, for and as common publick Highways for all Perſons whatſoever: 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 as ſoon as a ſufficient Number of Truſtees appointed by this Act are aſſembled at their Firſt Meeting, purſuant to the Directions herein-after coontained, and ſhall have proceeded to put this Act in Execution, the ſaid ſeveral Acts herein-before mentioned ſhall be and the ſame are hereby declared to be repealed, and inſtead thereof this Act ſhall take Effect, and ſhall continue in force and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of repairing, widening, altering, improving, and keeping in Repair the Roads herein-after mentioned; (that is to ſay), the Road leading from the ſaid Place called *Nightingales*, in the Townſhip of *Heath Charnock* aforeſaid, to the Bridge at the Weſt End of the ſaid Town of *Bolton in the Moors*, in the County Palatine of *Lancaſter* aforeſaid, and alſo the Road or Highway leading from the *Four Lane Ends*, in *Heaton* aforeſaid, near the ſaid Place called *Bob's Smithy*, acroſs the hollow Part of the ſaid Field called *The Coppice*, and down the Scar, in the Poſſeſſion of the ſaid *William Longworth*, into the new Turnpike Road leading from *Bolton* to *Preſton*, at a Place within the Diſtance of One Mile from the North Weſterly Side of the ſaid Place called *Hunk's Field*, in the ſaid County, and alſo the Highway from the ſaid Place called *Abigail Bromiley's* in the Townſhip of *Halliwell* aforeſaid, by the ſaid Mill called *Smithill's Mill*, in the ſaid Townſhip of *Halliwell*, to the Turnpike Road leading from *Bolton* to *Blackburn* aforeſaid, at the ſaid Place between *Boardmen's Platting* and the ſaid Place called *Wright's Lane End*, in *Little Bolton* aforeſaid, in the ſaid County; and that this Act, and the Term hereby granted, and all the Tolls hereby authorized to be collected upon the ſaid Roads, ſhall be and are hereby declared to be charged with and ſubject to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid Acts hereby repealed as aforeſaid, and of the Intereſts due and to grow

Former Acts repealed, and this Act to take place inſtead thereof.

grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed and become due on the Credit of this Act and the Tolls hereby granted.

Trustees.

II. And be it further enacted, That *Henry Atherton*, *Peter Ainsworth*, *Thomas Ainsworth*, *Richard Ainsworth*, *Peter Ainsworth* the younger, *John Ainsworth*, *Robert Ainsworth*, *Richard Ainsworth* the younger, *Richard Aspdell*, *James Aspinwall*, *Henry Ainsworth*, *John Ainscow*, *George Barton*, *Henry Blundell*, *John Blackburne*, *John Bradshaw*, *Joseph Best*, *William Bispham*, *William Bowker*, *David Bentley*, *Edward Bolling*, *Robert Bolton*, *James Butler*, *Joseph Bourne*, *Charles Robert Blundell*, *Tatlow Bispham*, *John Brandreth*, *Thomas Bancroft* Clerk, *Edward Ashton Burrowes*, *William Bamber*, *Ralph Boardman*, Sir *Richard Clayton* Baronet, *William Clayton*, *Major Clayton*, *John Cockran*, *James Carlile*, *William Carlile*, *William Cocker*, *Oliver Cooper* Clerk, *John Cooper*, *Thomas Cooper*, *Richard Cross*, *Abraham Crompton*, *William Crompton*, *Thomas Crompton*, *John Charlton*, *John Craddock*, *Robert Darbishire*, *Isaac Dobson*, *Matthew Corr Dawes*, *Ralph Fletcher*, *Matthew Fletcher* the younger, *James Fletcher*, *George Fielding*, *Thomas Fogg*, *William Fogg*, *James Fowler*, *James Fowler* the younger, *Charles Fisher*, *John Garside*, *James Greenroyd*, *John Gardner*, Sir *Henry Houghton* Baronet, *John Hodson*, *John Hubbad*, *Thomas Heelis*, *John Heelis*, *Stephen Heelis*, *James Heelis*, *Thomas Howell*, *John Horridge*, *Samuel Houghton*, *Henry Horrocks*, *Samuel Horrocks*, *Samuel Horrocks* of *Bolton*, *Pitt Hewitt*, *Brook Hollinshead*, *Thomas Holden*, *Thomas Harding*, *James Harrison*, *John Johnson*, *John Jones*, *Edward Kearsley*, *James Kearsley*, *John Hodson Kearsley*, *Edward King*, *Robert Knowles*, *Robert Holt Leigh*, *Alexander* Lord *Lindsey*, *John Leigh*, *Edward Leigh*, *William Leigh*, *James Morris*, *Thomas Morris*, *James Morris* of *Little Bolton*, *John Mason*, *John Mawdsley*, *William Marsden* Clerk, *John Makinson*, *Daniel Makinson*, *Oliver Morris*, *John Pilkington* of *Bolton*, *Samuel Pennington*, *Peryn* Clerk, *Richard Pilkington*, *James Pearson*, *Joseph Pearson*, *Joseph Pickering*, *William Pennington*, *Peter Rothwell*, *Benjamin Rawson*, *Peter Rasbotham*, *Thomas Ridgway*, *Joseph Ridgway*, *Thomas Ridgway* the younger, the Right Honourable *Edward Smith Stanley* commonly called *Lord Stanley*, *Thomas Starkey*, *John Shaw*, *Richard Snape* Clerk, *Christopher Shaw*, *Leonard Slater*, *Silvester*, *John Singleton*, *William Singleton*, *Igdaliah Seddon*, *Swarley* of *Bolton*, *John Taylor*, *John Turner*, *Richard Tyrer*, *John Vause*, *Edward Unsworth*, *Lawrence Wright*, *George Watson*, *Henry Watson*, *William Wright*, *Roger Walker*, and *John Wood*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, repairing, diverting, widening, altering, improving, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Election of new Trustees.

III. And be it further enacted, That when and so often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, from Time to Time, to elect, nominate, and appoint One other Person to be a Trustee in the Room or Stead of such Trustee so deceased or refusing to act, but Notice of the Time and Place of the Meeting for every such Election of new Trustees shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes then erected by virtue of this Act upon the said Roads; and every such

such Person as shall from Time to Time be so chosen and appointed, is hereby vested with the same Powers for putting this Act in Execution, as if such Person had been named in and appointed a Trustee by this Act.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, 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 Real Estate in the County Palatine of *Lancaster*, of the clear yearly Value of Fifty Pounds above Reprizes, or be Heir apparent of some Person or Persons seised of such an Estate, of the clear yearly Value of One hundred Pounds, or be in Possession of or entitled to a Personal Estate to the Amount of One thousand Pounds, nor (except in administering the Oath herein-after mentioned, and giving Notice of the First Meeting of the said Trustees as herein-after mentioned), unless he shall have taken and subscribed before any Two or more of the said Trustees (who are hereby authorized and empowered to administer the same) the Oath following; that is to say,

Oath.

'I Do swear, That I truly and *bonâ fide* am seised of in my own Right
'I [*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 Real
'Estate in Law or Equity, situated in the County Palatine of *Lancaster*,
'of the clear yearly Value of Fifty Pounds, *or*, am Heir apparent of
'a Person who, to the best of my Knowledge or Belief, is seised of such
'an Estate of the clear yearly Value of One hundred Pounds, *or*, am
'possessed of or entitled to a Personal Estate to the Amount of One
'thousand Pounds.

'So help me GOD.'

And if any Person not so qualified shall presume to act in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act.

No Trustee to act while he holds any Place of Profit under this Act.

Trustees in Commission of Peace may act as Justices.

V. Provided always, and be it further enacted, That no Trustee shall have or enjoy any Place of Profit arising out of or by reason of the Tolls hereby granted, but every such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; nor shall any Trustee be capable of acting in any Case wherein he shall be personally interested, otherwise than as a Creditor on the said Roads: Provided also, that all such Trustees as are or shall be in the Commission of the Peace for the said County, may act as Justices of the Peace in the Execution of this Act notwithstanding their being Trustees.

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

VI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks, Treasurer or Treasurers, for the Time being, for or concerning any Thing to be done or suffered by virtue or in pursuance of this Act; and that no Action which shall be brought or commenced by the Direction of or against the said Trustees or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, Treasurer or Treasurers, or by the Act or Default of such Clerk or Clerks, Treasurer or Treasurers, without the Consent of the Trustees, or any Five or more of them, at a publick Meeting to be held for that Purpose, but the Clerk or Clerks, Treasurer or Treasurers, to the Trustees for the Time being, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action as the Case may be.

Clerk to be repaid his Expences.

VII. Provided always, and be it further enacted, That every such Clerk or Clerks, Treasurer or Treasurers, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges, as by the Event of any such Proceeding he or they shall be put to or become chargeable with, by reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants as aforesaid.

First Meeting of the Trustees.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the House of *Philip Hughes*, in the Township of *Little Bolton* aforesaid, on the Third *Wednesday* next after this Act shall have received the Royal Assent, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, of which Meeting Notice shall be given by Advertisement in one of the Newspapers printed at *Manchester*, at least Ten Days before such Meeting, by One or more of the said Trustees, and at which Time and Place the said Trustees shall proceed to the Election of a Clerk, and to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there or at any other Place in or near the said Roads, as the said Trustees attending the said Meeting shall think most convenient, as often as it shall be necessary, for putting this Act in Execution; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall, by Notice in Writing to be affixed on all the Turnpikes then erected on the said Roads and to be inserted in one of the said Newspapers at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was appointed to have been held, or at some other convenient House in or near the said Roads, on that Day Two Weeks from the Day on which such Meeting was held, or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall neglect or refuse to give such Notice, or by any Means shall be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting) at any

any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the said Trustees to meet at some convenient House in or near the said Road, upon that Day Two Weeks next after the Date of such last-mentioned Notice; and that the said Trustees at all their Meetings shall defray their own Charges and Expences.

Trustees to bear their own Expences.

Every Fourth Meeting of the Trustees to be held at some House North of Anderton.

IX. Provided always, and be it further enacted, That every Fourth General Meeting of the said Trustees to be held under or by virtue of this Act, shall be held at some convenient House situate North of the Publick House called *The Squirrel*, situate in the Township of *Anderton*, in the said County Palatine of *Lancaster*.

Orders made at Meetings valid.

X. Provided always, That no Order, Appointment, or Proceeding of the said Trustees, shall be deemed to be valid unless made or had at a Meeting held in pursuance of this Act (except in Cases herein particularly provided for); and that no such Order, Appointment, or Proceeding, shall be made or had unless the Majority of the Trustees present shall concur therein, such Meeting not consisting of less than the Number of Trustees by this Act authorized to make such Order, Appointment, or Proceeding; nor shall any Order or Appointment made at a Meeting of any Five or more of the said Trustees be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration intended to be made, shall have been given to such of the said Trustees as were present when such Order, Appointment, or Proceeding was made, and also affixed upon all the Turnpikes then erected on the said Roads, and inserted in one of the said Newspapers, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of Three-fourths of the Trustees present at such Meeting shall decide in favour of such Revocation or Alteration.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary by any Five or more of the said Trustees, that an earlier Day of Meeting than the Day to which such Meeting shall have been adjourned, the Clerk or Clerks, by an Order in Writing signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting, in the Manner before directed, such Time not being less than Seven Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Orders and Proceedings to be entered in Books, and admitted as Evidence.

XII. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept by the Clerk or Clerks for that Purpose, and signed by all or the major Part of the Trustees present at the Meeting at which each respective Order or Proceeding shall be made or had, and such Orders and Proceedings so entered and signed by the said Trustees, or the major Part of them, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders; and that every such Book or Books shall be open at all seasonable Times to the Inspection

tion of any of the ſaid Truſtees who ſhall be at Liberty to take Copies thereof, or Extracts therefrom, without Fee or Reward; and the ſaid Entries ſo made and ſigned in the ſaid Book or Books, or true Copies thereof, and alſo the Book directed to be kept for regiſtering Mortgages and Aſſignments, as herein-after mentioned, ſhall be read and admitted as Evidence in Caſes of Appeal, and in all Suits or Actions in any Court whatſoever touching any Thing done or to be done in purſuance of this Act.

Truſtees may appoint Officers.

XIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, by Writing under their Hands, nominate and appoint one or more fit and proper Perſon or Perſons to be a Clerk or Clerks, Treaſurer or Treaſurers, and Collector or Collectors of the Tolls, and ſhall take a Bond within One Calendar Month after the Appointment of ſuch reſpective Officers, with ſufficient Surety in ſuch Penalty as the ſaid Truſtees, or any Five or more of them, at any Meeting ſhall direct, conditioned for the Execution of their reſpective Offices; and alſo one or more fit Perſon or Perſons to be Surveyor or Surveyors of the ſaid Roads; and alſo ſuch other Officers as they or any Five or more of them ſhall think neceſſary to be employed in the Execution of this Act; and from Time to Time to remove any ſuch Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer, as they, or any Five or more of them, ſhall ſee occaſion, and appoint others in Caſes of Death or ſuch Removal; and that out of the Monies to be received by virtue of this Act, ſuch Allowances and Compenſation ſhall be made to the ſeveral Officers to be appointed as aforeſaid, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as they the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable.

Truſtees may allow Officers Salaries, &c.

Officers to account on Oath.

XIV. And be it further enacted, That all ſuch Officers and other Perſons to be appointed as aforeſaid, ſhall from Time to Time, when thereunto required by the ſaid Truſtees, or any Five or more of them, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands of all Monies which ſhall have been by them reſpectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purpoſe, the ſame or any Part thereof, hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments, and ſhall verify the ſaid Accounts upon Oath; and ſuch Officers and Perſons ſhall and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands, to ſuch Perſon and Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render or give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof on Oath (which Oath the ſaid Truſtees or any Five or more of them, are hereby authorized to adminiſter), or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid, or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up 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, within Four Days after being thereunto required by the

the ſaid Truſtees, or any Five or more of them, all Books, Accounts, Papers and Writings, in their reſpective Cuſtody or Power, in anywiſe relating to the Execution of this Act, or to the ſaid Roads, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall be or reſide, by any Five or more of the ſaid Truſtees, or by any Perſon or Perſons on their Behalf, ſuch Juſtice may and is hereby authorized and required by Warrant or Warrants to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his, her, or their appearing or not appearing (except for ſome reaſonable Excuſe, and having been firſt duly ſummoned) to hear and determine the Matter of ſuch Complaint in a ſummary Way, and ſettle the ſaid Account or Accounts, if produced in ſuch Manner as the ſaid Truſtees, or any Five or more of them, might have done; and if upon the Settlement of ſuch Account or Accounts, or upon the Confeſſion of the Officer, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the ſaid Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if ſufficient Goods or Chattels ſhall not be found to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe (except for ſome reaſonable Excuſe) or appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of any ſuch Account, or of the Articles thereof upon Oath as aforeſaid, or to produce and deliver to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his, her, or their Cuſtody or Power, in anywiſe relating to the Execution of this Act, or to the ſaid Roads, then and in any of the Caſes aforeſaid the ſaid Juſtice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Houſe of Correction in and for the County, Diſtrict, or Place where he, ſhe, or they ſhall be or reſide, there to remain without Bail or Mainprize until he, ſhe, or they ſhall have delivered in and ſettled his, her, or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he, ſhe, or they ſhall have compounded with the ſaid Truſtees or any Five or more of them, and paid the Sum compounded for to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered in ſuch Caſe to make) or until he, ſhe, or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings

as

as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees or any Five or more of them.

Truſtees may appoint temporary Collectors.

XV. And be it further enacted, That upon the Death, Incapacity, Abſconding, Miſbehaviour, or Abſence of any Collector or Receiver of the Tolls, any Five or more of the ſaid Truſtees, though not at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver who ſhall abſcond, miſbehave, or become incapable, or abſent himſelf as aforeſaid, and nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, in the Stead of ſuch Collector or Receiver ſo dying or being diſcharged, and to continue until the then next Meeting of the ſaid Truſtees, which Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall ſo die or be diſcharged would have been or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe or neglect to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given or left on the Premiſes for that Purpoſe by or under the Hands of any Three or more of the ſaid Truſtees, or their Clerk or Treaſurer, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County in which ſuch Toll Houſe or Building ſhall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer within the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon and Perſons who ſhall be found therein, and the Occupier or Occupiers thereof, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or their Clerk, or their new appointed Officer, into the Poſſeſſion thereof, with the Appurtenances.

Power to erect Turnpikes or Tollhouſes.

XVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby fully authorized and empowered to maintain and continue the Turnpike and Turnpike Gate now ſtanding and being upon and acroſs the ſaid Road leading from *Bolton* to *Nightingales* aforeſaid, near *Doffcocker Lane*, at the Place where the ſame now ſtands, and alſo to maintain and continue the Two ſeveral other Gates, One of them being acroſs the ſaid Road, and the other on the Side thereof, at or near a Place called *The Crown Publick Houſe* in *Horwich*, where the ſame now ſtand, and from Time to Time to remove the ſaid laſt-mentioned Two Gates, and in lieu thereof to erect and ſet up or cauſe to be erected and ſet up One or more Turnpike Gate or Gates acroſs or on the Side of the ſaid Road, and to erect or cauſe to be erected other Gates in lieu thereof, within the Limits laſt aforeſaid; and the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby fully authorized and empowered to erect and ſet up, upon, acroſs, and on the Side of the ſaid Road or Highway, leading from *Bob's Smithy* to the new Turnpike Road leading from *Bolton* to *Preſton*, and upon,

upon, acroſs, and on the Side of the ſaid Road or Highway leading from *Abigail Bromileys*, by *Smithill's Mill*, into the Road leading from *Bolton* to *Blackburn*, ſuch and ſo many Turnpike Gates as they ſhall think proper, and from Time to Time remove the ſame to any other Place or Places, upon, acroſs, or on the Side of the ſaid laſt-mentioned Roads or Highways, as they or any Five or more of them ſhall find neceſſary or convenient; and it ſhall alſo be lawful for the ſaid Truſtees, or any Five or more of them, to erect and ſet up, or cauſe to be erected and ſet up, in, upon, and acroſs any Lane or Way leading into, from, or out of the ſaid reſpective Roads, ſuch and ſo many Turnpikes or Toll Gates as they ſhall judge proper, and to remove the ſame to ſuch Place or Places as they ſhall find neceſſary, and ſhall and may alſo erect and ſet up proper Toll Houſes, and convenient Buildings, Gardens, and Fences, near to the ſaid ſeveral Turnpike Gate or Gates; and that the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint, at each of the ſaid Gates or Turnpikes, before any Horſe or Horſes, Beaſt or Beaſts, Cattle, or Carriage or Carriages, ſhall be permitted to paſs through the ſame; (that is to ſay,)

Power to take Tolls.

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Caliſh, or Hearſe, drawn by Six Horſes, or other Beaſts of Draught, Two Shillings and Sixpence; and drawn by Four Horſes or other Beaſts, Two Shillings; and drawn by Three Horſes or other Beaſts, One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts, One Shilling:

For every Chair, Chaiſe, or other ſuch Carriage, drawn by One Horſe or other Beaſt, Eight-pence:

For every Waggon drawn by Six Horſes or other Beaſts, Three Shillings; and drawn by Five Horſes or other Beaſts, Two Shillings and Sixpence; and drawn by Four Horſes or other Beaſts, Two Shillings; and drawn by Three Horſes or other Beaſts, One Shilling and Nine-pence; and drawn by Two Horſes or other Beaſts, One Shilling and Sixpence; and drawn by one Horſe or other Beaſt, One Shilling:

For every Cart or Wain drawn by Three or Four Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts, One Shilling; and drawn by One Horſe or other Beaſt, Eight-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, or other Beaſt, One Penny Halfpenny:

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

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

Double Tolls on Sundays.

Manner of Recovery.

And that on every *Sunday* throughout the Year there ſhall be demanded and taken at each of the ſaid Gates or Turnpikes, by ſuch Perſon or Perſons to to be nominated and appointed as aforeſaid, before any Coach, Waggon, Cart, or other Carriage, or any Horſe, Cattle, or other Beaſt, ſhall be permitted to paſs through the ſame, Double the reſpective Tolls herein before mentioned, which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a 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, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed to collect the

ſaid

ſaid Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary (and which Aſſiſtance all Perſons are hereby required to give if called upon), to ſeize and diſtrain any Horſe or Horſes, or other Beaſts or Cattle, upon which ſuch Toll is by this Act impoſed, together with their Bridles, Saddles, Geers, Harneſs, or Accoutrements, or to ſtop, ſeize, and diſtrain any Carriage drawn by ſuch Horſe or Horſes, or other Beaſts or Cattle; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, or Things ſo ſeized or diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, on Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure and Diſtreſs, ſhall be deducted and paid; and that all the Tolls and Monies ſo to be collected and levied, and the Money borrowed or to be borrowed on the Credit thereof, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be paid, applied, and diſpoſed of to and for the ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner as is herein mentioned.

Tolls veſted in the Truſtees.

XVII. Provided always, and be it further enacted, That the Tenants of the Right Honourable *Thomas* Earl *Wilton*, occupying Lands belonging to *Horrock's* Fold and *Greenhalgh's* Eſtates, ſhall not be liable to pay any Toll at any Bar to be erected at or near the Junction of the new *Preſton* Turnpike Road.

Exemptions as to Horrock's Fold, &c.

XVIII. Provided always, and be it further enacted, That no Perſon ſhall be ſubject or liable to the Payment of any Toll more than Once in Twelve Hours for any Cart or other Carriage with Wheels of the Breadth of Six Inches and upwards, laden with Coals only, which ſhall paſs through any of the ſaid Turnpike Gates with the ſame Cart and Horſes, or on the Return of any ſuch Cart in which Coal ſhall have been conveyed; any Thing in this Act contained to the contrary notwithſtanding.

Exemption as to Carts with Six Inch Wheels.

XIX. Provided always, and be it further enacted, That the Tenants of *Henry Blundell* Eſquire, occupying Farms called *Langſhaw Ford*, *Harwood*, *Old Harts*, and *Old Stones* Eſtates, ſhall not be liable to pay any Toll at any Bar to be erected at or near the Junction of the *Old Preſton* Turnpike Road.

Mr. Blundell's Tenants not liable to pay Toll at the Bar, to be erected near the Junction of the Old Preſton Road.

XX. Provided alſo, and be it further enacted, That the Tenants of *John Gartſide* Eſquire, occupying Lands through which the ſaid Road from *Abigail Bromileys*, into the Road leading from *Bolton* to *Blackburn* is to paſs, ſhall not be liable to pay any Toll at any Bar to be erected at or near *Boardman's Platting*, in *Little Bolton* aforeſaid.

Mr Gartſide's Tenants not to pay Toll, at the Gate to be erected near Boardman's Platting.

XXI. Provided always, and be it further enacted, That all Horſes, Carts, or Carriages, which ſhall paſs the ſame Day through any Side Bar or Gate, to be erected on the Side or Sides of the Turnpike Roads authorized to be made by this Act, acroſs any Way or Lane leading into or out of the ſame, and through the next Gate or Bar to be erected in, upon, or acroſs the ſaid Turnpike Road, ſhall be exempt at the other of the ſaid

Tolls to be paid at only One Gate.

ſaid laſt-mentioned Gates or Bars, from ſo much Toll as ſhall have been reſpectively paid for ſuch Horſes, Cattle, or Carriages, at the other of the ſame Gates or Bars, as they ſhall have ſo previouſly paſſed through by a Note or Ticket, which the Collectors of the Tolls are hereby required to deliver *gratis* on the Receipt of the Tolls.

Lord Wilton's Tenants not to pay Toll at more than One Bar, on the Road from Bob's Smithy to Preſton.

XXII. Provided always, and be it further enacted, That the Tenants of the ſaid *Thomas* Earl *Wilton*, and *Henry Blundell* Eſquire, occupying Lands as aforeſaid, ſhall not be liable to pay more than at One Bar, in travelling the ſaid Road from *Bob's Smithy* into the Road leading from *Bolton* to *Preſton* aforeſaid.

Not to remove Doff-cocker Bar.

XXIII. And be it further enacted, That nothing in this Act contained ſhall extend to empower the ſaid Truſtees, or any of them, to erect any Gate or Turnpike upon or to the Eaſtward of the Lane called *Doffcocker Lane*, leading into the ſaid High Road on the North Side thereof.

Certain Reſtrictions as to the erecting of Gates.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Truſtees to erect any principal Turnpike Gate or Bar, North of the ſaid Publick Houſe called *The Squirrel*, in the Townſhip of *Anderton*, in the ſaid County, during the firſt Ten Years of the Term granted by this Act, nor within One Mile from the Canal Bridge at *Nightingales*, during the Remainder of the ſaid Term granted by this Act.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XXV. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of keeping any Diſtreſs or Diſtreſſes, it ſhall be lawful for the Collector or Perſon diſtraining to retain the ſame, or the Money ariſing by the Sale thereof, as the Caſe may happen, until the Amount of Tolls due, and Charges of ſeizing, diſtraining, keeping, and ſelling ſuch Diſtreſs or Diſtreſſes, ſhall be aſcertained by ſome Juſtice of the Peace for the County of *Lancaſter*, who, upon Application made to him for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties, or any credible Witneſs or Witneſſes, and determine the Amount of the Tolls due, and aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo of the Collector's Attendance for that Purpoſe on the ſaid Juſtice, all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon before he ſhall be obliged to return any Diſtreſs, or the Overplus Money, after the Sale thereof or of any Part thereof.

Collectors of Tolls competent Witneſſes.

XXVI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, or any of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon thereof.

Application of the Money.

XXVII. And be it further enacted, That all Monies and other Effects, which the Truſtees under the ſaid reſpective Acts of the Third and Twenty-fifth Years of His preſent Majeſty, or any Treaſurer or other Perſon on their Behalf, are or is poſſeſſed of or entitled to by virtue of the ſaid

ſaid Acts, ſhall be, and the ſame are hereby veſted in the Truſtees appointed by this Act; and the ſame, and all Monies which ſhall be borrowed, collected, or received under the Powers and Authorities of this Act, ſhall be diſpoſed of and applied by the ſaid Truſtees, or any Five or more of them, in Manner following; that is to ſay, that out of the Monies ariſing or to ariſe by virtue of the ſaid former Acts or this Act, in Manner aforeſaid, the Expences of procuring and paſſing this Act, and all incidental Charges relating thereto and attending the ſame, ſhall be firſt paid and diſcharged, and in the next Place the Expences of erecting and ſetting up ſuch Turnpikes, Machines, and Engines, and ſuch Toll Houſe and Houſes, and Engine Houſe reſpectively, as the ſaid Truſtees are hereby empowered to erect and ſet up, ſhall be ſatisfied and defrayed; and after full Payment thereof the Remainder of ſuch Monies and Effects, and all Tolls collected or to be collected at the ſeveral Turnpikes continued or erected in purſuance of this Act, and all Penalties to be levied, and Money borrowed and received in purſuance thereof, ſhall be chargeable with, and applied to the Payment of the Principal and Intereſt of all ſuch Sums of Money as are now due and owing under the Authority and upon the Credit of the ſaid former Acts; and from and after full Payment thereof, and in the mean Time ſubject thereto, the ſaid Tolls to be collected at the ſaid Turnpikes, Machines, and Engines to be erected in purſuance thereof, and all Monies to be borrowed on the Credit thereof, and all Penalties levied and Monies received for the Purpoſes of this Act, ſhall from Time to Time be applied in making, widening, diverting, altering, repairing, and keeping in Repair, the ſaid Roads, other than and except ſuch Parts of the ſame as are expreſſed in the Turnpike Acts for making and repairing the Roads leading from *Bolton* aforeſaid to *Preſton* aforeſaid, and from *Bolton* aforeſaid to *Blackburn* aforeſaid, and in otherwiſe putting this Act in Execution, and in paying the Intereſt and Principal of any Money to be borrowed by virtue of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint.

Not to extend to other Roads.

XXVIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall not nor ſhall any of them, by reaſon of being ſuch Truſtees, be in any Manner liable to repair, widen, or improve any Part or Parts of the ſaid Road which paſſes or pals along and in the laſt-mentioned Turnpike Roads from *Bolton* aforeſaid to *Preſton* aforeſaid, and from *Bolton* aforeſaid to *Blackburn* aforeſaid, or any Part thereof, nor ſhall any Part or the Monies and Effects to be collected under and by virtue of this Act be in any Manner applicable to or applied in and on account of the repairing, widening, and improving thereof; any Thing herein contained to the contrary notwithſtanding.

Turnpikes and Toll Houſes veſted in Truſtees.

XXIX. And be it further enacted, That the ſaid Turnpikes and Toll Houſes, and other Buildings to be erected or provided, upon, at the Side of or near the ſaid Road, and the Materials for building or altering the ſame reſpectively, and all Materials, Tools, and other Things which ſhall be provided, collected, or made uſe of for making, repairing, or improving the ſaid Road, or for executing this Act, ſhall be and the ſame are hereby veſted in the ſaid Truſtees for the Time being, and they or any Five or more of them are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, or to proſer and proſecute, at the

the Expence of the Revenues of the Truſt, any Bill or Bills of Judgement, ſtating the ſeveral Matters and Things aforelaid to be the Property of their Clerk or Clerks, Treaſurer or Treaſurers, againſt any Perſon or Perſons who ſhall ſteal, take away, or damage the ſame, or any Part thereof, or diſturb the ſaid Truſtees, or any of them, or any of their Collectors or other Officers in the Poſſeſſion thereof, or in the Execution of their or his Duty under this Act.

Tolls to be paid but Once for paſſing and repaſſing, except, &c.

XXX. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike to be erected by virtue of this Act, ſhall be ſubject to any Toll for returning through ſuch Turnpike Gate the ſame Day, or before Twelve of the Clock at Night of the ſame Day, with the ſame Horſe or Horſes, Mares, Cattle, or Carriage, but ſhall return Toll-free 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 Receipt of the Toll.

Truſtees may leſſen the Tolls and raiſe them again if neceſſary.

XXXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be held for that Purpoſe, (whereof Twenty Days Notice ſhall be affixed in Writing upon all the Turnpikes then erected by virtue of this Act) may and they are hereby empowered from Time to Time to leſſen or reduce all or any of the Tolls hereby granted, and to order ſuch Tolls ſo leſſened or reduced to be collected and received in ſuch Manner, Parts, and Proportions, as they ſhall think fit, ſo that ſuch Reduction be no Prejudice to, and be with the Conſent of Five Sixth Parts in Value of the ſeveral Perſons who ſhall have advanced any Money on the Credit of the ſaid Tolls at the Time of ſuch Reduction; and the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered to raiſe the ſaid Tolls again, or any Part thereof, ſo that the ſame do not exceed the reſpective Tolls herein-before granted; and ſuch Tolls ſo reduced and raiſed again reſpectively, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

Truſtees may compound.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, to compound for any Term, not exceeding One Year at a Time, with any Perſon or Perſons, for any Carriages, Horſes, Beaſts, or Cattle travelling on the ſaid Roads, for all or any of the Tolls to be paid in reſpect of ſuch Carriages, Horſes, Beaſts, or Cattle, and all ſuch Compoſition Money ſhall be paid in Advance, Quarterly, or otherwiſe, as the ſaid Truſtees ſhall appoint, and in Default thereof the Compoſition ſhall be void.

Penalty on Perſons diſpoſing of Tickets.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall diſpoſe or offer to diſpoſe of any Ticket or Tickets to any Perſon or Perſons, in order to enable ſuch Perſon or Perſons to evade the Payment of any of the ſaid Tolls, every ſuch Perſon or Perſons ſo offering or diſpoſing of ſuch Ticket or Tickets, and the Perſon or Perſons receiving the ſame for the Purpoſe aforelaid, ſhall reſpectively forfeit any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings, whereof One Moiety ſhall go to the Informer, and the other Moiety ſhall be applied towards the Purpoſes of this Act.

XXXIV. Provided

Exemptions

XXXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriages laden only with Stone, Brick, Gravel, or other Materials for making or repairing the said Roads, or for repairing the Highways in any Township through which any Part of the said Roads lead, or laden with Dung, Marl, Soil, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving Land; or for any Cattle or Carriage laden only with Hay, Hay Grass, Sainfoin, Fodder, Straw, or Corn in the Straw, to be laid up in any of the Houses, Outhouses, Buildings, or Premises of the Owners thereof (except Carts or Carriages laden with Hay or Straw for Sale); or for any Ploughs, Harrows, or other Implements of Husbandry, passing in order to the using the same; nor for any Cattle or Carriages going empty and unladen for, or returning empty and unladen, after having carried such Stone, Bricks, Gravel, or other Materials for repairing the said Roads, or for repairing the Highways in any Township through which the said Roads lead, or such Dung, Marl, Soil, Mould, Compost, or other Manure, of any Kind or Nature whatsoever, to be used in manuring and improving Land; or any Hay or Corn in the Straw, to be laid up in any of the Houses, Outhouses, Buildings, or Premises of the Owners thereof; or any Corn or Grain to be ground, or any Oatmeal, Wheat Flour, or other Flour or Bran whatsoever, ground or made from any Corn or Grain ground in any Mill or Mills (such Corn having grown upon the Lands near the Line of the said Roads); nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; or of or from any Person or Persons in any of the said Townships, for passing through any of the said Turnpikes on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, to his, her, or their Parish Church, or other usual Place of Religious Worship, licensed according to Law, for the Purpose of attending or after having attended Divine Worship thereat; or for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person who shall die, and be interred in any of the said Townships; or for or in respect of any Cattle belonging to any of the said Inhabitants, which shall be only going to or returning from Pasture or Water, or drawing any Plough or Harrow; or for any Cattle or Carriage belonging to any Inhabitant of any Township wherein any such Turnpike shall be erected, which shall be only passing to the Smith's Shop in order to be shod or farried, or for the Return of any such Cattle or Carriage unladen; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying, fetching, or guarding the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers on their March or on Duty, or for the Cattle or Carriages attending them, or laden only with their Arms and Baggage; or for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Voluntary Cavalry, and rode by them, in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Persons are in the Uniform 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 Exemption as aforesaid; or for Horses or Carriages travelling with

with Vagrants ſent by legal Paſſes; nor for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chairs, or Paſſengers on Horſes, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the 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 ſhall fraudulently claim and take the Benefit of any of the Exemptions by this Act granted, from the Whole or any Part of the ſeveral Tolls hereby authorized to be taken, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Fifty Shillings nor leſs than Twenty Shillings.

No Exemptions to be taken for narrow wheeled Waggons and Carts.

XXXV. Provided always nevertheleſs, That if any Waggon, Cart, or other ſuch Carriage, having at the Time of uſing thereof Wheels of leſs Breadth than Six Inches, on the Sole or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or ſo as not to deviate more than Half an Inch from a flat Surface, or ſhall not have the Nails counterſunk ſo as not to riſe above the Surface; or if any other Cart or Carriage, which, together with the Loading thereof, ſhall be of a greater Weight than is allowed (by the Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*,) to Waggons, Carts, and Carriages of the ſame Kind reſpectively, and laden with ſuch Goods as do not exempt the ſame from the additional Tolls hereby impoſed, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Waggons, Carts, or other Carriages, to be weighed in like Manner, and with the ſame Powers and Authorities as are directed for weighing Carriages by the ſaid laſt-mentioned Act.

Penalty on permitting Perſons to go through private Grounds.

XXXVI. And be it further enacted, That if any Perſon or Perſons owning or occupying any Land near to any Part of the ſaid Roads, ſhall knowingly and willingly permit or ſuffer any other Perſon or Perſons to go or paſs with any Cattle or Carriage through or over the ſame, in order or with Intent to avoid the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall go or paſs with any Cattle or Carriage through or over any Land or Ground, not being a publick Highway, in order and with Intent to avoid the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall take off or cauſe to be taken off any Horſe or other Cattle from any ſuch Carriage, with an Intent to avoid Payment of any of the ſaid Tolls, or any Part thereof; or ſhall leave or cauſe to be left upon or near the ſaid Roads any Cattle or Carriage as aforeſaid, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit any Sum not exceeding Fifty Shillings nor leſs than Thirty Shillings.

Power to remove Gates within the Limits preſcribed.

XXXVII. Provided always, and be it further enacted, That no Gate or Turnpike to be erected or ſet up by virtue of this Act, ſhall at any Time, after the ſame ſhall be ſo ſet up, be taken down or removed to any other Place, except by Order of the ſaid Truſtees, or any Five or more of them, at a Meeting to be held for that Purpoſe, and unleſs Notice in Writing, ſpecifying the Purpoſe or Purpoſes of ſuch Meeting, ſhall be

be affixed upon all the Turnpikes then erected by virtue of this Act, and also inserted in One of the *Manchester* Newspapers, Twenty-one Days at least before such Meeting; any Thing in this Act contained to the contrary thereof notwithstanding.

Trustees enabled to borrow Money on the Credit of the Tolls.

XXXVIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon all the Turnpikes then erected upon the said Roads, 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, to assign over or mortgage the Tolls to be collected and levied at any of the said Turnpikes, or any Part thereof respectively, and also the said respective Toll Houses and Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the said Trustees, or any Five 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 legal or less Interest as the said Trustees, or any Five 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 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 in such other Form as the said Trustees making the same shall think proper; *videlicet*,

Form of the Mortgage.

'BY virtue of an Act made in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of this Act*] We, Five of the Trustees for putting the said Act in Execution, in Consideration of the Sum of
' to the Treasurer of the said Roads in Hand paid, do
' grant, bargain, sell, and demise unto *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Roads
' in the said Act mentioned, and of the Turnpikes and Toll Houses for
' collecting the same, as the said Sum of
' doth or shall bear to the whole Sum due and owing on
' the Credit thereof, to be had and holden from this Day of
' in the Year of our Lord
' for and during the Continuance of the said
' Act, unless the said Sum of
' with Interest, at the Rate of *per Centum*
' *per Annum*, shall be sooner paid and satisfied.'

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be inspected and perused by the said Trustees, or any of them, or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any other Person

or Perſons whomſoever, by Indorſement on the Back of ſuch Security, or by any other Writing under his or her Hand, before One credible Witneſs to the following Effect; *viddlicet*,

Form of Transfer.

'I Do transfer this Mortgage [*or*, a certain Mortgage, *as the Caſe may be*] with all my Right and Title to the Principal thereby ſecured, 'and to all the Intereſt now due upon the ſame, unto
'Executors, Adminiſtrators, and Aſſigns. Dated this
'Day of
'*A. B.*

Which transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Twenty Days after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon, and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except ſuch to whom the ſame ſhall be laſt transferred) to make void, releaſe, or diſcharge the original Security, or Monies thereby due or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made by virtue of this Act, ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of Time of Advance of any Sum or Sums of Money on ſuch Mortgage or Mortgages, or of the Dates thereof reſpectively.

No Priority.

Old Mortgages may be called in, and new ones granted.

XXXIX. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages now ſtanding out that were made by virtue of the ſaid former Acts or either of them, and give and execute another Mortgage or Mortgages inſtead and in lieu thereof reſpectively in Manner, and transferable as herein-before is mentioned.

Truſtees may make, alter, and divert the Road.

XL. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby fully empowered, from Time to Time as they ſhall think proper, to make, divert, widen, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the Roads comprized in this Act; and the ſaid Roads, or any Variation thereof, may be made of any Width not exceeding Sixty Feet; and any Alteration, Diverſion, Variation, or widening of ſuch Road, may be made through any Common or Waſte Ground, without making any Satisfaction for the ſame, and through any private or incloſed Lands, 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 be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree, with the Owners 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, or changing the Courſe or Path of any

Part or Parts of the ſaid Roads through ſuch Lands and Hereditaments; and it ſhall be lawful for all Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Committees, Executors, Adminiſtrators, Huſbands, Guardians, and other Truſtees whatſoever, not only for or on Behalf of themſelves, their Heirs and Succeſſors reſpectively, but alſo for and on Behalf of Infants, Femes Covert, and *Ceſtuique* Truſts, and all other Perſons whomſoever, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Sale of ſuch Lands and Hereditaments, or any Part thereof, or for their Intereſts therein, for the Purpoſes of 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.

Part of the Roads which ſhall be made not to exceed Forty-five Feet wide.

XLI. Provided always, and be it further enacted, That ſuch Part or Parts of the ſaid Roads, leading from *Bob's Smithy* aforeſaid, into the new Turnpike Road leading from *Bolton* to *Preſton*; and alſo the ſaid Road leading from the ſaid Place called *Abigail Bromileys*, by the ſaid Mill called *Smithill's Mill*, to the Turnpike Road leading from *Bolton* to *Blackburn* aforeſaid, or any Variation thereof, as ſhall or may be made, ſhall not in any Place exceed the Width of Forty-five Feet; any Thing in this, or any other Act or Acts to the contrary notwithſtanding.

When Owners of Lands refuſe to treat.

XLII. And be it further enacted, That if any Bodies Politick or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, or any ſuch Feoffees in Truſt, Committees, Executors, Adminiſtrators, Huſbands, Guardians, or any other Perſon or Perſons as aforeſaid, intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers, of ſuch Bodies Politick or 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 Part of the ſaid Roads, or through which the ſaid Roads are to be diverted or varied 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 ſuch Caſe the ſaid Truſtees, or any Five 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 Oaths any Two or more of the ſaid Truſtees are hereby empowered 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 the ſaid Road, or of making, widening, diverting, or changing the ſaid Road through the ſame; and in order thereunto the ſaid Truſtees, or any Five 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 and Perſons whomſoever, who ſhall be thought proper and

Damages and Recompences to be ſettled by a Jury.

Witneſſes to be examined upon Oath.

and neceſſary 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 Five or more of them, ſhall, by ordering the ſaid Jury to view the Places in queſtion, or otherwiſe, uſe all lawful Ways and Means as well for their own as for the ſaid Jury's better Information in the Premiſes; and after the ſaid Jury ſhall have ſo enquired of, aſcertained, and ſettled ſuch Damage and Recompence, they the ſaid Truſtees ſhall order, adjudge, and direct the Sum or Sums of Money which ſhall be ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners or Proprietors of, or 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 Judgement or Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, Remainder, Expectancy, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick or Corporate, Eccleſiaſtical or Civil, Aggregate or Sole, as well as all other Perſons whomſoever, and againſt all and every ſuch Owners and Proprietors; and all and every other Perſon and Perſons anywiſe intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall thereby be from thenceforth, to all ſuch Intents and Purpoſes, excluded and diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame.

Verdict of the Jury to be final.

By Truſtees Warrant, Sheriff to impannel a Jury.

XLIII. And be it further enacted, That, for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County 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 Five 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 Twenty-four ſuch Perſons as aforeſaid; and out of the Perſons ſo impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſe aforeſaid; and in 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 be ſpeedily procured to attend that Service, to the Number of Twelve; and that the ſaid Truſtees, and all Perſons intereſted, ſhall have their lawful Challenges againſt any of the ſaid Jurymen; and that 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 being ſummoned and returned on ſuch Jury ſhall not appear (except for ſome reaſonable Excuſe) or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give his or their Verdict, or ſhall in any other Manner wilfully neglect his or their Duty therein (contrary to the true Intent and Meaning of this Act) and on any Perſon or Perſons, who being ſummoned to give Evidence before the ſaid Jury as aforeſaid, touching the Premiſes,

Jurors may be challenged, and Sheriff and Jury fined for Default.

ſhall

ſhall not attend (except for ſome reaſonable Excuſe) or attending ſhall refuſe to be ſworn and examined, or to give Evidence touching the ſame, ſo that no ſuch Fine exceed the Sum of Ten Pounds upon any Perſon for One Offence.

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

XLIV. 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 ſaid Tolls; or upon all Monies to be borrowed on the Credit of ſuch Tolls, and ſhall be paid thereout accordingly, either into the Bank of *England*, or as the Caſe may require, to the Perſons reſpectively entitled thereto, or to their Agents; and that upon Tender or Payment thereof to ſuch Perſons reſpectively, or to 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 to the ſaid Truſtees, for the Uſe of ſuch Perſons, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into and upon, and to take or add to the ſaid Roads ſuch Lands and Hereditaments, and to do all and every ſuch Act, Matter, and Thing, in relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and the ſaid Lands and Hereditaments ſo added to, taken in, or made Part of the ſaid Roads, ſhall be fenced from the adjoining Lands by Order of the ſaid Truſtees, or any Five or more of them, and ſhall be deemed and taken to be a Part of the Roads hereby directed to be repaired for ever hereafter, and ſhall, to all Intents and Purpoſes, be a publick and common Highway, and ſhall be repaired and kept in Repair by ſuch Ways and Means as the Roads hereby directed to be repaired are by this Act to be repaired and kept in Repair; and after ſuch new Road ſhall be completed, the Lands or Grounds conſtituting the old or former Road (unleſs leading over ſome Moor, Common, or Waſte Ground, or to ſome Village, Town, or Place to which ſuch new Road doth not lead) ſhall be veſted in the ſaid Truſtees, and ſhall and may be ſold and conveyed by them, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the Purpoſes of this Act; and a Conveyance of the ſaid old Road, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled with the Clerk of the Peace for the ſaid County of *Lancaſter*, ſhall be good and effectual.

Although the Money tendered be not accepted, the Lands may be laid to the Roads.

Truſtees empowered to ſell Ground not wanted for the Purpoſes of this Act.

XLV. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are hereby empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of ſome Piece or Pieces of Ground, and of ſome Piece or Parcel of the ſaid old Roads, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of Ground, or Piece or Pieces of the ſaid old Roads, either together or in Parcels, as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons whoſe Lands adjoin to have the Preference.

XLVI. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of the ſaid old Roads, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto, and that the ſaid Truſtees, before they ſhall ſell or

diſpoſe of the ſaid Piece or Pieces of Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of his Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Roads or Ground ſhall lie, by ſome Perſon or Perſons noways intereſted in the ſaid Piece or Pieces of old Roads or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed 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 purchaſing or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, 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 in purſuance of this Act, and the Expence 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, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplition or Nonapplication of ſuch Money.

How the Expences of Jury ſhall be paid.

XLVII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons, in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the Hearing and Determining of ſuch Difference, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining ſuch Difference, ſhall be paid and borne by the Perſon or Perſons with whom the ſaid Truſtees, or any Five or more of them, ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County of *Lancaſter*, not intereſted in the Matter in queſtion (who

is hereby authorized and required to examine 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 or Perſons, and the Payment or Tender of the Remainder of ſuch Money 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 the Clerk or Clerks to the ſaid Truſtees, in and by ſuch Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures.

Application of Compenſation when exceeding 200 l.

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

XLIX. Provided

Application when the Compenſation does not exceed 200 l. nor leſs than 20 l.

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

Application where the Money is leſs than 20 l.

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

In caſe of not making out Titles;

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

LI. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid 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 Five or more of them, to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, 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

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

and

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 publick Funds, or to order Diſtribution thereof, in 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, 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.

Caſhier of the Bank to give a receipt for ſuch Money.

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

LIII. 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 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 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.

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

LIV. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the ſaid Truſtees as aforeſaid, ſhall not extend to the pulling down any Dwelling Houſe or other Building, or

Truſtees not to pull down Houſes, &c.

taking in the Scite of any Houſe or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owners and Proprietors thereof, and the ſeveral Perſons intereſted therein reſpectively, other than and except all or ſo much of the Cottages or Dwelling Houſes ſituate at *Little Bridge* in *Little Bolton*, in the Occupation of *Simpſon*, and the Cottages or Dwelling Houſes ſituate in *Horwich*, in the Occupation of *Eatoch*, and the Meſſuages or Dwelling Houſes ſituate near *Smithill's Mill*, in *Halliwell*, in the Occupation of *Peter* and *Richard Ainſworth*, and a certain Outhouſe ſituate in *Halliwell* aforeſaid, in the Occupation of *John Cooper*, as ſhall be neceſſary for making, widening, and improving the ſaid Roads.

Perſons chargeable to the Highways to continue ſo.

LV. And be it further enacted, That all Perſons who are by Law obliged to do Statute Work or are chargeable towards amending the Roads hereby directed to be made, repaired, and widened, or any Part thereof, ſhall ſtill remain liable and chargeable, and do their reſpective Works in the Townſhips, Diſtricts, or Places, in which the ſaid Roads lie, in ſuch Manner as ſuch Perſons ought to have done before the paſſing of this Act.

Pariſh Surveyors to deliver in Liſts of Perſons liable to do Statute Work.

LVI. And be it further enacted, That it ſhall be lawful for any Two Juſtices of the Peace, acting in and for the ſaid County, to ſummon the Surveyors of the Highways for the reſpective Townſhips, Diſtricts, or Places wherein any Part of the ſaid Roads doth or ſhall lie, to bring in Writing under their reſpective Hands before them, upon Oath, according to the beſt of their Knowledge, within Ten Days after ſuch Summons (which Oath the ſaid Juſtices are hereby empowered to adminiſter) a Liſt of all the Names of every Perſon who within ſuch Townſhips, Diſtricts, or Places reſpectively, are by Law obliged to do their Statute Work towards repairing the Roads in any of the ſaid Townſhips, Diſtricts, or Places reſpectively, for that Year, with Teams and Draughts, as alſo the Number of Days Work which each Perſon ought to do on the ſaid Roads, in ſuch Townſhips, Diſtricts, or Places reſpectively, out of which Liſt the ſaid Juſtices ſhall and may appoint and order ſo many Perſons to do their Statute Work on the Roads directed by this Act to be made and repaired, as they ſhall think reaſonable, which ſaid Statute Work ſhall be done by ſuch Perſons, at ſuch Time, in ſuch Manner, and in ſuch Parts of the ſaid Roads within their reſpective Townſhips, Diſtricts, and Places as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time direct and appoint; and the ſaid Surveyor or Surveyors of every ſuch Townſhip, Diſtrict, or Place for the Time being, within Ten Days after Notice ſhall be given to him or them in Writing by the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Perſons, ſo chargeable as aforeſaid, he or they would have to do their reſpective Statute Work ſo directed and appointed as aforeſaid, in or upon any Part or Parts of the ſaid Roads, ſhall ſummon or give Notice thereof to ſuch of the ſaid ſeveral Perſons ſo chargeable as aforeſaid; and if any ſuch Perſon ſhall, after ſuch Summons or Notice, neglect or refuſe to do ſuch Statute Work, every ſuch Perſon for each Day he ſhall make Default ſhall forfeit any Sum not exceeding Two Shillings nor leſs than One

Shilling

Shilling and Sixpence for each Team or Draught; and if any such Perſon or Perſons ſhall be found idle or negligent in the Performance of ſuch Statute Work, the Turnpike Surveyor may and he is hereby required to diſcharge ſuch Perſon; and it ſhall be deemed as if ſuch Perſon, or ſuch Team or Draught had not come or been ſent to work; and every Perſon, or the Owner of ſuch Team or Draught, ſhall be liable to ſuch reſpective Penalties as aforeſaid; and in caſe any of the ſaid Surveyors of the Highways for ſuch Townſhips, Diſtricts, or Places reſpectively, ſhall neglect or refuſe to do as they are hereby required and directed, every ſuch Surveyor ſhall for each Neglect or Refuſal forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Two Pounds.

Proportion of Statute Duty to be aſcertained by Juſtices.

LVII. And, for preventing Differences between the ſaid Truſtees and the Surveyors of the Highways for the Time being of the ſeveral Townſhips or Places through which the ſaid Roads do or ſhall lead, touching what Proportion of the Statute Duty in any ſuch Townſhips or Places ought to be done on the ſaid Roads; be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace at any Special Seſſions to be holden within the Diviſion where the ſaid Roads do or ſhall lie, upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Five or more of them, or by the Surveyor of the Highways within the reſpective Townſhips or Places within which ſuch Roads ſhall lie, to adjudge and determine what Part or Proportion of the Statute Work ſhall be done on the ſaid Roads, by and in each and every of the Townſhips and Places aforeſaid; any Thing herein-before contained to the contrary notwithſtanding.

Truſtees may compound for Statute Work.

LVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, or other Perſons, by and with the Conſent of the Inhabitants of ſuch Townſhips or Places reſpectively, firſt had at any Veſtry, or other publick Meeting of ſuch Inhabitants who ſhall be ſummoned together for that Purpoſe, to compound and agree from Time to Time with the ſaid Truſtees, or any Five or more of them, for a certain Sum of Money by the Year or otherwiſe, in lieu of the Statute Work to be performed by each reſpective Inhabitant upon any Part of the ſaid Roads; and in caſe ſuch Compoſition Money ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch other Perſon as they ſhall appoint to receive the ſame, within Fifteen Days after the ſame ſhall be due and demanded, it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, upon Oath made before him or them of ſuch Default (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered to adminiſter), and he or they is and are hereby required to iſſue a Warrant under his or their Hand and Seal or Hands and Seals, empowering ſuch Perſon ſo by the ſaid Truſtees, or any Five or more of them, appointed to receive ſuch Compoſition Money, to levy the ſame by Diſtreſs of the Goods and Chattels of the Perſon or Perſons who ſhall have made ſuch Compoſition as aforeſaid; and ſuch Goods and Chattels ſo diſtrained, after the Space of Seven Days (ſuch Compoſition Money, and the reaſonable Charges of diſtraining and keeping the ſame, not being paid) to ſell, returning the Overplus (if any) to the Owner or Owners thereof upon Demand, after the Compoſition Money, and all reaſonable Charges of ſuch Diſtreſs and Sale ſhall be deducted, which Compoſition Money ſhall be applied to the Purpoſes of this Act; and ſuch Surveyors and

Recovery of Compoſition.

other

other Perſons, by whom ſuch Compoſition ſhall be made on the Behalf of any Townſhip or Place as aforeſaid, ſhall be reimburſed ſuch Compoſition Money, in ſuch Manner as Surveyors of Highways are by the Laws now in being reimburſed the Monies expended by them in buying Materials for repairing of Highways.

Truſtees may direct Proſecutions at the Expence of the Tolls.

LIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at a Meeting to be held, whereof Notice in Writing, ſpecifying the Time and Place, and the Purpoſe for which ſuch Meeting is intended to be held, ſhall be affixed upon the Turnpike Gates then erected by virtue of this Act, at leaſt Ten Days previous to the Time when ſuch Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they ſhall think fit and neceſſary, to direct Indictments to be preferred and proſecuted, at the Expence of the Monies ariſing by virtue of this Act, againſt the Inhabitants of all or any of the Townſhips, Diſtricts, or Places, through which the ſaid Roads paſs, or againſt any Perſon or Perſons liable to repair the ſaid Roads, or any Part thereof, by reaſon of the Tenure of his or their Lands or Tenements, and againſt the Hundred liable to repair any Bridge or Bridges in the Line of the ſaid Roads, who ſhall have neglected or refuſed reſpectively to repair the ſame.

Surveyors may remove Annoyances, turn Watercourſes, &c.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Turnpike Surveyor or Surveyors, and ſuch Perſon as he or they ſhall direct or appoint (ſuch Surveyor or Surveyors having an Order from the ſaid Truſtees or any Five or more of them for that Purpoſe) to remove and prevent all Annoyances on any Part of the ſaid Roads by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into, along, and out of the ſaid Roads to the Prejudice thereof, and to open, ſcour, and cleanſe any Watercourſes and Ditches adjoining to the ſaid Roads, and make the ſame as deep and large as he or they ſhall think proper and neceſſary, and to cut down, lop, or top, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjoining thereto, and to take and carry away the ſame in caſe the Owners or Occupiers of the Premiſes ſhall neglect to remove the ſame, or cut down or carry away ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or to remove ſuch other Annoyances, for the Space of Fourteen Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, and the Charge thereof (to be ſettled by the ſaid Truſtees or any Five or more of them) ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers, and the ſame ſhall 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 Offence forfeit and pay any Sum not exceeding Fifty Shillings nor leſs than Twenty Shillings.

Surveyors may make Cauſeways, cut Drains, &c.

LXI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, to make or cauſe to be made Cauſeways in and upon the ſaid Roads, and to erect, ſupport, and repair Arches and Watercourſes upon the ſaid Roads, and to cut and make Drains through any Land lying contiguous to the ſaid Roads, and alſo to make or cauſe to be made a

Road

Road through the Ground adjoining any narrow or ruinous Part or Parts of the ſaid Roads (not being the Ground whereon any Houſe or Houſes or other Buildings ſtand, or a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) to be made uſe of by all Paſſengers, Cattle, Carriages, and otherwiſe, as a publick Highway, whilſt the old narrow or ruinous Road is widening or repairing, and till it ſhall be convenient and ſafe for Paſſengers and Carriages to paſs thereon, making reaſonable Satisfaction to the Owners or Occupiers of ſuch Grounds reſpectively through which any ſuch Drains ſhall be made, or whereon ſuch Arches ſhall be erected, or through which any ſuch temporary Roads ſhall be made, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may ſuſtain thereby, 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 be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at the next General Quarter Seſſions for the ſaid County of *Lancaſter*, (to be held in the Diſtrict wherein the ſaid Premiſes lie) or at their ſecond Quarter Seſſions at the furtheſt, to ſettle, adjudge, and determine what Recompence ſhall be made to ſuch Owners and Occupiers for the Damage they ſhall have ſuſtained as aforeſaid; which Determination ſhall be final and concluſive.

making Satisfaction for the ſame.

LXII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, to ſearch for, dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials for making or repairing the ſaid Roads, in and out of any River or Brook, or out of any Moor, Waſte, or Common Grounds, in any Townſhip, Diſtrict, or Place, in or near to which any Part of the ſaid Roads doth or ſhall lie, without paying any Thing for ſuch Materials, ſuch Surveyor or Surveyors levelling or cauſing to be levelled all ſuch Holes and Pits, or otherwiſe cauſing the ſame to be railed or fenced off, where or from whence any ſuch Materials ſhall be dug, gathered, or taken away, in ſuch Manner as that the ſame ſhall not be dangerous to any Cattle or Travellers whatſoever, and paying for the Damage done by landing, and for going over or through any Lands, Grounds, or private Lanes or Roads, for or with ſuch Materials, to be aſcertained, as herein-after mentioned; and alſo it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors firſt having an Order in Writing of any Five or more of the ſaid Truſtees for that Purpoſe) to ſearch for, dig, gather, and take away ſuch Materials in and out of the ſeveral Grounds of any Perſon or Perſons (not being a Garden, Orchard, Park, Yard, Paddock, or planted Walk or Walks, or Avenue to a Houſe, Lawn, or incloſed Plantation, or any Piece of Ground planted and ſet apart as a Nurſery for Trees) paying ſuch Rates for ſuch Materials, and for the Damages done to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame or any other Materials for the Repair of the ſaid Roads ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning

Surveyors may take Gravel, &c. in Waſte Grounds without paying for the ſame, levelling the Pits, &c.

alſo out of private Ground by Order of Truſtees, on paying for the ſame.

Differences to be ſettled at Quarter Seſſions.

concerning the ſame, the Matter ſhall be ſubject to an Appeal to the Quarter Seſſions, as herein-after mentioned.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupiers.

LXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any ſuch Surveyor, or other Perſon or Perſons, under the Authority of this Act, to take and carry away Materials for repairing the ſaid Roads from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupiers of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or any Five or more of them, or Two Juſtices of the Peace acting for the County where ſuch Lands are ſituated, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall not attend purſuant to ſuch Notice, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices, ſhall, if they think meet, authorize ſuch Surveyor or other Perſon, to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees, or any Five or more of them, or to ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, the ſaid Truſtees, or any Five or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Roads to be meaſured, and Mile Stones erected.

LXIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, and alſo proper Direction Poſts; and if any Perſon ſhall wilfully pull up or damage any of ſuch Poſts or Stones, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, and be thereof convicted before the ſaid Truſtees, or any Five or more of them, or before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, either by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, ſuch Perſon or Perſons ſo offending ſhall reſpectively forfeit and pay any Sum not exceeding Five Pounds nor leſs than Twenty Shillings for each Stone or Poſt ſo wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; or if any Perſon ſhall ride upon any Footway adjoining to any Part of the ſaid Roads, or ſhall drive any Horſe or other Beaſt, or Cattle, or any Swine, or any Cart or Carriage thereon, or ſhall permit or ſuffer any Horſe or other Beaſt, Cattle, or Swine, to go thereon, or ſhall cauſe any Damage to be done to any of ſuch Footways; or if the Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones erected for the Security of the ſaid Footways, or drive the Wheel of his Carriage againſt the ſame, or the Side or Sides of the ſaid Footway; 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, which ſhall be conveyed upon any wheeled Carriage, to drag upon any Part of the ſaid Roads, to the Prejudice

dice thereof; or if any Perſon or Perſons ſhall lay any Hay, Straw, or other Matter or Thing, upon any Part of the ſaid Roads, to be made into Manure, or ſhall ſcrape off the ſame, or any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Roads, with any ſharp-pointed Inſtrument, ſo as to damage the ſaid Roads, or any Parts thereof; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage (longer than may be neceſſary for the loading or unloading thereof) in, upon, or on the Sides of the ſaid Roads, either with or without any Horſe or Beaſt harneſſed or yoked thereto; or ſhall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, in any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Perſon or Perſons travelling thereon, and be convicted thereof, by the Confeſſion of the Party, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter* (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required, upon Application made to him or them for that Purpoſe, to adminiſter) every Perſon ſo offending ſhall forfeit and pay a Sum not leſs than Forty Shillings nor more than Five Pounds for every ſuch Offence, One Moiety whereof ſhall be allowed and paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Power to Collectors to detain Perſons guilty of Offences.

LXV. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it ſhall be lawful for any of the ſaid Collectors, Surveyors, and other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, or her, or them, before One or more Juſtice or Juſtices of the Peace for the County or Place where any ſuch Offence or Offences ſhall be committed, without any other Warrant or Authority than this Act for ſo doing; and ſuch Juſtice or Juſtices of the Peace reſpectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of ſuch Offender or Offenders, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance at the next Petty or Special Seſſions to be holden for the Diviſion or Place where ſuch Offence or Offences ſhall be committed; and on ſuch Conviction, or for Want of ſuch ſufficient Security, to commit the Perſon or Perſons ſo offending to the Houſe of Correction in and for the County, Diſtrict, or Place, where the Offence ſhall be committed, there to remain until he, ſhe, or they ſhall pay the reſpective Penalty by him, her, or them incurred for ſuch reſpective Offence or Offences, or ſhall give ſuch Security as aforeſaid.

Officers may diſtrain and be Witneſſes.

LXVI. And be it further enacted, That in caſe any Diſpute, Litigation, or Suit ſhall ariſe, or be had or proſecuted, touching or concerning any ſuch Diſtreſs, or the Proſecution thereof, or concerning the Non-payment of the ſaid Tolls, any ſuch Surveyor, Collector, or other Perſon or Perſons employed by the ſaid Truſtees, or in any Manner in the Execution of this Act, ſhall at any Times and in any Court, and before all Juſtices, not be deemed incompetent Witneſſes to prove the Legality of the Diſtreſs, and the Non-payment of ſuch Tolls, or to give any other Proof or Evidence concerning the Premiſes.

LXVII. And

Any Justice may inquire into Penalties incurred and Offences committed, and determine therein.

LXVII. And be it further enacted, That when any Penalty by this Act imposed shall be incurred, or any Offence by this Act created shall have been committed, the Method of proceeding in respect to which is not herein-before particularly directed, any One of His Majesty's Justices of the Peace for the County in which the Offence shall be committed, may and is hereby required, upon Complaint and Information to him thereof made, to summon before him the Person or Persons against whom such Complaint or Information shall be made, to answer the Matter thereof, and at the Time and Place appointed by such Summons the Person or Persons complained of or informed against appearing before the said Justice, or in case of his or their not appearing, (except for some reasonable Excuse) Proof being made upon Oath before the said Justice of the personal Service of such Summons, or that a Duplicate or true Copy of the same was left at the Dwelling House or last known Place of Abode of such Person or Persons, the said Justice may and is hereby required, whether the said Person or Persons complained of or informed against do or do not appear, to proceed to examine the Merits of such Complaint and Information; and if such Offence or Offences shall be confessed by the Person or Persons so complained of and informed against, or be duly proved to the Satisfaction of such Justice, by the Testimony of One or more credible Witness or Witnesses upon Oath, such Justice may, and he is hereby required forthwith to convict such Offender or Offenders, and to adjudge him and them to pay such Penalty or Penalties as he or they shall be theretofore liable unto by virtue of this Act; and if such Penalty or Penalties shall not be paid immediately, in case such Offender or Offenders appear personally to answer such Complaint or Information, or in case of his or their Non-appearance to answer such Complaint or Information within Five Days after Notice of such Conviction given to such Offender or Offenders, or left at his, her, or their Dwelling House or last known Place of Abode, and Proof thereof, and of the Non-payment of such Penalty or Penalties made to such Justice upon Oath, such Justice shall and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made, pursuant to such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice; and in case such Penalty or Penalties, and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith and immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction in and for the said County, District, or Place, there to remain without Bail or Mainprize until the said Penalties, and such Costs and Charges as aforelaid, shall be paid, or until such Offender or Offenders shall have compounded for the same with the said Trustees, and paid such Composition Money, which Composition the said Trustees are hereby empowered to make and accept.

Application of Penalties.

LXVIII. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the

the ſaid Truſtees, or any Five or more of them, their Treaſurer or Surveyor, or other Perſon or Perſons by them appointed to receive the ſame, and ſhall be applied for the Purpoſes of this Act; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time if they ſhall ſee Cauſe, to pay and apply ſuch Part of the ſaid Penalties and Forfeitures, or any of them as they ſhall think proper, not exceeding One Moiety of them, or any of them, to and for the Uſe of the Informer or Informers, or any Perſon or Perſons taking, ſeizing, or aſſiſting therein; any Thing herein contained to the contrary notwithſtanding.

Truſtees to reward Perſons aſſiſting in apprehending Offenders

LXIX. And be it further enacted, That Convictions for Offences againſt this Act may be drawn up in the following Form or to the like Effect; (that is to ſay),

Lancaſhire, to wit. } 'BE it remembered, That on the [*here inſert the Day of the Month, and the Year of our Lord, and of the King's Reign*] 'A. B. is convicted before me, C. D. One of His Majeſty's Juſtices 'the Peace for the County of *Lancaſter*, on his own Confeſſion, '[*or*, on the Oath of of a cre- 'dible Witneſs, *or* and 'credible Witneſſes, [*as the Caſe may be*] of [*here ſpecify the Offence, and 'the Time and Place when and where the ſame was committed*] contrary to 'the Form of an Act, paſſed in the Forty-fifth Year of the Reign of King 'George the Third, intituled, [*here inſert the Title of this Act*] and I, the 'ſaid Juſtice, do adjudge the ſaid A. B. to have thereby incurred the 'Penalty of to be paid, recovered, and applied, 'in Mannner directed by the ſaid Act. Given under my Hand and Seal, 'the Day and Year aforeſaid.'

Form of Conviction.

Which Conviction ſhall be valid and effectual in Law to all Intents and Purpoſes.

LXX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons ſhall think him, her, or themſelves aggrieved, by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall be lawful for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be held within the Diſtrict, or in caſe the Cauſe of Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions of the Peace, then ſuch Appeal may be made to ſuch Juſtices at the ſecond General Quarter Seſſions of the Peace to be held within the Diſtrict, who are hereby authorized and required to take Cognizance thereof, and to determine the Complaint of every ſuch Perſon in a ſummary Way, and if they ſee Cauſe may by Order of ſuch Seſſions mitigate, at their Diſcretion, all or any of the Penalties aforeſaid, or vacate and ſet aſide the Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to them ſhall ſeem reaſonable, and to make ſuch Orders and Judgements in regard to the Premiſes as they ſhall think fit; but the Perſon or Perſons ſo appealing ſhall give Notice in Writing to the Clerk or Clerks of the ſaid Truſtees of ſuch his, her, or their Intention of bringing ſuch Appeal, and of the Cauſe or Matter thereof, Ten Days before the ſaid Quarter Seſſions.

Appeal to Quarter Seſſions.

sions, and shall also enter into sufficient Bail before One or more Justice or Justices of the Peace for prosecuting such Appeal, and abiding such Order as shall be made therein.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

LXXI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form, or be removable by *Certiorari*, or any other Writ or Writs, or Process, into any of His Majesty's Courts of Record at *Westminster* or *Lancaster*; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Offence committed, or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the said County of *Lancaster*, and not elsewhere; and the Defendant and Defendants in such Action or Suit shall and may plead the General Issue, 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 it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have by Law in any other Case.

Subscribers to pay their Subscription Money.

LXXIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards making and repairing, and improving the Roads comprized in this Act, or any Part thereof, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person and Persons, as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Names, or in the Name of the Clerk or Treasurer to the said Trustees, in His Majesty's Court of Common Pleas for the County of *Lancaster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Publick Act.

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

LXXV. And

LXXV. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the Day on which the said Truſtees ſhall hold their Firſt Meeting, and ſhall be put in Execution and continue in force from thenceforth for and during the Term of Twenty-one Years then next enſuing, and from thence to the End of the then next Seſſion of Parliament. Commencement and Term of the Act.

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