ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 60.

An Act for amending, improving, and keeping in Repair the Road from the Town of *Burnley*, in the County Palatine of *Lancaſter*, to the Turnpike Road leading from *Bury* to *Haſlingden*, at or near *Edenfield Chapel* in the Townſhip of *Tottington Higher End*, in the ſame County.

[18th *May* 1814.]

WHEREAS an Act was paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for amending, improving, and keeping in Repair the Road from the Town of* Burnley, *in the County Palatine of* Lancaſter, *to the Turnpike Road leading from* Bury *to* Haſlingden, *at or near* Edenfield Chapel, *in the Townſhip of* Tottington Higher End, *in the ſame County:* And whereas great Progreſs has been made in the Execution of the ſaid Act, and a conſiderable Sum of Money has been borrowed, and is now due and owing upon the Credit of the Tolls by the ſaid Act granted, which Money cannot be paid off, nor can the ſaid Road be effectually amended, altered, improved, and kept in Repair, unleſs the Term of the ſaid recited Act be further continued, and the Powers thereof altered and varied, and further and other Powers for thoſe Purpoſes be given and the Tolls increaſed: And whereas it is expedient that the ſaid recited Act ſhould be repealed, and that the ſeveral Proviſions neceſſary for repairing, improving, and amending the ſaid Road, and increaſing the Tolls, ſhould 35 G. 3. c. 146.

should be contained in this Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Third *Friday* in the Month next after the passing of this Act, the said recited Act shall be and the same is hereby repealed; and that instead thereof this Act shall commence and take Effect, and be put in Execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, improving, and keeping in Repair the Road mentioned and described in the said Act; that is to say, the Road leading from the Town of *Burnley* to the Turnpike Road leading from *Bury* to *Haslingden*, at or near *Edenfield Chapel* in the Township of *Tottington Higher End*, in the County Palatine of *Lancaster*, through the several Townships or Booths of *Habergham Eaves*, *Hapton*, *Dunoch Shaw Booth*, *Higher Booths*, *Lower Booths*, *Coup Lynch*, *New Hall Hey*, and *Hall Carr*.

The said recited Act repealed,

and this Act executed instead thereof.

This Act made subject to the Payment of all Monies borrowed on the Credit of the said recited or former Act.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be, and they are hereby made subject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls authorized to be taken by the said Act hereby repealed, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said Act hereby repealed, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts and Securities entered into by any Person or Persons to or with the Trustees for executing the said Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made or entered into by the said Trustees for executing the said recited Act hereby repealed, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed, and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively; such Repeal or any Law to the contrary notwithstanding.

Persons owing Money to continue liable; and all Bonds, Contracts, &c. to remain in force.

Trustees.

III. And be it further enacted, That *John Adamson* Clerk, *Henry Aspinall*, *George Ashworth*, *William Beanland*, *Henry Butterworth*, *James Barlow*, *Thomas Clayton*, *Thomas Collins* Doctor in Divinity, *Henry Owen Cunliffe*, *Henry Crooke*, *William Crooke*, *Christopher Crooke*, *Reginald Crooke*, *William Cooper*, *Adam Cottam*, *Edmund Cockshott*, *John Eltoft*, *William Eltoft*, *Henry Eastwood*, *Webster Fishwick*, *James Fishwick* of *Burnley*, *George Fishwick*, *William Fishwick*, *John Folds*, *Richard Foulds*, *Henry Fielden*, *John Fielden*, *William Fielden*, *Richard Fort*, *James Fletcher*, *Joshua Fielden*, *Henry Greenwood*, *John Greenwood*, *William Greenwood*, *Thomas Grimshaw* of *Barrowford*, *Christopher Grimshaw*, *Thomas Grimshaw* of *Burnley*, *Nicholas Grimshaw*, *John Grundy*, *Edmund Grundy*, Lieutenant Colonel *John Hargreaves*, *James Hargreaves* of *Burnley*, *Lawrence Halsted*, *Charles Halsted*, *William Hargreaves*, *Reginald Hargreaves*,

greaves, John Holgate, George Holgate, Thomas Holgate, Lawrence Hitchon, Egerton Hitchon, Theodore Heelis, John Holt, Richard Holt, Gilbert Hammerton, John Hargreaves of *Blackburn, Thomas Hargreaves* of *Broad Oak, John Hoyle, Henry Hargreaves* of *Newchurch* in *Roſſendale, Henry Hargreaves* of *Thiſtlemount, George Haworth, James Haworth, George Hargreaves, Edmund Haworth, William Hindle, James Hargreaves* of *Holmes, Richard Kay, John Kay, Robert Kay, Robert Kay* the younger, *James Kay, William Kay, Thomas Kay* of *Baſlane, Thomas Kay* of *Burnley, John Kay* of *Ramſbottom, Robert Kay* of *Ramſbottom, Richard Grimſhaw Lomax, Edward Lovatt, Joſeph Maſſey, James Maſſey, Joſeph Maſſey* the younger, *John Maſſey, Lord Maſſey, James Motterſhead, Robert Munn, John Moore, William M^c Kay, James Maden, Thomas Norris, Peter Ormerod,* Sir *Robert Peel* Baronet, *Jonathan Peel, Lawrence Peel, Thomas Peel, Robert Peel* of *Churchbank, Robert Peel* of *Churchbridge, Robert Townley Parker, James Parkinſon, John Patchett, John Raws* Clerk, *William Roberts* of *Habergham Eaves, Hugh Roberts, John Roberts* of *Thorneyholme, James Roberts, John Roberts* of *Habergham Eaves, William Roberts* of *Burnley, Thomas Ratcliffe, James Ridehalgh, George Ramſbottom, William Robertſhaw, John Robertſhaw,* the Right Honourable *Thomas Stanley* commonly called *Lord Stanley, Thomas Stanley, Le Gendre Starkie, William Shaw, Thomas Smith, John Spencer, Peregrine Edward Towneley, Benjamin Townſon, William Tickle, James Townſend, Sagar Veevers, Thomas Dunham Whitaker* Doctor of Laws, *Thomas Thoreſby Whitaker* Clerk, *Robert Whalley, Thomas Whyman, John Whittam* of *Cliviger Laith, John Witham* of *Pheaſantford, James Whitaker, John Whitaker, Henry Wilkinſon, William Walker,* and *Gilbert Welſh*, and their Succeſſors, to be elected in Manner hereinafter directed, ſhall be and they are hereby appointed Truſtees for amending, repairing, altering, widening, and improving the Road from the Town of *Burnley*, in the County Palatine of *Lancaſter*, to the Turnpike Road leading from *Bury* to *Haslingden*, at or near *Edenfield Chapel*, in the Townſhip of *Tottington Higher End*, in the ſame County, and for otherwiſe carrying this Act into Execution.

Additional Truſtees.

IV. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Nine or more of them, and they are hereby authorized and empowered at any of their Meetings, to be holden in purſuance of this Act, to elect any Number of Perſons not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act, in Addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this Act, as if they had been hereby nominated and appointed.

Power to chooſe new Truſtees.

V. And be it further enacted, That in caſe any of the Truſtees named in or to be appointed by virtue of this Act ſhall die or become Bankrupt or Inſolvent, or refuſe, decline, or become incapable to act, it ſhall be lawful for the ſurviving or remaining Truſtees, by Writing under their Hands (at any Meeting whereof at leaſt Ten Days Notice ſhall be given upon all the Toll Gates erected or to be erected upon the ſaid Road, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting), to nominate and appoint ſome other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo dying, becoming Bankrupt or Inſolvent, or refuſing, declining, or becoming incapable to act as aforeſaid; and every

Perſon

Perſon ſo nominated and appointed as aforeſaid (being qualified as by this Act is required) ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act as the Perſon had in whoſe Stead he ſhall be appointed.

Qualification of Truſtees.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act unleſs he ſhall be poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments in the ſaid County of *Lancaſter*, of the clear yearly Value of One hundred Pounds above Reprizes, or poſſeſſed of or entitled to a Perſonal Eſtate of the Amount or Value of Two thouſand Pounds, or unleſs ſuch Perſon ſhall be Heir Apparent to a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds in the ſaid County of *Lancaſter*; and if any Perſon not qualified as aforeſaid ſhall preſume to act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified or otherwiſe ſhall pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Acts of unqualified Truſtees before Conviction to be valid.

VII. Provided always, That all Acts which ſhall have been done by any ſuch Perſon touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified to act according to the Directions of this Act.

No intereſted Truſtee, Victualler, or Servant of a Truſtee to hold Places of Profit.

VIII. And be it further enacted, That no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he ſhall hold any Place of Profit under this Act, or in any Caſe where he ſhall be perſonally intereſted; nor ſhall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act.

Quorum of Truſtees.

IX. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the Truſtees hereby appointed or to be elected and appointed as aforeſaid, except only in the Caſes herein mentioned, as requiring a greater or leſs Number of them.

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

X. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees at a Meeting held in purſuance of this Act, but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be the Plaintiff or Defendant

(as the Caſe may be) in every ſuch Action or Suit: Provided always, that every ſuch Treaſurer or Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences as by the Event, or in conſequence of any ſuch Action or Proceedings, he ſhall pay, bear, expend, or be put unto, or become chargeable with, by Reaſon of his being ſo made Plaintiff or Defendant as aforeſaid. Treaſurer or Clerk to be reimburſed the Expences.

XI. And be it further enacted, That the ſaid Truſtees ſhall meet at the *Black Bull* Inn, in the Town of *Burnley* aforeſaid, on the laſt Day in the Month next after the paſſing of this Act, unleſs ſuch Day ſhall happen on a *Sunday*, and in that Caſe on the Day preceding ſuch *Sunday*, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and ſhall then and there proceed to the Execution of this Act, and adjourn themſelves from Time to Time, and afterwards meet there or at any other convenient Place in the ſame Town as the ſaid Truſtees ſhall think proper and appoint, as often as it ſhall be neceſſary for putting this Act in Execution: Provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only, and that in caſe a competent Number of Truſtees ſhall not appear at the Time and Place appointed for a Meeting of the Truſtees for putting this Act in Execution, either to act or to adjourn to any other Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes and Toll Gates which ſhall then be erected upon the ſaid Road, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held, or was appointed to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding Three Calendar Months after the Day on which ſuch Meeting was held, or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees although not aſſembled at a Meeting, at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands to be affixed in Manner aforeſaid, to appoint the Truſtees to meet at ſome convenient Houſe in *Burnley* aforeſaid, upon ſome convenient Day within Four Weeks next after the Date of ſuch laſt-mentioned Notice; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences. First Meeting of Truſtees. Power to adjourn. Truſtees to defray their own Expences at Meetings.

XII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall on any Emergency be thought neceſſary, that an earlier Day of Meeting ſhould be appointed than the Day to which the reſpective Meetings ſhall have been adjourned, the Clerk to the ſaid Truſtees being authorized by an Order in Writing ſigned by Two or more of the ſaid Truſtees, although not aſſembled at a Meeting, mentioning the Time and Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Twenty Days after ſuch Notice) and all Proceedings of the Truſtees at Meetings on Emergencies.

ſuch Meeting, whether relating to the particular Subject on which ſuch Meeting ſhall be called or not, ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment, and ſuch Meeting ſhall and may be adjourned, or be appointed to be held in ſuch Manner as other Meetings under this Act are herein-before directed to be adjourned, or appointed to be held, notwithſtanding any former Adjournment to the contrary.

The Majority of Truſtees aſſembled to concur in all Orders.

Truſtees being Juſtices of the Peace may act as ſuch.

XIII. And be it further enacted, That all the Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe, (except as herein mentioned) and no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are or may become Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

How Orders of Truſtees may be revoked or altered.

XIV. And be it further enacted, That no Order made by the ſaid Truſtees ſhall be revoked or altered, unleſs the Number of Truſtees revoking or altering the ſame ſhall exceed the Number of Truſtees by whom ſuch Order ſhall be made, and unleſs Twenty-one Days Notice ſhall be given by Five Truſtees to the Clerk to the ſaid Truſtees, of their Deſire to have a Meeting, at a Time and Place to be mentioned in ſuch Notice, for the Purpoſe of taking into Conſideration the ſaid Order, with a View to revoke or alter the ſame, or that it will be propoſed to revoke or alter ſuch Order at the next adjourned Meeting, and in ſuch caſe Notice ſhall be given by the Clerk Fourteen Days at the leaſt before ſuch Meeting, to ſuch Truſtees as were preſent when the Order was made, of the Intention to revoke or alter any ſuch Order.

Proceedings to be entered in a Book and ſigned.

XV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the Truſtees making the ſame, or the major Part of them, which ſaid Book or Books, and alſo the Books herein-after directed to be kept for regiſtering Mortgages and Aſſignments of the Tolls or Tranſcripts thereof, ſhall and may be read in Evidence in all Caſes of Appeal, and in all Suits, Actions, Controverſies or Diſputes, touching any Thing done or to be done by virtue or in purſuance of this Act, or in anywiſe relating thereto, and the Meeting or Meetings at which ſuch Orders or Proceedings ſhall be made or had, ſhall be deemed to have been regularly and legally held, and ſuch Orders and Proceedings to have been regularly and legally made or had without any other Evidence than the Book or Books containing ſuch Orders or Proceedings, unleſs ſuch Meeting or Meetings, Orders or Proceedings ſhall on the Face of ſuch Book or Books appear to be irregular or illegal.

Truſtees may appoint Officers;

XVI. And be it further enacted, That the ſaid Truſtees, at their Firſt or any ſubſequent Meeting as Occaſion ſhall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of ſuch Money as ſhall ariſe and may be due and payable by virtue of this Act; and alſo a Surveyor or Surveyors, and all ſuch other Officers as they the ſaid Truſtees

tees ſhall think neceſſary and proper to be employed in the Execution of the Powers of this Act; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers or any of them, as they the ſaid Truſtees ſhall ſee Occaſion; and the ſaid Truſtees ſhall and may out of the Money to be raiſed or received by virtue of this Act, make ſuch Allowance unto the Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers ſo appointed, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to them the ſaid Truſtees ſhall ſeem proper; and every Officer and Perſon who ſhall be appointed as aforeſaid, ſhall from Time to Time when thereunto required by the ſaid Truſtees, by Writing under their Hands, make out and 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 his or her Hand, of all Monies which ſhall have been by him or her had, collected or received; and how and to whom, and for what Purpoſe the ſame and every Part thereof hath or have been diſpoſed of, together with the Vouchers and Receipts for ſuch Payments, and ſhall verify ſuch Accounts upon Oath, if thereunto required by the ſaid Truſtees (which Oath any one of the ſaid Truſtees, being a Juſtice of the Peace, is hereby empowered to adminiſter), and every ſuch Officer or Perſon ſhall and is hereby required to pay all ſuch Monies as upon the Balance of ſuch Account ſhall appear to be owing from him or her to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any ſuch Officer or Perſon ſhall refuſe or neglect to render and deliver ſuch Account as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforeſaid, or ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Seven Days after being thereunto required by the ſaid Truſtees, or by ſuch other Perſon or Perſons, all Books, Papers, and Writings in his or her Cuſtody or Power relating to the Execution of this Act, then and in every ſuch Caſe Complaint being made thereof by the ſaid Truſtees, or by any Perſon or Perſons on their Behalf, of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County, Riding, or Place where the Officer or Perſon ſo neglecting or refuſing ſhall live or reſide, ſuch Juſtice may and he is hereby authorized and required by Warrant under his Hand and Seal to cauſe ſuch Officer or Perſon to be brought before him, and upon his or her appearing or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon the Confeſſion of the Officer or Perſon againſt whom 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 Monies which ſhall have been collected or received ſhall be in the Hands of or owing from ſuch Officer or Perſon, ſuch Juſtice may and he is hereby authorized and empowered upon Non-payment thereof by Warrant 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 Perſon reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame; or if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to make out and deliver

and remove them.

Officers to account;

deliver to the ſaid Juſtice ſuch Account in Writing as aforeſaid, or to verify the ſame on Oath as aforeſaid (if ſo required by the ſaid Juſtice), or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Account, or to deliver up as aforeſaid all ſuch Books, Papers, and Writings as aforeſaid; then and in any of the Caſes aforeſaid the ſaid Juſtice may and he is hereby authorized and required by Warrant under his Hand and Seal to commit ſuch Officer or Perſon to the Common Gaol or Houſe of Correction of the County or Place where he or ſhe ſhall live or reſide, there to remain without Bail or Mainprize, until he or ſhe ſhall have delivered in and ſettled ſuch Account, and have verified the ſame upon Oath as aforeſaid, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in the Hands of or owing from him or her, and the reaſonable Charges of ſuch Diſtreſs and Sale (if any) as ſhall in that reſpect have been made, or until he or ſhe ſhall have compounded with the ſaid Truſtees for ſuch Money and Charges, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (and which Compoſition the ſaid Truſtees are hereby empowered to make), and ſhall have delivered up as aforeſaid all ſuch Books, Papers and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon for any longer Space of Time than Six Calendar Months.

or be puniſhed.

Officers under former Act continued.

XVII. And be it further enacted, That each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the ſaid recited Act, or any of them, for or in reſpect of the ſaid Roads hereby intended to be repaired, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments under this Act until removed therefrom by the ſaid Truſtees, and each and every ſuch Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officer ſhall have the like Power and Authority for carrying this Act into Execution, and ſhall be ſubject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all Reſpects whatſoever, as if he had been elected by virtue of this Act.

Treaſurer to give Security.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized, directed and required to take ſuch Security from the Treaſurer or Treaſurers to be appointed for the Purpoſes of this Act, for the due Execution of his and their ſaid Office and Offices as to the ſaid Truſtees ſhall ſeem meet.

Truſtees may appoint temporary Collectors.

XIX. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted ſhall neglect to perform or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Two or more of the ſaid Truſtees, (though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act,) may diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf; and in ſuch Caſe, and alſo in caſe any ſuch Collector or Receiver of the Tolls ſhall die, the ſaid Truſtees or any Two or more of them ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to

continue

continue until the next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver who ſhall ſo die or be diſcharged, and ſuch 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 had or would have been ſubject to; and if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow or any of the Children, Family or other Repreſentative or Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon ſhall refuſe to deliver up the Poſſeſſion of any Toll Gate or Toll Houſe, or any of the Appurtenances thereof, for the Space of Seven Days, next after Demand thereof made and Notice in Writing given for that Purpoſe, by any Two or more of the ſaid Truſtees, (although not aſſembled at a Meeting), or by the Clerk or Treaſurer to the ſaid Truſtees for the Time being, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place in which the ſame ſhall be ſituate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary to enter ſuch Houſe and Appurtenances in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, or in the Poſſeſſion of the ſaid Gate, together with his, her or their Goods out of and from the ſame, and to put the ſaid Truſtees or any One of them, or ſuch new appointed Collector or Receiver, into the Poſſeſſion of ſuch Toll Gate, Toll Houſe and Appurtenances.

The preſent Gates and Side Gates continued, and new Side ones erected, with Power to remove them.

XX. And be it further enacted, That the ſeveral Turnpikes and Toll Houſes erected and now ſtanding acroſs and on the Sides of the ſaid Roads, ſhall remain and be continued, and that ſuch other Side Toll Gates ſhall be erected and made near to the Sides of the ſaid Road as the ſaid Truſtees at any Meeting or Meetings to be holden under this Act ſhall deem neceſſary for preventing the Evaſion of Payment of the Tolls herein-after granted, and that ſuch Toll Gates and Side Gates ſhall from Time to Time be removed and placed elſewhere as the ſaid Truſtees ſhall at any ſuch Meeting or Meetings direct, and that ſuch Tolls ſhall be collected and levied at ſuch reſpective Side Gates as are by this Act made payable upon the ſaid Road, ſo as that the ſame do not extend to a double Charge, or ſubject any Perſon to the Payment of a larger Toll than is herein appointed to be paid for paſſing through any of the Turnpikes or Turnpike Gates herein-before authorized to be erected acroſs the ſaid Road hereby directed to be repaired.

Tolls to be taken after 24th July 1814.

XXI. And be it further enacted, That from and after the Twenty-fourth Day of *July* One thouſand eight hundred and fourteen, the reſpective Tolls following ſhall be demanded and taken at all and every ſuch Gates or Turnpikes as are or ſhall be erected and continued upon, acroſs, and on the Sides of the ſaid Road as aforeſaid, before any Horſes, Mules, Aſſes, Cattle, or Carriages ſhall be permitted to paſs through the ſame, (that is to ſay)

Tolls.

For every Horſe, Mare, Gelding, Mule, or Aſs laden or unladen and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle the Sum of One Shilling and Eight-pence, and ſo in Proportion for any greater or leſs Number:

For every Score of Calves, Sheep, Lambs or Swine, the Sum of One Shilling, and ſo in Proportion for any greater or leſs Number:

For every Coach, Chariot, Landau, Berlin, Chaise, Curricle, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage drawn by Five, Six or more Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught the Sum of One Shilling and Sixpence:

For every Chaise, or Chair, or other such like Carriage, drawn by One Horse, or other Beast of Draught, the Sum of Nine-pence:

For every Narrow-wheeled Waggon, Wain, or other such Four-wheeled Carriage, drawn by Four Horses, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling:

For every Waggon, Wain, or other such Four-wheeled Carriage; having the Fellies of the Wheels thereof Six Inches broad, and drawn by Five or Six Horses, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three or Four Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught the Sum of One Shilling:

For every Waggon, Wain, or other such Four-wheeled Carriage having the Fellies of the Wheels thereof Nine Inches broad, drawn by Seven or Eight Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Five or Six Horses, or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or Two Horses, or other Beasts of Draught, the Sum of One Shilling:

For every Nine-inch-wheeled Waggon, Wain, or other such Four-wheeled Carriage, rolling a flat Surface of Sixteen Inches, drawn by Four, Five, Six, Seven, or Eight Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or other Beasts of Draught, the Sum of Eight pence:

For every Narrow-wheeled Cart, or other such Two-wheeled Carriage, drawn by Three Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught the Sum of One Shilling:

For every Cart, or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Cart or other such Two-wheeled Carriage having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence.

Double Toll on Sundays.

XXII. And be it further enacted, That it shall be lawful for the respective Toll Gatherers or Collectors on the said Roads, and they are hereby authorized

rized and empowered on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year during the Continuance of this Act, to demand and take for and in reſpect of each and every Carriage, Horſe, Beaſt, or other Cattle paſſing through any Gate or Turnpike upon the ſaid Road Double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the ſame reſpectively on any other Day of the Week, before ſuch Carriage, Horſe, Beaſt, or other Cattle ſhall be permitted to paſs through any ſuch Gate or Gates, Turnpike or Turnpikes.

Directions how often Tolls ſhall be taken in a Day.

XXIII. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike erected or to be erected by virtue of this Act, ſhall be ſubject to any Toll for returning through ſuch Turnpike the ſame Day before Twelve of the Clock at Night, with the ſame Horſe or other Beaſt, Horſes or other Beaſts, Coach, Chaiſe, Waggon, Cart, or other Carriage, but ſhall return Toll free.

Additional Toll on Carriages, &c. paſſing through a Toll Gate Five Times on the ſame Day.

XXIV. Provided alſo, and be it further enacted, That if any Horſe, Cattle, or other Beaſt, or any Waggon, Wain, Cart, or other Carriage, ſhall paſs through any Turnpike or Toll Gate to be erected by virtue of this Act Five Times or more in any one Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night, every ſuch Horſe, Cattle, or other Beaſt, and every ſuch Waggon, Wain, Cart, or other Carriage, ſhall for every Fifth Time of paſſing be ſubject and liable to pay the reſpective Tolls herein before granted, over and above the Tolls to be paid for the Firſt Time of paſſing, which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as Toll.

Number of Tolls to be taken.

XXV. Provided nevertheleſs, and be it further enacted, That no more than Three full Tolls ſhall be demanded and taken for the paſſing through all the Toll Gates erected or to be erected on the ſaid Road on the ſame Day (ſuch Day to be computed as aforeſaid); and that all and every Perſons and Perſon producing Tickets of the Day, (which Tickets the Collectors of the Tolls are hereby required to give gratis,) denoting the Payment of ſuch Tolls at any Three of ſuch Gates as aforeſaid, ſhall paſs through all the other Toll Gates erected or to be erected on the ſame Road free.

Toll upon Four-wheeled Carriages having Two Wheels of leſs Breadth than Six Inches.

XXVI. And, to obviate any Doubts which may ariſe with reſpect to ſuch Four-wheeled Carriages as conſiſt of Two Wheels of the Breadth of Six Inches and Two of a leſs Breadth, be it further enacted, That all ſuch Carriages with Four Wheels, Two whereof ſhall be of a leſs Breadth than Six Inches, although the other Two ſhall be of a greater Breadth, which ſhall paſs through any Gate or Turnpike erected or to be erected upon the ſaid Road, ſhall be liable to and charged with the Tolls and Duties by this Act impoſed upon every Waggon, Wain, or other Four-wheeled Carriage having the Fellies of the Wheels of leſs Breadth than Six Inches.

General Exemptions from Tolls.

XXVII. And be it further enacted, That none of the Tolls hereby authoriſed to be taken ſhall be demanded, taken, or received at any of the Toll Gates or Bars erected or to be erected, or continued upon the ſaid Roads, for any

any Horſes, Cattle, or Carriages, of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, or returning empty after having been ſo employed, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, nor for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſon or Perſons be dreſſed 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; and that none of the ſaid Tolls ſhall be demanded, taken, or received, 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, nor from any Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Townſhip, Chapelry, Hamlet, or Place through which any Part of the ſaid Road paſſes, nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Lancaſter*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded, or of carrying or conveying Vagrants ſent by legal Paſſes, or of carrying or conveying Hay, Graſs, Saintfoin, Fodder, Straw, or Corn in the Straw, Turnips, or Potatoes, for the Uſe of the Owner and not for Sale, or purchaſed, or of carrying or conveying any Dung, Mould, Marle, Soil, Manure, or Compoſt (other than Lime) to be uſed only for manuring of Land or going or returning empty in that Employment; nor for any Horſe, Beaſt, Cattle, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle, paſſing to or repaſſing from Water or Paſture, nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhoed or farried, not beyond the Diſtance of Two Miles; nor for any Horſe, Beaſt, or Cattle, uſed or employed for the Purpoſe only of carrying or conveying Gravel, Stones, Sand, or other Materials for the making or repairing any Highway or Public Road within any ſuch Pariſh, Townſhip, Chapelry, Hamlet,

Hamlet, or Place, as aforeſaid, or for rebuilding, building, or repairing any preſent or any future Bridge or Bridges, on the ſaid Roads under this Truſt; nor for any Horſe, Beaſt, Cattle, or Carriage, which ſhall croſs the ſaid Roads only, or ſhall not paſs more than One hundred Yards thereon; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on fraudulently taking Benefit of Exemptions.

XXVIII. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen in ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary thereof notwithſtanding.

Waggons conveying Military Stores not ſubject to Penalties for Overweight.

XXIX. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over any Gate, private Paſſage, Land, Ground, or Place lying by the Side of or near to any Part of the ſaid Road; or if any Perſon or Perſons owning or occupying any Land, Ground, or Place ſituate as aforeſaid, (the ſame not being a public Highway or Road to or from ſome Mill), ſhall knowingly or wilfully permit or ſuffer any other Perſon or Perſons to go or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over ſuch Gate, private Paſſage, Land, Ground, or Place, in order thereby to evade the Payment of the ſaid Tolls or any Part thereof, or whereby or by Means whereof any ſuch Evaſion ſhall take place or be effected; or if any Perſon or Perſons ſhall forge, counterfeit, or alter, or ſhall deliver to or receive from any other Perſon any Note or Ticket with Intent to avoid or evade Payment of the ſaid Tolls or any Part thereof, or ſhall take off or ſuffer to be taken off any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Road, or ſhall leave upon or near any Part of the ſaid Road, any Horſe or Horſes or other Beaſt or Cattle, or any Carriage chargeable with the Payment of any of the ſaid Tolls with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt without Payment of Toll; all and every ſuch Perſon and Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is herein-after provided for the Recovery of Penalties and Forfeitures, One Moiety whereof when raiſed ſhall be paid to the Informer, and the other Moiety to

Penalty on avoiding Tolls.

the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Diſputes concerning Tolls how to be ſettled.

XXX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to detain the ſame, or the Money ariſing from the Sale thereof, (as the Caſe may happen), until the Amount of Toll due, and the Charges of ſeizing, diſtraining, keeping, and ſelling, (as the Caſe may happen), ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace for the County, Riding, or Place wherein ſuch Diſpute ſhall ariſe, who, upon Application made to him or them for that Purpoſe, ſhall examine the ſaid Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Toll due, and alſo aſſeſs the Charges of ſuch Seizure, Diſtreſs, Keeping, and Sale, and alſo the Collector's Attendance for that Purpoſe, on the ſaid Juſtice or Juſtices; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector or other Perſon, before he ſhall be obliged to return the Diſtreſs or the Overplus after the Sale thereof, or of any Part thereof.

Collectors of Tolls not incompetent Witneſſes.

XXXI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, 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 not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Tolls veſted in the Truſtees;

XXXII. And be it further enacted, That the reſpective Sums of Money hereby authorized to be taken as aforeſaid, ſhall be demanded and taken in the Name of or as Tolls, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein-after is directed; and if any Perſon ſubject or liable to the Payment of any of the ſaid Tolls, ſhall after Demand thereof made, neglect or refuſe to pay the ſame or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons authorized and appointed as aforeſaid to collect ſuch Tolls by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Cattle or other Thing, upon or in reſpect of which ſuch Toll is hereby impoſed, together with their reſpective Bridles, Saddles, Gears, Harneſs or Accoutrements (except the Bridle or Reins of any Horſe or Beaſt ſeparate from ſuch Horſe or Beaſt) or any Carriage in reſpect of the Horſes or Cattle drawing the Carriage on which ſuch Toll is impoſed, or any of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay; and if the Toll or any Part thereof ſo neglected or refuſed to be paid, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Cattle, Carriage, or Things ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any) and what ſhall remain unſold, upon Demand to the Owner thereof, after ſuch Tolls and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs and Sale ſhall be deducted.

with Power to diſtrain in default of Payment.

XXXIII. And

Power to vary Tolls.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, and they are hereby empowered to leſſen or reduce all or any of the Tolls by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees ſhall think proper, and from Time to Time afterwards, to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the reſpective Tolls herein-before mentioned, and alſo from Time to Time to direct the Tolls hereby granted or ſo reduced as aforeſaid, to be collected in ſuch Parts or Proportions at the ſeveral Turnpike Gates erected or to be erected upon the ſaid Roads in purſuance of this Act as they ſhall think proper, ſo that ſuch Reduction be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Five Sixth Parts of the Money then due on the Credit of the ſaid Tolls; and that ſuch reduced Tolls, and alſo ſuch Parts or Proportions as aforeſaid, ſhall and may be collected, levied, and applied, in ſuch and the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting ſhall be held for the Purpoſe of leſſening, reducing, or advancing all or any of the ſaid Tolls after the Firſt Meeting, unleſs Twenty Days previous Notice, at the leaſt, ſhall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which ſhall then be erected upon the ſaid Road.

Penalty on Collectors, &c. taking greater or leſs Tolls than allowed.

XXXIV. And be it further enacted, That if any Farmer, Renter or Collector of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken from any Perſon or Perſons any Toll not hereby authorized to be taken or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice by or before whom the Matter of Complaint ſhall be heard, ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand and Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom as ſuch Juſtice ſhall think fit, any Law or Statute to the contrary notwithſtanding.

Power to provide Lamps, &c.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any of their Meetings to be held under or by virtue of this Act, to erect and ſet up or cauſe to be erected and ſet up, at all or any of the Turnpike Gates now erected or hereafter to be erected upon the ſaid Roads, ſuch Number of Lamps as they ſhall think neceſſary, together with proper Lamp Poſts and Lamp Irons thereto, and to cauſe the ſaid Lamps to be lighted at ſuch Times and in ſuch Manner as the ſaid Truſtees ſhall from Time to Time direct and appoint; and all Expences attending the providing of ſuch Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof, ſhall be defrayed out of the ſaid Tolls or out of any Money to be borrowed on the Credit thereof, and if any Perſon ſhall break, throw down, or damage all or any of the ſaid Lamps or the Poſts, Irons, or other Furniture thereof, or ſhall wilfully and maliciouſly extinguiſh any ſuch Lamps, or do any other Damage thereto, ſuch Perſon ſhall for every

ſuch

ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Coſts and Expences of repairing and amending ſuch Lamps, Lamp Poſts, Irons, Furniture, or Work ſo broken, thrown down, or damaged as aforeſaid, which Coſts and Expences ſhall and may be recovered in ſuch Manner as the Penalties hereby impoſed are hereinafter directed to be recovered, and ſhall be paid to the Treaſurer to the ſaid Truſtees for the Uſe of the ſaid Road.

Toll Gates, Houſes, &c. veſted in Truſtees.

XXXVI. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereto belonging, which are already erected, or made upon or on the Sides of the ſaid Road, or which ſhall be erected or made by virtue of this Act, and all Materials for building and repairing the ſame, and for repairing the ſaid Road, and all the Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof reſpectively, and all other Materials, Articles and Things which ſhall be purchaſed, collected or provided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons, who ſhall keep Poſſeſſion of any ſuch Houſe or Appurtenances, or ſhall break down, or damage, ſteal, or take away any of ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles or Things, or diſturb them, or their Agents or Servants in the Poſſeſſion thereof.

Tolls may be leaſed.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, (at any Meeting whereof Fourteen Days Notice ſhall have been given in Writing, and affixed upon all the Toll Gates then erected on the ſaid Road, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road,) from Time to Time to demiſe or let to farm, or agree to demiſe or let to farm, all or any of the Tolls ariſing by virtue of this Act, and all or any of the Toll Houſes, and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years upon public Bidding to the higheſt Bidder, and for the beſt Price that can be gotten for the ſame, payable at ſuch Times, to ſuch Perſon or Perſons under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit; and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithſtanding.

Tolls may be compounded for.

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

Enabling Truſtees to take Poſſeſſion

XXXIX. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or

Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in arrear by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or letting thereof, then and in either of thoſe Caſes, the ſaid Truſtees, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Five or more of them ſhall be at Liberty and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and that thereupon it ſhall be lawful for the ſaid Truſtees, (if they ſhall think fit), to vacate and determine the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Obligations, Covenants or Agreements on the Leſſee's Part), as if ſuch Demiſe or Agreement had never been made; and it ſhall and may be lawful for the ſaid Truſtees in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected in ſuch and the ſame Manner as if no former Demiſe, Contract, or Agreement had been made relative thereto.

of Toll Houſes when let to farm.

XL. And be it further enacted, That the ſaid Truſtees duly aſſembled at any Meeting, to be holden at any Time or Times hereafter, may and they are hereby authorized and empowered from Time to Time to borrow and take up at Intereſt on the Credit of the Tolls hereby granted, ſuch further Sum or Sums of Money as they ſhall think neceſſary, and they are hereby alſo authorized and empowered, either at every ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals to mortgage all or any Part of the Tolls hereby granted, (the Charges of mortgaging the ſame to be paid out of ſuch Tolls), for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame, (ſubject and without Prejudice to certain Mortgages which have been made under the ſaid Act of the Thirty-fifth Year of the Reign of His preſent Majeſty by certain Truſtees appointed under or by virtue of the ſame Act), which Mortgages ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay),

Truſtees to borrow Money and to aſſign Tolls.

'BY virtue of an Act paſſed in the Fifty-fourth Year of the Reign of His preſent Majeſty King *George* the Third, intituled [*here inſert the Title of this Act.*] We of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees in hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his, (her, *or* their) Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid

Form of Mortgage.

'Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as 'the ſaid Sum of doth or ſhall bear to the Whole of the 'Monies owing and ſecured 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. 'Given under our Hands and Seals this Day of 'in the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

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 all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Mortgage or Aſſignment of the Tolls may have been made under the ſaid recited Acts or any or either of them, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by ſigning before one credible Witneſs an Inſtrument either indorſed or not indorſed upon ſuch Mortgage or Aſſignment in the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer;

'I *A. B.* do transfer this Mortgage or Security (*or* a certain Mortgage 'or Security, *ſhortly ſtating it, as the Caſe may be*), with all my Right 'and Title to the Principal Money thereby ſecured, and all the Intereſt 'now due thereon, unto *C. D.* his, (her, *or* their) Executors, Adminiſtrators and Aſſigns. Dated this Day of 'in the Year of our Lord Witneſs *E. F.* '*A. B.*'

which muſt be entered with the Clerk.

Which Transfer ſhall be produced and notified to the Clerk or Treaſurer to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the before mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of One Shilling and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns to the Benefit thereof and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*, and it ſhall not be in the Power of any Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred), to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof.

No Preference among Creditors for the Money raiſed under this Act.

XLI. Provided always, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons, who hath or have advanced any Sum or Sums of Money upon the Credit of the ſaid recited Act, or who ſhall or may advance any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of having advanced, or of advancing any ſuch Sum or Sums of Money, but that all Perſons to whom any Mortgages or Aſſignments have been or ſhall be made as aforeſaid, ſhall be in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſame Tolls, in equal Degree one with another.

XLII. And

Application of the Tolls and Money to be borrowed.

XLII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the ſaid recited Act, or out of the Tolls and all other Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees ſhall in the firſt Place pay and diſcharge all Coſts and Expences relative to procuring and paſſing this Act, and the Remainder of all ſuch Monies ſhall from Time to Time be applied in repaying the Money borrowed or now owing by virtue of the ſaid recited Act, or to be borrowed in purſuance of this Act, and the Intereſt due and to grow due thereon reſpectively, and in repairing, widening, improving, and rendering commodious the ſaid Road, and in otherwiſe putting this Act in Execution, and to or for no other Uſe or Purpoſe whatſoever.

Power to get Materials.

XLIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors to the ſaid Truſtees, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take and carry away any Materials for repairing the ſaid Road, or building, rebuilding, or repairing any preſent or future Toll Houſe or Toll Houſes on the ſame Road, or any Bridge or Bridges thereon, out of any River or Brook, or out of or from any Waſte or Common in or near or convenient to which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up the Pits or Quarries, levelling the Grounds or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds, for or with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned), and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any ſuch Materials, in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to any Houſe, or any Piece of Ground, planted and ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of ſuch Lands or any of them concerning ſuch Payments and Damages as aforeſaid, any Two Juſtices of the Peace for the County wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages, and the Judgement or Order of the ſaid Juſtices therein ſhall be final and concluſive to and upon all Parties.

Notice to be given to the Occupiers of Lands before Materials are got.

XLIV. Provided nevertheleſs, and be it further enacted, That no Surveyor or any other Perſon or Perſons acting under the Authority of this Act, ſhall firſt begin to dig, gather, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Land, until Notice in Writing ſigned by the ſaid Surveyor ſhall have been given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Owner's or Occupier's uſual Place of Reſidence, to appear before any Two Juſtices

tices of the Peace acting for the County or Place wherein such Land shall lie, to shew cause why such Materials shall not be had therefrom, and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, such Two Justices shall, if they shall think proper, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, 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 Owner or Occupier, or his or her Agent, had attended, and the Order of such Justices respectively shall be final and conclusive to and upon all Parties.

Penalty on taking away Materials raised by a Surveyor.

XLV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Road, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Road to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary, and to cut down, lop or top, at proper Seasons of the Year, any Trees, Shrubs, or Bushes, growing or to grow on the said Road, or in the Hedges or Banks adjacent thereto respectively, (not being a Garden, Orchard, Plantation, Walk or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose, by such Surveyor or Surveyors, neglect or refuse to lop, top, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or the said Surveyor or Surveyors shall require; the Charges whereof, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered in such Manner, as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered; and every Person so neglecting or refusing, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLVII. And

Penalty for erecting Encroachments on the Side of the Road.

XLVII. And whereas great Inconveniences have arisen from erecting Dwelling Houses and other Buildings, and making Hedges, Ditches and other Fences too near the said Road; for Remedy whereof, be it enacted, That if any Person shall from and after the passing of this Act encroach by making, or causing to be made, any Dwelling House, or other Building, Hedge, Ditch, or other Fence within the Distance of Fifteen Feet from the Middle or Centre of such Turnpike Road, (except Turnpike Houses erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence any Sum not exceeding Forty Shillings to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, by Order under their Hands made at a Public Meeting, or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be pulled down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any one or more Justice or Justices of the Peace in and for the said County of *Lancaster*, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches, as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Power to make Causeways and Drains.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make and keep in Repair, or cause to be made and kept in Repair any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Road, in such Manner as they shall see convenient; and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and erect, rebuild, and keep in Repair, Bridges, and Arches upon the said Road, or across any such Ditches or Drains where necessary, and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road, (such Ground respectively, not being the Scite of or Ground whereon any House or Houses stand, not being a Yard, 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, and Carriages, as a Public Highway, whilst such ruinous or narrow Part of the said Road is repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such Private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common or Waste Grounds; and in case of any Difference concerning the same, between such Owners or 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 of the Peace to be holden in and for the said County of *Lancaster*, or at their Second Quarter Sessions of the Peace at the farthest, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owner and Occupiers

for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties, but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common or Waste Lands.

Penalty on Persons riding or driving Cattle, &c. on the Causeways.

XLIX. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or any other Way or Ways to be made upon the said Road, for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; and if any Horse or Horses, Cattle or Swine shall be found wandering or depasturing upon or on the Sides of any Part of the said Road, the Owner or Owners of such Horse or Horses, Cattle or Swine, shall respectively forfeit and pay any Sum not exceeding Ten Shillings to the said Surveyor or Surveyors, and he and they is and are hereby authorised and required to cause all such Horse or Horses, Cattle or Swine, as shall be found wandering or depasturing upon the said Road, or on the Sides thereof, to be impounded until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over and above the usual Fee, to the Proprietor or Keeper of the Pound where such Horse or or Horses, Cattle or Swine, shall be so impounded; and if any Proprietor or Keeper of any such Pound shall refuse to receive, or after being impounded as aforesaid shall release any such Horse or Horses, Cattle, or Swine, without the Consent of such Surveyor or Surveyors, every such Proprietor or Keeper shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them in leading or driving such Horse or Horses, Cattle or Swine, to Pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Trustees may widen, divert, or alter Roads.

L. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, to contract and agree with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by widening, diverting, turning, shortening, varying, or altering the said Road or any Part thereof, for any Space not exceeding One hundred Yards, through or over such Lands or Hereditaments; and it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, or Committees, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Infants, Wards, Cestuique Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seized or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the

contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat.

LI. And be it further enacted, That if ſuch Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons 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 other Place or Places of Abode, of ſuch Perſon or Perſons, or of the Principal Officer or Officers of ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be taken in and added to any of the ſaid Road, and through which any Part of ſuch Road is to be varied, diverted, turned or altered, ſhall for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage or Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the ſaid County of *Lancaſter*; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time as Occaſion ſhall be or require, to ſummon and call before ſuch Jury, and examine upon Oath any Perſon or Perſons whomſoever, (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and ſuch Truſtees ſhall by ordering a View or otherwiſe uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments according to the Verdict or Inquiſition of ſuch Jury, which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereupon, ſhall be final, binding, and concluſive to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Remainder, Reverſion or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical, or Civil, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Lancaſter*, requiring him to impannel, ſummon and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees at ſuch Time or Place as in ſuch Warrant or Warrants ſhall be appointed, and ſuch Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid, and in default of a ſufficient Number

Damages to be ſettled by a Jury.

of

of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, or the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty thereon, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined, or give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any one Perſon for one Offence.

How Expences of a Jury ſhall be paid.

LII. 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 their Treaſurer, Clerk, Surveyor or other known Agent, before the ſummoning and returning of the Jury as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, 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 Treaſurer to the ſaid Truſtees out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in 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 before the ſummoning and returning the ſaid Jury as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, 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 of ſuch Difference, ſhall be borne and paid by the Perſon and Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute, which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County of *Lancaſter*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame at a Time and Place to be by him appointed after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon and Perſons, and the Payment or Tender of the Remainder of ſuch 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 upon Demand after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk to the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for Recovery

covery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Money agreed upon or assessed, how to be paid or tendered.

LIII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies, or to their Agents, and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees, their Surveyors, Workmen or Agents, to make, extend, widen, divert, or turn such Road through or over such Lands or Hereditaments, and to do all and every such Acts, Matters and Things, with relation to such Lands or Hereditaments, as the said Trustees shall think fit, according to the Directions of this Act, and all the Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in Repair, as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and the Land constituting any former Road in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Roads do not lead, and also all such Toll Houses and other Buildings and Conveniencies as shall become or be rendered useless to the said Trustees or unnecessary for the Purposes of this Act, shall be vested in, and shall and may be sold either by public Sale or private Contract, and conveyed by the said Trustees for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing of the said Road by this Act directed to be repaired, but the Purchaser or Purchasers of such respective Premises shall not be answerable or accountable for any Misapplication or Non application of such Money, and all Conveyances of such Roads, Toll Houses, Buildings and Conveniencies as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, and inrolled with the Clerk of the Peace for the County or Riding in which the said Roads and Premises shall be situate, shall be good and effectual in the Law, to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees by Surrender or other Conveyance sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Former Roads may be sold.

Application of Compensation when amounting to 200l.

LIV. And be it further enacted, That if any Money shall be agreed or assessed, to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other

other incapacitated Perſon or Perſons, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be paid 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 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 to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the 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 ſaid Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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, to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. and exceeds 20l.

LV. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Body Politic, 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 Hereditaments ſo purchaſed, taken, or uſed, or of his 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 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 for executing this Act, ſuch Nomination and Approbation

Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application when the Money is leſs than 20l.

LVI. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or aſſeſſed to be paid as herein-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, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Commitee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles.

LVII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees or any Five or more of them, or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be awarded or aſſeſſed 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 of Money ſo awarded or aſſeſſed as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid 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 of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall, and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion presumptively entitled.

LVIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tene-

ments, 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, and 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 be lawfully entitled to ſuch Lands, Tenements, and 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.

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

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

Truſtees not to pull down Dwelling Houſes nor to enter Plantations, &c. without the Conſent of Owners.

LX. Provided always, and it is hereby enacted and declared, That the Powers and Authorities hereby given to the ſaid Truſtees ſhall not extend to the pulling down any Dwelling Houſe or other Building, or to the taking in of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof, firſt had and obtained.

Truſtees empowered to ſell Overplus Grounds, etc.

LXI. And whereas by reaſon of the diverting of ſome Part or Parts of the ſaid Road, the Truſtees may happen to be ſeized of ſome Piece or Pieces of Ground, over and above what are or ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by Public or Private Contract, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Road, then to the Perſon or Perſons whoſe Lands ſhall adjoin

When Pieces of Land are to be ſold the Firſt Offer to be made to the original Proprietor.

adjoin thereto, and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to or on account of the Price thereof, as herein-after mentioned), or ſhall refuſe (except with reſpect to or on account of the Price thereof) to purchaſe or re-purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary, in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the County in which ſuch Land or Ground ſhall be ſituate, (who are hereby empowered and required to take the ſame), by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and 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 ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner in this Act 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 Manner herein-before directed with reſpect to ſuch Purchaſes made by the ſaid Truſtees *mutatis mutandis*, and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of Ground ſhall be applied to the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money, and the Conveyances of ſuch Piece or Pieces of Ground ſhall be made to the Purchaſer or reſpective Purchaſers thereof, and in ſuch Manner and Form as is herein-before directed with reſpect to the Conveyances to be made of the Land conſtituting any Part of the Road herein-before directed to be ſold.

In caſe the Parties cannot agree the Value to be determined by a Jury.

LXII. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees and Committees of any Lands, Tenements and Hereditaments, and all other Perſon or Perſons liable to the amending or maintaining any Part or Parts of the ſaid Road, or any Bridge, Cauſeway, Drain, Arch, or Sewer therein, ſhall ſtill remain liable and chargeable to the Repair thereof in ſuch Manner as they were before the paſſing of this Act (ſubject nevertheleſs to the Regulations herein-after expreſſed concerning the ſame); and that all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts or Places through which the ſaid Roads ſhall paſs, ſhall be liable to the Repair of the ſaid Road, and to perform their reſpective Works thereon in ſuch and the like Manner in every reſpect as they are liable to the Repair of any other common Highway within ſuch Pariſh, Townſhip, Hamlet, Diſtrict or Place reſpectively.

Perſons now liable to repair the Roads to remain ſo.

LXIII. Provided always, and be it further enacted, That all Perſons who by Law are liable to do Statute Work on any Part of the Road within the Pariſhes, Townſhips, or Places through which the ſaid Road or any Part thereof paſſes, ſhall be liable to do the ſame on the ſaid Road, and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace acting

For regulating Statute Labour.

acting in the ſaid County of *Lancaſter*, and they are hereby required and empowered upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine, what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road, by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers, and in order thereunto it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, Townſhip or Place are by Law ſubject and liable to do Statute Work for that Year, or for the Payment of any Money in lieu of or as Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in Manner and under ſuch Regulations as is or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Haytime or Harveſt), and in ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her or them, at his, her or their laſt or uſual Place or Places of Abode, for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject and liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor or Surveyors to the ſaid Truſtees, ſuch Surveyor or Surveyors is and are hereby empowered to remove and turn off the Perſons who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſending ſuch Labourer, Team, or Draught ſhall be

ſubject

ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees and applied towards amending the ſaid Road; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips or Places, refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor or Surveyors ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees to compound for Statute Labour.

LXIV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree by the Year or otherwiſe with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, firſt had at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Road.

Truſtees may enter into Agreements with Land Owners for Payment of annual Sums of Money in lieu of Repairs Ratione Tenuræ.

LXV. And be it further enacted, That the Truſtees of the ſaid Road, or any Five or more of them, are hereby authorized and empowered to enter into Agreements with any Owner or Owners of Lands, Tenements, or Hereditaments, liable by reaſon of the Tenure thereof to the Repair of any Part or Parts of the ſaid Road for the Payment of ſuch annual Sum or Sums of Money to the ſaid Truſtees, as they or any Five or more of them ſhall think proper, in lieu of Repairs to be done *Ratione Tenuræ* by ſuch Owner or Owners or his or their Tenant or Tenants for the Time being, for any Term or Number of Years, not exceeding the Term granted by this Act; and the ſaid Truſtees ſhall be ſubject and liable to keep ſuch Part or Parts of the ſaid Road *Ratione Tenuræ* in good and ſufficient Repair, and ſhall indemnify the ſaid Owner or Owners, or their reſpective Tenants, from the Conſequences of any Indictment or Indictments which may be preferred on account of any Part or Portion, Parts or Portions of the ſaid Road *Ratione Tenuræ* being in inſufficient Repair during the Exiſtence of ſuch Agreements.

For enforcing the Payment of Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Surveyor, &c.

LXVI. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpike or Toll Gate, or in lieu of any ſuch Repairs for Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for the ſaid Truſtees or any Juſtice or Juſtices of the Peace for the ſaid County, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Truſtees or ſuch Juſtice or Juſtices, that the ſame hath been demanded and remains due, which Oath the ſaid Truſtees or any One or more of them, or their Treaſurer or Clerk, or ſuch Juſtice

or

or Juſtices, are hereby reſpectively empowered to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, or of the Surveyor or Surveyors of the Highways ſo agreeing to make ſuch Compoſition in lieu of any ſuch Repairs for Statute Work as aforeſaid, as the Caſe may be, returning the Overplus (if any) upon Demand, after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale to the Owner or Owners thereof.

Surveyor, &c. may recover the ſame.

LXVII. And be it further enacted, That the reſpective Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery by the ſeveral Ways and Means, and in ſuch Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Truſtees may contract for repairing the Road, &c.

LXVIII. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for altering, diverting, widening or repairing, the ſaid Road, or any Part thereof, and for erecting Mile or Direction Stones or Poſts thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees ſhall think proper; and that all Contracts or Agreements in Writing, entered into purſuant to any Order of the ſaid Truſtees, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors, and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or by their Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Parties, or Perſon or Perſons failing in the Performance of ſuch Contracts or Agreements reſpectively, and ſuch Sum or Sums of Money as ſhall or may be requiſite for repairing the ſaid Road, or any other Matter or Thing to be done by virtue of this Act, and which by ſuch Contracts or Agreements reſpectively the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt ſuch Party or Parties, or Perſon or Perſons ſo as aforeſaid, making Default in fulfilling his, her, or their Contract or Agreement, any Law or Uſage to the contrary in anywiſe notwithſtanding.

Surveyors to carry off the Scrapings.

LXIX. And be it further enacted, That the Surveyor or Surveyors of the ſaid Road, or any Perſon or Perſons which he or they ſhall appoint from Time to Time, ſhall haul, remove, and carry away all ſuch Soil, Earth, or other Matter as ſhall have been gathered, collected or ſcraped from off the ſaid Road.

LXX. And

Penalty on obſtructing the Execution of this Act.

LXX. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees or any of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding Forty Shillings.

Power to Collectors to detain unknown Perſons guilty of Offences.

LXXI. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch other Perſon or Perſons as he or they ſhall call to his or their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons who ſhall commit any ſuch Offence or Offences, and take him, her, or them before any Juſtice of the Peace of the County or Place where the Offence or Offences ſhall be committed; and ſuch Juſtice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige ſuch Perſon or Perſons ſo offending to give Security for his, her, or their Appearance, at the next Petty Seſſions to be holden within or for the County or Place in which ſuch Offence or Offences ſhall have been committed, to anſwer the ſaid Complaint, and the Juſtices preſent at ſuch Petty Seſſions, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the ſaid Complaint in a ſummary Way; and upon the Conviction of the Offender or Offenders, either by the Juſtice before whom he, ſhe, or they ſhall be firſt taken, or by the Juſtices at ſuch Petty Seſſion as aforeſaid, it ſhall be lawful for ſuch Juſtice or Juſtices reſpectively to commit him, her, or them to the Common Gaol or any Houſe of Correction for the ſaid County or Place, there to remain for any Time not exceeding Six Calendar Months, unleſs he, ſhe, or they ſhall ſooner pay the reſpective Penalties by him, her, or them incurred (if any) for ſuch Offence or Offences, together with the Coſts and Charges attending the Conviction and Commitment.

Recovery and Application of Penalties.

LXXII. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), with the Coſts and Charges attending the Conviction, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of ſome One of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Offence ſhall be committed, rendering the Overplus of ſuch Diſtreſs (if any there be) to the Party or Parties, after deducting the Charges of making the ſame; which Warrant ſuch Juſtice is hereby empowered and required to grant upon Conviction of the Offender by Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes; and ſuch Penalties and Forfeitures, when ſo levied, ſhall be paid the One Half to the Informer, and the other Half to the Surveyor of the ſaid Road, to be applied towards the Repair thereof, unleſs otherwiſe directed by this Act; but if the Surveyor ſhall be the Informer, then the whole ſhall be applied towards the Repair of the ſaid Road; and

in caſe ſuch Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required by Warrant under his Hand and Seal to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the ſaid County or Place for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment, ſhall be ſooner paid.

Form of Conviction.

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

County of Lancaſter, to wit } ‘ BE it remembered, That on the Day of in the Year of His Majeſty's Reign, and ‘ in the Year of our Lord *A. B.* is convicted ‘ before of His Majeſty's Juſtices of the ‘ Peace for the ſaid County, by virtue of an Act of the Fifty-fourth ‘ Year of the Reign of King *George* the Third, intituled [*here ſet forth the* ‘ *Title of this Act, and ſpecify the Offence when and where committed.*] ‘ Given under our Hands and Seals (*or* my Hand and Seal), the Day ‘ and Year firſt above written.’

Proceedings not to be quaſhed for Want of Form.

LXXIV. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained on the Conviction or Convictions of any Offender or Offenders by virtue hereof, ſhall be quaſhed, ſet aſide, or vacated for Want of Form only, nor ſhall be removed or removable by *Certiorari*, or otherwiſe, into any of His Majeſty's Courts of Record at *Weſtminſter*; and where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or any other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he, ſhe or they ſhall not on that Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage ſuſtained thereby, in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends ſhall be made by or on behalf of the Party diſtraining before ſuch Action brought.

Appeal to Quarter Seſſions.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their General Quarter Seſſions of the Peace to be holden for the County or Place wherein the Fact touching ſuch Penalties or Forfeitures

feitures are incurred or impoſed ſhall be committed, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſion, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſion, mitigate at their Diſcretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy by their Order or Warrant ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the Common Gaol for the County or Place where the Appeal ſhall have been heard and determined for any Time not exceeding Six Calendar Months, or until ſuch Payment of ſuch Coſts.

Notice of appealing to be given.

LXXVI. Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall, and is and are hereby required to give Notice in Writing to the Clerk to the Truſtees of the ſaid Road, of ſuch his or their Intention of bringing and proſecuting an Appeal, Fourteen Days before the ſaid Quarter Seſſion, and ſhall, before ſuch Notice given, enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace for the County or Place where ſuch Appeal ſhall be intended to be brought, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Limitation of Actions.

LXXVII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done or pretended to be done in purſuance of this Act, until after Fifteen Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof ſhall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which the ſame ſhall be committed, and not elſewhere; and the Defendant or Defendants in every 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 that the ſame was ſo done, or that ſuch Action or Suit was brought before Fifteen Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction had been made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plantiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering

recovering the ſame, as any Defendant or Defendants hath or have in any Caſe by Law.

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

Commencement and Term of this Act. LXXIX. And be it further enacted, That this Act ſhall commence upon the Third *Friday* in the Month next after the paſſing of this Act, and ſhall continue and be in force for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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