ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. li.

An Act for more effectually repairing the Road from *Clitheroe* to *Whalley*, and from thence to *Blackburn* and *Mellor Brook*, in the County Palatine of *Lancaster*; and for making a Branch of Road between *Blackburn* and *Whalley*. [19th *May* 1819.]

WHEREAS an Act was passed in the Sixteenth Year of the Reign of His present Majesty, intituled *An Act for repairing and widening the Road from the* Market Cross, *in the Township of* Clitheroe, *to* Salford Bridge, *in the Town of* Blackburn, *in the County Palatine of* Lancaster: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term, and altering and enlarging the Powers, of an Act passed in the Sixteenth Year of the Reign of His present Majesty, intituled 'An Act for repairing and widening the Road from the* Market 'Cross, *in the Township of* Clitheroe, *to* Salford Bridge, *in the Town 'of* Blackburn, *in the County Palatine of* Lancaster:' And whereas another Act was passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act to continue the Term, and alter and enlarge the Powers, of Two Acts of His present Majesty, for repairing the Road from the* Market Cross, *in the Township of* Clitheroe, *to* Salford Bridge, *in the Town of* Blackburn, *for diverting a Part of the said Road, and for making a Branch of Road to communicate with the* Blackburn *and* Preston *Road, all in the County Palatine of* Lancaster; whereby the Two former Acts were continued for a further Term, and some of the 16 G. 3. c. 75. 36 G. 3. c. 144. 48 G. 3. c. 33.

Proviſions, Powers, and Authorities thereby made and granted, were altered and enlarged, and additional Truſtees were appointed for putting the ſaid Three Acts in Execution: And whereas great Progreſs hath been made in the Execution of the ſaid ſeveral Acts, and conſiderable Sums of Money have been borrowed on the Credit of the Tolls thereby granted, and ariſing upon the ſaid Roads, which Sums of Money now remain due and owing, and the ſame cannot be paid off and diſcharged, neither can the ſaid Roads be effectually kept in Repair, unleſs the Term and Powers of the ſaid Acts are enlarged, and the preſent Tolls increaſed: And whereas the Powers and Proviſions of the ſaid recited Acts have been found in ſome Reſpects defective and inſufficient for the Purpoſes intended; and it is expedient that the ſaid recited Acts ſhould be repealed, and further and more effectual Powers and Proviſions granted and made inſtead thereof, in one Act of Parliament, for making, amending, widening, turning, varying, altering, and keeping in Repair the Road from the *Market Croſs* in the Townſhip of *Clitheroe* aforeſaid, through Part of the Streets of the Borough, and through Part of the ſaid Townſhip, and alſo through the ſeveral Townſhips of *Pendleton*, *Wiſwall*, *Whalley*, *Billington*, *Great Harwood*, *Riſhton*, and *Little Harwood*, and through Part of the Town and Townſhip of *Blackburn* aforeſaid, to *Salford Bridge* in the ſaid Town; and a Diverſion in the ſaid Road from, or nearly from, a ſmall Plot or Parcel of Waſte Ground contiguous to the ſaid Road, ſituate near *Standen-Hey Gate*, in the Townſhip of *Pendleton* aforeſaid, through the ſaid Townſhip, and Part of the Townſhip of *Clitheroe* aforeſaid, to the Borough of *Clitheroe* aforeſaid, and alſo the Road or Branch of Road from and out of the ſaid Road leading from *Clitheroe* to *Blackburn* aforeſaid, from, or nearly from, the South End of *Whalley Bridge* in the Pariſhes of *Whalley* and *Blackburn* aforeſaid, through the Townſhips of *Billington*, *Wilpſhire*, *Saliſbury*, *Clayton-le-Dale*, *Mellor*, *Oſbaldeſton*, and *Balderſtone*, all in the Pariſh of *Blackburn* aforeſaid, to, or nearly to, a certain Public-houſe in *Balderſtone* aforeſaid, in the Poſſeſſion of *Thomas Aſhworth*, ſo as to communicate with the preſent Road, which leads from *Blackburn* aforeſaid, through *Mellor* to *Preſton*, in the ſaid County of *Lancaſter*: And whereas the Courſe of the preſent Road from *Clitheroe* to *Blackburn* aforeſaid is, in many Parts between the Town of *Blackburn* and the Village of *Whalley*, ſteep and mountainous, and it would be a great Accommodation to the Neighbourhood and Public if a new Road were made from the ſaid *Blackburn* and *Whalley* Road, at or near a Place in *Blackburn* aforeſaid, called the *Colthouſe*, through the ſeveral Townſhips of *Blackburn*, *Little Harwood*, *Wilpſhire*, otherwiſe *Wilpſhire* with *Dinckley*, and *Billington*, all in the ſaid Pariſh of *Blackburn*, to, or nearly to, a certain Place in the Townſhip of *Billington* aforeſaid, called *Taylor's Croſs*, where it will communicate with the Road leading from *Whalley* to *Preſton*; but as the ſeveral Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Third *Thurſday* in the Month next after the paſſing of this Act, the ſaid recited Acts ſhall be, and the ſame are hereby repealed and declared to be null and void to all Intents and Purpoſes; and that inſtead thereof this Act ſhall then commence and take Effect, and be put in Execution for

Deſcription of the Roads to be maintained under this Act.

And of new Road to be made and maintained under this Act.

Former Acts repealed, and this to be executed inſtead thereof.

for and during the Term hereinafter mentioned, for the Purpoſe of amending, widening, turning, varying, altering, making, and keeping in Repair the ſaid Road, and Branches of Road, hereinbefore particularly deſcribed.

This Act made ſubject to the Payment of all Monies borrowed on the Credit of former Acts.

II. Provided always, 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 reſpective Tolls authorized to be taken by the ſaid recited Acts hereby repealed, or either or any of them, and of all Intereſt due and to grow due thereon reſpectively, as fully and effectually, to all Intents and Purpoſes, as if ſuch Monies had been borrowed or become due and owing on the Credit or on Account of this Act; and that all and every Perſon and Perſons owing any Sum or Sums of Money to the Truſtees for executing the ſaid recited Acts hereby repealed, or any of them, 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 recited Acts hereby repealed, according to the Proviſions and Directions thereof, 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 Roads under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, duly made or entered into by the ſaid Truſtees for executing the ſaid Acts hereby repealed reſpectively, 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.

Roads made or ſhut up by former Truſtees, to remain made or ſhut up.

III. And be it further enacted, That all Roads made, opened, widened, diverted, ſhut up, or diſcontinued, under or by virtue of the Powers and Proviſions of the ſaid Acts hereby repealed, or any or either of them, ſhall remain and continue open, widened, diverted, ſhut up, and diſcontinued in ſuch and the ſame Manner as at the Time of paſſing this Act, and that the Truſtees under this Act ſhall be diſcharged from the Care and Management of all Roads ſo ſhut up or diſcontinued.

Truſtees appointed.

IV. And be it further enacted, That His Majeſty's acting Juſtices of the Peace for the ſaid County Palatine of *Lancaſter* for the Time being, the Honourable *Henry Cuſt*, the Honourable *William Cuſt*, the Honourable *Robert Curzon*, the Honourable *William Aſsheton Penn Curzon*, the Honourable *Thomas Liſter*, Sir *Henry Philip Hoghton* Baronet, Sir *Thomas Dalrymple Heſketh* Baronet, and *William Aſsheton* the Younger, *John Aſpinall*, *Philip Abbot* Clerk, the Vicar of *Blackburn* for the Time being, *John Blackburn*, *John Birley*, *Hugh Hornly Birley*, *Joſeph Birley*, *William Barton* Clerk, *James Barlow*, *Richard Baldwin*, *James Burton*, *John Bell*, *John Bailey*, *John Bateſon*, *William Brookes*, *John Bury*, *William Boys*, *Richard Cardwell*, *Richard Cardwell* Clerk, *Thomas Clayton*, *Adam Cottam*, *William Chippindall*, *John Chippindall*, *James Chew*, *Abraham Chew*, *William Croſs*, *Thomas Collinſon*, *William Carr*, *Thomas Carr*, the Incumbent of *Clitheroe* for the Time being, *Richard Edleſtone*, *Richard Fort*, *John Fort*, *Joſeph Feilden*, *William Feilden*, *Thomas Glover*, *James Glover*, *Jeremiah Garnett*, *William Groom*, *James Greenway*, *James Hargreaves*, *John Hargreaves* of *Ormerod Houſe*, *John Fowden*

Fowden Hindle, *John Hornby*, *Daniel Hornby*, *Robert Heath* Clerk, *James Hamer*, *John Harper*, *Richard Hardy*, *William Harper*, *Jeremiah Horſefall*, *William Horſefall*, *Thomas Hargreaves*, *John Hargreaves* of *Blackburn*, *Joſeph Kirkpatrick*, *Richard Grimſhaw Lomax*, *Richard Legh*, *John Leach*, *William Leach*, *William Maude*, *Richard Noble* Clerk, *James Neville*, *John Oddie*, *Thomas Liſter Parker*, *John Fleming Parker* Clerk, *George Petre*, *Thomas Parker*, *Thomas Parker* the Younger, *Jonathan Peel* of *Accrington Houſe*, *Thomas Peel*, *Robert Peel* of *Church Bank*, *Robert Peel* of *Hyndburn*, *Edward Parker*, *William Pearce*, *James Quartley* Clerk, *Joſias Robinſon*, *Dixon Robinſon*, *Henry Sudell*, *Le Gendre Starkie*, *Le Gendre Pierce Starkie*, *Thomas Jepſon Starkie*, *Robert Starkie*, *Stephen Sparrow*, *Peregrine Edward Towneley*, *James Taylor*, *John Taylor*, *James Thomſon*, *Thomas Taylor*, *Thomas Turner*, *William Turner*, *John Tomlin*, *Joſeph Vernon*, the Vicar of *Whalley* for the Time being, *Thomas Dunham Whittaker* Clerk, LL. D., *Charles Whittaker*, *Henry Wiggleſworth* Clerk, *James Wiggleſworth*, *Robert Whalley*, *John Whalley* Clerk, *William Whalley*, *Thomas Wilſon*, *Benjamin Wilſon*, *Edmund Wilſon*, *James Wilſon*, *Chriſtopher Bland Walker*, *Matthew Wilkinſon*, *Leonard Wilkinſon*, *John Ward*, *Richard Ward*, *Charles Wright* Clerk, *Henry Adderly Wright*, *Joſeph Whitle*, and *James Wilkinſon*, ſhall be, and they and their Succeſſors to be elected in Manner hereinafter directed are hereby appointed Truſtees for amending, turning, varying, altering, widening, making, and keeping in Repair the ſaid Road from *Clitheroe* to *Blackburn*, and the ſeveral other Roads hereinbefore more particularly deſcribed, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees.

V. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five 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 Fifteen 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 Authorities for executing this Act as if they had been herein named and appointed.

Power to chuſe new Truſtees.

VI. 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 any Five or more of 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 which ſhall be then 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 or Perſons to be a Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying, becoming Bankrupt, or Inſolvent, or refuſing, declining, or becoming incapable to act as aforeſaid; and every 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.

VII. And

Qualification of Truſtees.

VII. 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 in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Repriſes, or poſſeſſed of a Perſonal Eſtate, or a Real or Perſonal Eſtate together, of the Amount or Value of Four thouſand Pounds, or unleſs ſuch Perſon ſhall be Heir Apparent to a Perſon poſſeſſed of a Freehold or Copyhold Eſtate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of Three 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: 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 any 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.

Penalty on acting if not qualified.

Acts of unqualified Truſtees before Conviction to be valid.

Truſtees to take an Oath.

VIII. And be it further enacted, That every Truſtee appointed, or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath or Affirmation hereinafter-mentioned), ſhall take and ſubſcribe an Oath or Affirmation before Two or more of the ſaid Truſtees (who are hereby empowered to adminiſter the ſame), in the Form or to the Effect following; (that is to ſay,)

'I, *A. B.* do ſwear [*or* affirm], that I am, in my own Right [*or* in the Right of my Wife] truly and *bonâ fide* ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; [*or* am truly and *bonâ fide* poſſeſſed of a Perſonal Eſtate, *or* Real and Perſonal Eſtate together, of the Value of Four thouſand Pounds, [*or* am Heir Apparent of a Perſon truly and *bonâ fide* ſeiſed or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments, of the clear Yearly Value of Three hundred Pounds above Reprizes, in the County of *Lancaſter, as the Caſe may be.*]

'So help me GOD.'

Victuallers, &c. not to be Truſtees.

IX. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee during the Time he ſhall hold any Place or Employment of Profit, or concerned or intereſted in any Contract or Contracts under this Act, or in any Caſe where (except as a Mortgagee or Creditor) he ſhall be perſonally intereſted; and that no Perſon who ſhall keep any Alehouſe, Victualling-houſe, or other Houſe of public Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of holding any Place of Truſt

Truſt or Profit under this Act; but no ſuch Perſon ſhall be precluded from farming the Tolls hereby granted, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

First Meeting of Truſtees.

X. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Gardeners' Arms*, in *Whalley* aforeſaid, on the Third *Friday* in the Month next after the paſſing of this Act, between the Hours of Eleven in the Forenoon and Two in the Afternoon, and ſhall then and there proceed to the Execution of this Act, and ſhall or may adjourn, and from Time to Time afterwards meet there, or at any other Place on or near the ſaid Roads, as the ſaid Truſtees or any Five or more of them ſhall think proper and appoint, as often as it ſhall be neceſſary for carrying this Act into 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 the Meeting of the Truſtees for carrying this Act into Execution, either to act or to adjourn, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn, 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 Roads, and to be inſerted in ſome Newſpaper which ſhall be then circulated in the ſaid County, at leaſt Seven Days before the next Meeting, to appoint a Meeting of the Truſtees 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 and inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome convenient Houſe on or near the ſaid Roads, 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; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed, and when and as often as it ſhall happen that there ſhall be an Equality of Votes at any ſuch Meeting, including the Vote of the Chairman, then and in every ſuch Caſe the Chairman ſhall have the deciſive or caſting Vote.

Power to adjourn.

Truſtees at Meetings to defray their own Expences.

Majority of Truſtees aſſembled to concur in all Orders.

XI. 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 otherwiſe provided or mentioned); and no Order or Determination ſhall be made, unleſs Five Truſtees at the leaſt ſhall be preſent, nor unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are or may be 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; and in all Caſes in which any Juſtices of the Peace are required or authorized, in the

Truſtees, being Juſtices may act as ſuch and adminiſter Oaths.

Execution

Execution of this Act, to examine any Perſon or Perſons upon Oath, it ſhall be lawful for ſuch Juſtices of the Peace to adminiſter ſuch Oath.

How Orders of Truſtees may be revoked or altered.

XII. And be it further enacted, That no Order made by any Five or more of the ſaid Truſtees ſhall be revoked or altered but at a Meeting to be held as hereinafter mentioned; nor unleſs the Number of Truſtees preſent, and revoking or altering the ſame, ſhall exceed the Number of Truſtees by whom ſuch Order ſhall be made; and unleſs Ten Days Notice ſhall be given by Five Truſtees to the Clerk of 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 ſuch 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 Seven 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.

Meetings on Emergencies.

XIII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall, upon any Emergency, be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which any Meeting ſhall have been adjourned, the Clerk to the ſaid Truſtees, being authorized by an Order in Writing ſigned by Three or more of the ſaid Truſtees, although not aſſembled at a Meeting, mentioning the Time and Place and Purpoſe of ſuch earlier Meeting, ſhall forthwith give Notice thereof in Manner before directed, in Caſes where no Adjournment ſhall take place, and of the Time and Place which ſhall be mentioned in the Order of ſuch Three Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch earlier 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 hereinbefore directed to be adjourned or appointed to be held, notwithſtanding any former Adjournment to the contrary; and every ſuch Adjournment ſhall be conſidered as an Adjournment of the original Meeting under this Act.

Proceedings to be entered in a Book, and ſigned.

XIV. 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 hereinafter 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.

Truſtees may appoint Officers,

XV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, 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 a Treaſurer or Treaſurers, Receiver or Receivers, and Collector and Collectors of ſuch Money as ſhall ariſe and may become due and

and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, 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 the said Trustees, or any Five or more of them shall see Occasion; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be appointed to or be capable of holding any Place of Profit under this Act; and the said Trustees, or any Five or more of them, 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, or any Five or more of them, 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, or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they or any Five or more of them 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 every such Officer or Person shall and he 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 or any Five or more of them 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 pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, 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 any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County 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, or any Five or more of them, 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-

and remove them.

Officers to account,

or be punished.

Nonpayment 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, without ſome reaſonable Excuſe, or if appearing, ſhall refuſe or neglect to make out and deliver to the ſaid Juſtice ſuch Account in Writing 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 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, or any Five or more of them, for ſuch Money and Charges, and paid the Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered 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, or any Five or more of them: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs ſhall be detained in Priſon by virtue of this Act for any longer Space of Time than Six Calendar Months.

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

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

Clerk restrained from acting as Treasurer, and *vice versa*.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or he Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Treasurer to give Security.

XVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due and faithful Execution of his and their said Office and Offices; and may also, if they think fit, take such Security from any other Officer to be appointed by virtue of this Act.

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 (although 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 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 as the Person who shall so die or be discharged would have had, and shall be answerable and accountable in the same Manner, in all Respects, as such Person would have been; 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 said County, by

Warrant

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 ſuch Toll Gate or Toll Houſe, 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.

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

XX. 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, or any Five or more of them, 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 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 their Expences.

For continuing the preſent Toll Gates, and erecting other Toll Gates, &c.

XXI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and empowered to continue or remove all or any of the Gates, Turnpikes, Bars, and Chains, now ſtanding in, upon, or acroſs the ſaid Roads, or on the Sides thereof, and alſo to erect, or cauſe to be erected, any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Roads, and the Diverſion and Branch therefrom, and upon the Sides thereof, acroſs any Lane or Way leading into or out of the ſame, (ſuch Lane or Way not being a Turnpike Road,) and alſo to continue, erect, or provide a Toll Houſe, with ſuitable Outbuildings and Conveniences at or near each Toll Gate; and that the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time afterwards remove, alter, or diſcontinue ſuch Turnpikes, Toll Gates, Bars, Chains, or Toll Houſes, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall think expedient; and alſo ſhall and may take in and incloſe from the Sides of the ſaid Roads convenient Garden Spots for the Toll Houſes reſpectively, not exceeding One Eighth Part of an Acre to each Toll Houſe: Provided nevertheleſs, that no Removal, Alteration, or Diſcontinuance of any ſuch Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, ſhall be made, nor ſhall any freſh Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, be erected or ſet up after the firſt Meeting of the ſaid Truſtees, unleſs Notice of the Intention to make ſuch Removal, Alteration, or Diſcontinuance, or to erect or ſet up ſuch freſh Turnpike

No Toll Gate to be removed, nor any new Toll Gate ſet up, without Twenty Days Notice.

or

or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, and of the Meeting to be holden for that Purpoſe, be given upon all the Toll Gates which ſhall then be ſtanding upon the ſaid Roads, at leaſt Twenty Days before ſuch Meeting.

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

XXII. And be it further enacted, That the Right and Property of and in all the Turnpikes, Toll Gates, and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereto belonging erected or made, or to be erected or made upon or on the Sides of the ſaid Roads, or any of them, or any Part thereof, and all Materials for building and repairing the ſame, and for repairing the ſaid Roads, and all the Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof reſpectively; and all other Materials, Articles, and Things purchaſed, collected, or provided, or which ſhall be purchaſed, collected, or provided, for the Purpoſes of the ſaid Roads, or of this Act, ſhall be veſted in the ſaid Truſtees; and they, or any Five or more of them, 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 without Right 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 the ſaid Truſtees, or their Agents or Servants, in the Poſſeſſion thereof; in all which Actions or Bills of Indictment it ſhall be ſufficient to ſtate generally ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the ſaid Truſtees.

Power to take Tolls.

XXIII. And be it further enacted, That the reſpective Sums of Money following ſhall be demanded and taken by the ſaid Truſtees, or by ſuch Perſon or Perſons as the ſaid Truſtees or any Five or more of them ſhall from Time to Time appoint, at each of the Gates or Turnpikes, Chains or Bars erected or continued, or to be erected or continued by virtue of this Act, upon or acroſs or on the Side or Sides of the ſaid Roads or any of them, before any Horſe, Beaſt, Cattle or Carriage ſhall be permitted to paſs through the ſame; (that is to ſay,)

Tolls.

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

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

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

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

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

of Three Shillings, and drawn by Three 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, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Nine-pence:

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 Two Shillings, 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 Nine-pence:

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

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

For every Narrow-wheeled Cart, or other ſuch Two-wheeled Carriage, drawn by Three 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 Six Inches broad, and drawn by Five Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence, and drawn by Four Horſes, or other Beaſts of Draught, the Sum of One Shilling and Three-pence, and drawn by Three Horſes, or other Beaſts of Draught, the Sum of One Shilling, and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Eight-pence, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Four-pence:

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 One Shilling, and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Eight-pence, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Four-pence:

Which ſaid ſeveral Tolls ſhall commence and take Effect at ſuch Time or reſpective Times as the ſaid Truſtees, or any Five or more of them, ſhall at their firſt or any ſubſequent Meeting or Meetings think proper and direct; and that in the meantime the ſame and the like Tolls ſhall be taken and continued at the ſeveral Gates, Bars, and Chains erected or ſet up, in, upon, or acroſs the ſaid Roads, or any Part or Parts thereof, as ſhall be taken

Commencement of Tolls.

taken at the Time of paſſing this Act, any Thing herein contained to the contrary notwithſtanding.

Toll for paſſing through on Sundays.

XXIV. Provided always, and be it further enacted, That no Horſe, Beaſt, Cattle, or Carriage, ſhall be permitted to paſs through any Turnpike or Toll-Gate already erected, or hereafter to be erected upon the ſaid Roads, or any Part thereof, or upon the Side or Sides thereof, upon any *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night,) without Payment of One Half more in Addition to the Tolls and Duties, 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.

Limiting Number of Tolls.

XXV. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be liable to pay more than Four full Tolls for the Paſſage of the ſame Horſe, Cattle, Beaſt, or Carriage, on the ſame Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night,) through all the Toll Gates or Turnpikes erected or to be erected on the ſaid Road, between the Towns of *Clitheroe* and *Blackburn*, nor more than Three full Tolls on the ſaid Branch of Road between *Whalley* and *Bolderſtone*, except as is hereinafter otherwiſe provided for paſſing through the ſame Toll Gates or Turnpikes.

Additional Toll for paſſing through the Toll Gates every Third, Fifth, and Seventh Time.

XXVI. And be it further enacted, That the ſaid Tolls and Duties by this Act directed to be demanded and taken, beſides being payable and paid as hereinbefore provided, for the firſt Time that any Horſe, Beaſt, Cattle, Waggon, Wain, Cart, or other Carriage, ſhall paſs through any Turnpike or Toll Gate erected or continued, or to be erected or continued upon the ſaid Roads, or any Part thereof, or upon the Side or Sides thereof, ſhall be again payable and paid for the Third, Fifth, and Seventh Times of paſſing through the ſame Turnpike or Toll Gate, on any one Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the ſucceeding Night,) but not for repaſſing through the ſame Turnpike or Toll Gate on the ſame Day.

Abatement of Toll in certain Caſes for Waggons, &c. carrying Overweight.

XXVII. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Width and Deſcription, and the Axletrees fixed as mentioned and ſet forth in and by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Caſes*, and the ſeveral Horſes and other Beaſts drawing the ſame, ſhall be entitled to an Abatement of One Fourth Part of the Tolls hereby granted, and to all other the Privileges and Exemptions granted by the ſaid Act.

Tolls veſted in the Truſtees.

XXVIII. 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 hereinafter 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

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, (but not the Bridles or Reins ſeparate from the Horſe or other 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, Carriages, 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.

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

XXIX. 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 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.

Penalty on avoiding Tolls.

XXX. 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 Roads, (except the Owner or Occupier of ſuch Land or other Premiſes, or any of his, her, or their Family or Servants,) 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 willingly permit or ſuffer any other Perſon or Perſons (except as aforeſaid) to go or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over ſuch Gate, private Paſſage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons 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 Roads, or ſhall leave upon or near any Part of the ſaid Roads 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 the Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly or fraudulently paſs through any ſuch Turnpike or Toll Gate, with any Horſe or other Cattle or Beaſt, without Payment of Toll; or if any Perſon or Perſons ſhall do any other Act in order or with Intent

tent

tent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof, all and every ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is hereinafter provided for the Recovery of Penalties and Forfeitures; one Moiety whereof ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

For preventing Toll Collectors from taking undue Tolls, or miſbehaving.

XXXI. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front, or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names, to be at leaſt Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in any ways hinder, any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or ſhall refuſe or neglect to give *gratis* a Ticket to denote the Payment of the Toll when demanded, ſuch Ticket naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then, and in every ſuch Caſe, every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Tickets to be provided.

XXXII. And be it further enacted, That upon Payment of the ſaid Tolls the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſon paying ſuch Tolls a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Diſputes concerning Tolls

XXXIII. 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

shall be lawful for the Collector or Person distraining to detain the same, or the Money arising from the Sale thereof, hereinbefore authorized, (as the Case may happen,) until the Amount of Toll due, and the Charges of seizing, distraining, keeping, and selling the same, (as the Case may happen,) shall be ascertained by one or more Justice or Justices of the Peace of the said County, who, upon Application made to him or them for that Purpose, shall examine the 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 of 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. to be settled by a Justice.

XXXIV. 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. Collectors of Tolls competent Witnesses.

XXXV. Provided always, and be it further enacted, That no Toll shall be demanded, taken, or received, at any of the Toll Gates, Bars, or Chains, erected or to be erected upon the said Roads, for any Horses or Carriages belonging to His Majesty or any of the Royal Family, or any Horses or Carriages attending His Majesty or any of the Royal Family, or of or from any Person or Persons for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads within any Parish, Townships, Chapelry, Hamlet, or Place in which any Part of the said Roads lie; or for rebuilding, building, or repairing any present or any future Bridge or Bridges on the said Roads; or with Seed for seeding the Ground; or Hay, Grass, Sainfoin, Fodder, Rushes, Straw, or Corn in the Straw only, Turnips or Potatoes, for the Use of the Owner and not for Sale, or not sold or disposed of but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, (unless laden also with some other Thing not hereby exempted from Toll,) or any Mould, Dung, Soil, Marl, Manure, or Compost (other than Lime) employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, not beyond the Distance of Two Miles; or going to be or returning from being Exemptions from Toll.

being ſhoed or farried; or from any Perſon or Perſons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Perſon or Perſons going to or returning from his, her, or their uſual Place of Religious Worſhip, tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered to be celebrated; or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any Pariſh, Townſhip, Chapelry, Hamlet, or Place in which any Part of the ſaid Roads lie; or from any Rector, Vicar, or Curate going to or returning from his Pariſh Church, or going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; 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; or for any Horſes or Carriages, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter-General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty; or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in conveying any Ordnance or Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; or for any Carriage conveying Volunteer Infantry, or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection, or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements according to the Regulations of ſuch Corps at the Time of claiming the Exemption; or for Horſes, Carts, or Waggons travelling with Vagrants ſent by legal Paſſes, or returning empty after having been only ſo employed; or for any Horſe or Horſes, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Lancaſter*, on the Day or Days of ſuch Election, or the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, one Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act; and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on Perſons fraudulently taking Benefit of Exemptions.

Exempting Carriages conveying King's

XXXVI. 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, or

or Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart or other Carriage, or the Horſe or Horſes drawing the ſame, while ſo employed, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for the Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithſtanding. Stores, &c. from Penalties for Overweight.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, (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 Roads, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Roads,) 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, or any Five or more of them, 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 Law or Statute to the contrary thereof notwithſtanding. Tolls may be leaſed.

XXXVIII. And be it further enacted, That during ſuch Time as the Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or let to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch Perſon or Perſons as he or they ſhall by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to. Leſſees or Perſons appointed by them may collect Toll.

XXXIX. 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 authorized by or under this Act, 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, or any Five or more of them, ſhall think fit to vacate the ſame; and every ſuch Collector, Penalty on Renters, &c. taking greater or leſs Tolls than allowed.

lector, 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 hereinafter 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.

Enabling the Truſtees to take Poſſeſſion of Toll Houſes when let to farm.

XL. 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, or in caſe ſuch Leaſe or Agreement ſhall in any other Manner become void, then and in either of ſuch Caſes it ſhall and may be lawful for any Juſtice of the Peace for the County of *Lancaſter*, upon Application made to him by the ſaid Truſtees, or by their Clerk or Treaſurer, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, 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, or any Five or more of them, (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 Leſſees Part,) as if ſuch Demiſe or Agreement had never been made; and in that Caſe, or in caſe the Leaſe or Agreement ſhall otherwiſe become void, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, 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.

Power to reduce Tolls;

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time 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 either at all or any of the Turnpike Gates erected or to be erected upon the ſaid Roads, and for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, 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 hereinbefore mentioned; and alſo from Time to Time

Time to direct the Tolls hereby granted, or so reduced as aforesaid, to be collected at the several Turnpike Gates erected or to be erected upon the said Roads in pursuance of this Act, as they shall think proper; 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 such Reduction shall be made without the Consent of Five Sixths in Value of the Creditors on the said Tolls; and 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 Roads.

with Consent of Five-Sixths in Value of the Creditors, and on giving Twenty Days Notice.

XLII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle, travelling on the said Roads, 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 shall be void.

Tolls may be compounded for.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, duly assembled at any Meeting to be holden under or by virtue of this Act, 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 Sum or Sums of Money as they or any Five or more of them 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 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, (but subject, nevertheless, and without Prejudice, to certain Mortgages which have been made under the said recited Acts as hereinafter mentioned,) 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,)

Power to borrow Money and to assign Tolls.

'BY virtue of an Act passed in the Fifty-ninth 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 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

Form of Mortgage.

‘ 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 ſa-
‘ tisfied. 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 may have been made under the ſaid recited Acts or either of them, of Tolls taken on ſuch of the ſaid Roads as were comprized therein,) 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 (*or*, her *or* their) Executors, Ad-
‘ miniſtrators, 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 the Amount of the Sums transferred, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence 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 and 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.

Regulations reſpecting paying off Securities.

XLIV. And be it further enacted, That in paying off the ſeveral Sums of Money borrowed, or advanced, or lent for the Purpoſes of the ſaid recited Acts, and to be borrowed, or advanced, or lent for the Purpoſes of this Act, the ſeveral Perſons who have advanced or lent any ſuch Sums on the Credit of the ſaid recited Acts ſhall be repaid the ſeveral Sums ſo advanced, with Intereſt, in preference to any Perſon or Perſons who have advanced, or may hereafter advance, any Money for or towards making the ſaid New Branch of Road; and the Subſcribers under the ſaid recited Acts ſhall be Creditors on the ſaid Tolls, in equal Degree one with another,

another, and the ſeveral new Subſcribers ſhall, after the original Subſcriptions and Mortgages are paid off and diſcharged, be Creditors on the ſaid Tolls in equal Degree one with another.

Allowing an Action of Ejectment to be ſupported by one Mortgagee.

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

Application of the Tolls and Money to be borrowed.

XLVI. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the ſaid recited Acts, or out of the Tolls and all other Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees, or any Five or more of them, 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 in Manner hereinbefore directed the Money borrowed, or now owing, by virtue of the ſaid recited Acts, or either of them, or to be borrowed in purſuance of this Act, and the Intereſt due and to grow due thereon reſpectively, and in making, repairing, widening, improving, and rendering commodious the ſaid Roads, and in otherwiſe putting this Act in Execution, and to or for no other Uſe or Purpoſe whatſoever.

For enforcing the Payment of Subſcriptions.

XLVII. And be it further enacted, That all and every Perſons and Perſon who have or hath ſubſcribed, or agreed to ſubſcribe, any Money for the Purpoſe of obtaining and paſſing this Act, and carrying the ſame into Execution, or for making, diverting, repairing, widening, or altering the ſaid Roads, or any of them; and alſo all and every Perſons and Perſon who ſhall hereafter become or agree to become a Subſcriber or Subſcribers for the Purpoſes aforeſaid, or any of them, ſhall after Twenty Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe to him, her, or them given, or left at his, her, or their Dwelling Houſe, or uſual Place of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſubſcribed, or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to bring or cauſe to be brought, in the Name of their Treaſurer or Clerk, an Action of Debt, or on the Caſe, Bill, Plaint, or Suit, againſt ſuch Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Common Pleas at *Lancaſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One

Impar-

Imparlance, ſhall be allowed; and, after Proof of ſuch Perſon or Perſons having ſubſcribed, or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, ſuch Perſon or Perſons, his, her, or their Executors or Adminiſtrators ſhall pay or be compelled to pay the Sum or Sums of Money ſo by him, her, or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, together with full Coſts of Suit.

Power to make new Roads, &c.

XLVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to make and maintain the Branch of Road hereinbefore mentioned and deſcribed between the Town of *Blackburn* and the Village of *Whalley* aforeſaid, and to widen, divert, turn, ſhorten, vary, or alter, within the Limits hereinafter mentioned, the Courſe or Path of any Part of the ſaid Road, and Branch of Road, through or over any private Lands, Grounds, or Hereditaments, under ſuch Terms, and making ſuch Satisfaction as are hereinafter mentioned, and alſo through any Commons or Waſte Grounds without making Satisfaction for ſuch Commons or Waſte Grounds; and alſo that it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time, to enter upon any private Lands, Grounds, or Hereditaments, through which or whereupon the ſaid Road or Branches of Road hereby authorized to be made, widened, turned, ſhortened, varied, or altered, paſſes or is intended to paſs, and to ſtake out and make the ſame in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands, Grounds, and Hereditaments reſpectively, for any of the Purpoſes of this Act, making or tendering Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain: Provided always, that before any Meeting ſhall be held for the Purpoſe of ordering or directing any Part or Parts of the ſaid Road or Branches of Road to be made, diverted, turned, or altered, Thirty Days Notice at the leaſt ſhall be previouſly given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, and alſo by inſerting the ſame in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Roads, of the Time, and Place, and Purpoſe of the ſaid Meeting.

No Road to be made or altered without Thirty Days Notice.

Truſtees reſtrained from deviating beyond a certain Diſtance from the Lines preſcribed in the Map or Plan.

XLIX. And whereas a Map or Plan, deſcribing the Line of the ſaid Branch of Road between *Blackburn* and *Whalley*, and the Lands, Hereditaments, and Premiſes, through or over which the ſame is to be made or carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes has been depoſited at the Office of the Clerk of the Peace for the County of *Lancaſter*; be it therefore further enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at any ſeaſonable Time or Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts

of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees, in making the ſaid New Road deſcribed in the ſaid Map or Plan, ſhall not deviate more than One hundred Yards, of Three Feet each, from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Premiſes ſuch Deviation or Deviations ſhall be made.

Truſtees may make Roads though Names are omitted in the Book of Reference.

L. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make the ſaid laſt-mentioned Branch of Road into, through, acroſs, or over the ſeveral Lands, Hereditaments, or Premiſes, of any Perſon or Perſons who is, or are, or may be Owner or Owners of Land and Premiſes over which the ſame is ſet out and deſcribed in the ſaid Map or Plan as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted or miſtated in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Truſtees reſtrained from pulling down Buildings, and from entering Plantations, &c. without the Conſent of the Owner.

LI. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down any Dwelling Houſe or other Building, or to take in or make uſe of any Orchard, Garden, Yard, Paddock, Park, 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, ſave and except the Buildings, Gardens, Plantations, and Woodlands hereinafter mentioned, reſpectively, ſituate in the ſaid ſeveral Townſhips of *Blackburn*, *Little Harwood*, *Wilpſhire*, otherwiſe *Wilpſhire* with *Dinkley*, and *Billington*, (that is to ſay,) a Plantation or Piece of Woodland, ſituate within *Blackburn* aforeſaid, in the Poſſeſſion of *Chriſtopher Bland Walker* or *Edward Boardman* his Tenant, another Plantation ſituate in the ſaid Townſhip of *Little Harwood*, and in the Occupation of *James Neville*, a Garden ſituate within *Wilpſhire*, otherwiſe *Wilpſhire* with *Dinkley* aforeſaid, in the Poſſeſſion of *George Harwood*, another Garden, and alſo Part of a Dwelling Houſe, ſituate in the ſame Townſhip, and in the Poſſeſſion of *Oliver Ormerod*, and another Garden ſituate in *Billington* aforeſaid, in the Occupation of *Philip Duckworth*.

Truſtees may contract for the Purchaſe of Land.

LII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to 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 making, widening, diverting, turning, ſhortening, varying, or altering the ſaid Roads, or any or either of them, or any Part thereof, or the Courſe or Path thereof, or of any Part thereof, 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, Tenants for Life, or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, or Committees, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infants, Wards, Ceſtuique Truſts, Lunatics, Idiots, Perſons

ſons of unſound Memory and Underſtanding, and to and for all Femes Covert, who are or ſhall be ſeiſed 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 ſeiſed or poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto them, or any Five or more of them, any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, or 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, Tenants for Life, or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, 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: Provided always, that it ſhall not be lawful for the ſaid Truſtees, in turning, varying, or altering the ſaid Roads, or Branch of Road contained in the ſaid recited Acts, to deviate more than Two hundred Yards from the preſent Line or Courſe thereof, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees not to deviate more than Two hundred Yards.

Where Perſons neglect or refuſe to treat.

LIII. And be it further enacted, That if ſuch Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail general or ſpecial, or for Years determinable on any Life or Lives, 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 Roads, and through which any Part of ſuch Roads is to be made, 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, or any Five or more of them, 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, or any Five or more of them, 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, or any Five or more of them ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of, and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the

ſaid

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, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County, requiring him to impannel, ſummon, and return, Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and 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, or any Five or more of them, 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 of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, or any Five or more of 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, or any Five or more of them, 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 without ſufficient Excuſe, 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 therein contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury, and having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, ſhall refuſe or neglect to appear without ſufficient Excuſe, or appearing ſhall refuſe to be ſworn or examined or give Evidence, ſo that no ſuch Fine be more than Twenty Pounds on any ſuch Sheriff or his Deputy, nor more than Five Pounds on any other Perſon for One Offence.

How Expences of Jury ſhall be paid.

LIV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, 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,

tereſt, 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, or any Five or more of them, 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 or 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 or Perſons, and the Payment or Tender of the Remainder of ſuch Money, or on depoſiting the ſame in the Bank of *England*, as the Caſe may be, 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 hereinafter provided for Recovery 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.

LV. 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, either into the Bank of *England*, in Manner by this Act directed, or to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents, as the Caſe may be; and that upon ſuch Payment it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, or turn ſuch Roads 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, or any Five or more of them, ſhall think fit or neceſſary for the Purpoſes 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

Former Roads may be ſold.

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 Conveniences 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, or any Five or more of them, 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 making or repairing of the ſaid Roads by this Act directed to be made and 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 Conveniences, being executed by the ſaid Truſtees, or any Five or more of them, ſhall be good and effectual in the Law to all Intents and Purpoſes.

New Roads to be fenced within a limited Time.

LVI. Provided always, and be it further enacted, That the ſaid Truſtees ſhall within the Space of Six Calendar Months next after they ſhall ſet out or ſtake, or cauſe to be ſet out or ſtaked, any new Road or Roads, or any Diverſion of Road by this Act authorized to be made or diverted through the Lands or Incloſures of any Perſon or Perſons whomſoever, and before ſuch Road or Roads or Diverſion ſhall be open for the Public, make or cauſe to be made a good and ſufficient Fence on each Side of the ſaid Road, through the ſaid Lands or Incloſures, for the whole Length of the ſaid Road extending through the ſame.

Truſtees empowered to ſell Overplus Grounds, &c.

LVII. And whereas by reaſon of the Purchaſes which have been made for the Purpoſes of the ſaid Roads, or ſome of them, or which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of a Toll Houſe or Toll Houſes, or 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, or any Five or more of them, to ſell and diſpoſe of ſuch Toll Houſe or Toll Houſes, Pieces or Parcels of Ground, either together or in Parcels, and either by Public Sale 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 firſt offer the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, his, her, or their Heirs or Aſſigns, or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Roads, then to the Perſon or Perſons whoſe Lands ſhall 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 hereinafter mentioned,) or ſhall refuſe (except with reſpect to or on Account of the Price thereof) to repurchaſe or 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 One of His Majeſty's Juſtices of the Peace for the ſaid County of *Lancaſter*, (who are hereby reſpectively empowered and required to take the ſame,) by ſome Perſon or Perſons no ways

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

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 hereinbefore 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 Misapplication or Nonapplication 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 hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

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

Application of Compensation if amounting to 200*l.*

LVIII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Tenant for Life, or in Fee Tail general or special, or for Years determinable on any Life or Lives, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase

Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed, limited, and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the Meantime and until ſuch Purchaſe ſhall be made the ſaid Money ſhall, by Order of the ſaid High Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt 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, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

When leſs than 200l. and above 20l.

LIX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, 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 hereinbefore 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 to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch principal Money, and the Dividends and Produce ariſing thereon and therefrom, may be applied in Manner hereinbefore directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20l.

LX. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next hereinbefore 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, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians,

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Committee or Committees, Truſtee or Truſtees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Petition.

LXI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed under or by virtue of the Powers of this Act, for the Purpoſes aforeſaid, 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 ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, 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 High 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 be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying therein 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 of *England* as aforeſaid.

In caſe of diſputed Titles.

LXII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, in purſuance of this Act for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High 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

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ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by Truſtees.

LXIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed under the Authority of this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and 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 High Court of Chancery 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 to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who ſhall, from Time to Time, pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to get Materials.

LXIV. 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, get, gather, take, and carry away any Materials for making or repairing the ſaid Roads, or building, rebuilding, or repairing any preſent or future Toll Houſe or Toll Houſes, on or by the Sides thereof, or any Bridge or Bridges thereon, out of any common River or Brook, or out of or from any Waſte or Common in any Pariſh, Hamlet, or Place in which any Part of the ſaid Roads lie, or in any adjoining Pariſh, Hamlet, or Place, 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, and 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 hereinafter 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, get, 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,) in any Pariſh, Townſhip, Hamlet, or Place in which any Part of the ſaid Roads ſhall lie or be ſituate, making or tendering ſuch Satisfaction for ſuch Materials, and for the Damages done to the Owners or Occupiers of the Lands, where and from whence the ſame Materials ſhall be dug, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees or any Five or more of them ſhall judge 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 Payment and Damages as aforeſaid, any Two or more Juſtices of the Peace for the ſaid County of *Lancaſter*, 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.

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

LXV. Provided nevertheleſs, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Roads out of or from any incloſed Land, until Notice in Writing, ſigned by the ſaid Surveyor, ſhall have been firſt 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 Owners or Occupiers uſual Place of Reſidence, to appear before any Two Juſtices of the Peace acting for the County of *Lancaſter*, 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, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall, if they think proper, authoriſe ſuch Surveyor or other Perſon to dig, get, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or 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 ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials raiſed by Surveyors.

LXVI. 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 Roads, 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 Roads, 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 any Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

LXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, 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 Roads by Filth, Dung, Aſhes, Rubbiſh, Straw, Stones, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running along, into, or out of the ſaid Roads 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 Branches, Shrubs, or Buſhes growing or to grow on the ſaid Roads, or in the Hedges or Banks adjacent thereto reſpectively, not being in a Garden, Orchard, Plantation, Walk, or Avenue, or Ornament or Shelter 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 neglect or refuſe to lop, cut down, or remove ſuch Branches, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes, or

or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees, or any Five or more of them, 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.

Penalty for erecting Encroachments on the Side of the Road.

LXVIII. And be it further 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 Twenty Feet from the Middle or Centre of the said Roads (except Turnpike Houses erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five Pounds, to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, 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 taken down or filled up at the Expence of the Person or Persons to whom the same 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, 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 Offenders Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

For purchasing Land to lodge Materials, &c.

LXIX. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited and broken, and whereupon the Ground or worn Materials may be laid, be it also enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments adjoining to the said Turnpike Road or Roads, or any Part thereof, for the Purchase of so much thereof as they shall think necessary for any of the Purposes last hereinbefore mentioned; such Parcels of Land to be so purchased not exceeding Four hundred Square Yards of Land respectively; and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments; and in case of any Difference between the said Trustees and the said other Persons, all of whom are hereby empowered to treat and agree with the said Trustees concerning the Price or Satisfaction to be paid for the Purchases before mentioned, such Differences shall be adjusted, settled, and determined, and such Recompence ascertained by a Jury, in such Manner and under the same Rules and Orders as are prescribed in and by this Act, for settling Recompence, and Damage for the Land taken for the Purposes of this Act, and the said Parcels of Land when so purchased

shall

ſhall for ever after be Part of and be deemed to belong to the ſaid Turnpike Road.

Power to make Cauſeways and Drains.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, 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, or any Five or more of them,) 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 Roads in ſuch Manner as they ſhall ſee convenient, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto, (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any Houſe, or any Ground planted and ſet apart as a Nurſery for Trees,) and to erect, re-build, and keep in Repair, Bridges and Arches upon the ſaid Roads, 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 Roads, (ſuch Grounds 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 Roads be 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, or any Five or more of them, 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 any Two or more Juſtices of the Peace for the County or Place in which ſuch Premiſes ſhall lie, 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 Owners and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

Roads to be meaſured, and Mile Stones affixed.

LXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby required from Time to Time, when and as often as they ſhall think neceſſary, to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be placed in or near the Sides of the ſaid Roads, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, as they ſhall think proper.

Truſtees may contract for making and repairing the Roads, erecting Mile Stones, &c.

LXXII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for making, altering, diverting, widening, or repairing the ſaid Roads, or any Part thereof, and for erecting Mile Stones or Direction Stones or Poſts thereon, or for doing any other Work to be performed in the Execution

ecution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees, or any Five or more of them shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of 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 any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his, her, 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 making or repairing the said Roads, 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.

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

LXXIII. 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 Roads, 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 Roads, the Owner or Owners of such Horse or Horses, Cattle or Swine, shall respectively forfeit and pay any Sum not exceeding Ten Shillings, or it shall and may be lawful to and for the Surveyor or Surveyors, or any Person or Persons acting by or under his, her, or their Authority, or the Authority of the said Trustees, and he and they is and are hereby authorized and required to cause all such Horse or Horses, Cattle or Swine, as shall be found wandering or depasturing upon the said Roads, 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 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.

Penalty on damaging Mile Stones;

LXXIV. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed,

fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Roads, or ſhall obliterate or deface any of the Letters, Figures, or Marks inſcribed thereon; or if any Perſon or Perſons ſhall hale or draw or cauſe to be haled or drawn upon any Part of the ſaid Roads, any Tree or Piece of Timber, Stone, or other Thing, otherwiſe than upon wheeled Carriages, or ſhall ſuffer any Timber, Stone, or other Thing, which ſhall be carried upon wheeled Carriages to drag upon the ſaid Roads to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Roads ſhall ſuffer ſuch Pigs or Swine to root up and damage the ſaid Roads or the Fences on either Side thereof; or if any Perſon driving any Carriage, Waggon, Wain, or Cart upon the ſaid Roads, and meeting another Carriage, Waggon, Wain, or Cart, ſhall not keep his or her Carriage, Waggon, Wain, or Cart, upon his or her left or neareſt Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or her, or any Carriage, Waggon, Wain, or Cart, under his or her Care, upon the ſaid Roads; or if any Perſon ſhall after having blocked or ſtopped any Waggon, Cart, or other Carriage, in going up any Hill or riſing Ground, not immediately remove from off the ſaid Road the Stone or other Thing with which ſuch Waggon, Cart, or other Carriage ſhall have been ſo blocked or ſtopped; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, or ſhall ſet Fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatſoever, on any Part of the ſaid Roads, or on the Banks or Lands adjacent or lying open thereto; or play at Foot-ball or any other Game to the Annoyance of any Paſſenger or Paſſengers upon any Part of the ſaid Roads; or if any Perſon ſhall leave any Carriage, Waggon, Wain, or Cart, (except in Caſe of Accident,) upon any Part of the ſaid Roads, or on the Side or Sides thereof, longer than may be neceſſary to load or unload the ſame, or in caſe the ſame ſhall not during the Time of ſuch loading or unloading be ſtanding as near the Side of the Road as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or any other Matter or Thing whatſoever upon any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Perſons travelling thereon; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing, which ſhall be or lie upon the ſaid Roads, or any Part thereof, and ſhall not within the Space of Seven Days take or carry away the ſame, or cauſe the ſame to be taken or carried away; or if the Surveyor or Surveyors of the ſaid Roads, or any Undertaker or Undertakers for the Repairs of the ſaid Roads, or any Part thereof, or any Perſon or Perſons acting by or under their Authority, ſhall lay or cauſe to be laid upon the ſaid Roads or the Sides thereof, or upon any Part of the ſaid Roads, any Heaps of Stones or other Materials for repairing the ſaid Roads, or any Part thereof, and ſhall permit or ſuffer the ſame to remain in Heaps longer than ſhall be neceſſary, every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

or trailing Timber on the Roads;

or ſuffering Pigs to damage the Roads;

or not keeping proper Side of the Road;

or preventing free Paſſage;

or making Fires, &c.

or leaving Carriages;

or Timber, Stone, or Rubbiſh;

or not carrying off Scrapings;

or allowing Stones, or other Materials to remain upon the Road.

Gates not to open into the Roads.

LXXV. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the ſaid Roads ſhall be made and hung to open inward toward ſuch Field or Ground and not toward the

the ſaid Roads; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Gates as are already erected or which may hereafter be erected and open outward towards the ſaid Roads to be altered and made to open inward, as they the ſaid Truſtees or any Five or more of them ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any ſuch Gate or Gates is or are or ſhall be conſtructed ſo as to open outward towards the ſaid Roads ſhall, after Ten Days Notice from the Surveyor of the ſaid Roads requiring him, her, or them to alter ſuch Gate or Gates, and make the ſame to open inwards, refuſe or neglect to make ſuch Alteration, or after ſuch Alteration ſhall have been once made ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on obſtructing the Execution of this Act.

LXXVI. 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 employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings.

Statute Labour.

LXXVII. And be it further enacted, That the Roads hereby authorized to be made, amended, widened, turned, varied, and kept in Repair, ſhall be deemed and taken to be and ſhall be Common Highways for ever, to all Intents and Purpoſes whatſoever, and that the Inhabitants of the ſeveral Pariſhes, Townſhips, or Places through which the ſaid Roads or any of them do or ſhall lead, paſs, and extend, ſhall reſpectively be and for ever continue ſubject and liable to the Repair thereof; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Lancaſter*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Treaſurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſame do or ſhall lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Booth, Diſtrict, 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 be lawful for ſuch Juſtices, from Time to Time, to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Townſhip, or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the Service of ſuch Summons,) of the Names of the ſeveral Perſons who within ſuch Townſhip, Booth, Diſtrict, or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be by any Law or Statute in force or effect for the Repairs of the Public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall

appear

appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work as aforeſaid upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Hay Time or Harveſt,) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the Surveyor or Surveyors of every ſuch Pariſh or Place, to be by him or them paid to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct, and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by 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 uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe, every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or to collect or pay over ſuch Compoſition, or any Part thereof, in Manner as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may compound for Statute Labour.

LXXVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree, 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 Repairs of any Part of the ſaid Roads, 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

by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at a 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 Roads.

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

LXXIX. 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 any Justice or Justices of the Peace for the said County of *Lancaster*, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money, (Oath having been first made before such Justice or Justices that the same hath been demanded and remains due, which Oath such Justice or Justices is or 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) on Demand, after deducting such Composition and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the same.

LXXX. 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 and 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.

Recovery and Application of Penalties.

LXXXI. 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,) shall upon Proof of the Offences respectively, before One or more of His Majesty's Justices of the Peace for the said County of *Lancaster*, either by Confession of the Offender, or on the Oath of One or more credible Witness or Witnesses, (together with the Costs and Charges attending the Distress and Sale,) be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice or Justices, 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 or Justices is and are hereby empowered and required to grant; 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 Roads, 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 Roads; 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 or Juſtices, and he and they is and are authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, 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 Penalty or Forfeiture, with the Coſts and Charges attending the Conviction and Commitment ſhall be ſooner paid.

For ſecuring tranſient Offenders.

LXXXII. And be it further enacted, That it ſhall and may be lawful for any of the ſaid Truſtees, or their Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or any of them ſhall call to their Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any Perſon or Perſons (being unknown to any ſuch Truſtees, Collectors, Surveyors, or other Officers,) who ſhall commit any Offence or Offences againſt this Act, and take him, her, or them before any Juſtice or Juſtices of the Peace for the ſaid County, near to the Place where the Offence or Offences ſhall have been committed, or ſuch Offender or Offenders ſhall be ſeized and apprehended; and ſuch Juſtice or Juſtices ſhall and is and are hereby required to proceed and act, with reſpect to ſuch Offender or Offenders, according to the Proviſions of this Act.

Form of Conviction.

LXXXIII. And for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtices and Juſtice of 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-ninth Year of the Reign of King *George* the Third, in-
'tituled, An Act, &c. [*here ſet forth the Title of this Act, and ſpecify*
'*the Offence when and where committed*]. Given under our Hands and
'Seals, [*or*, Hand and Seal] the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form.

LXXXIV. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue of this Act, ſhall be quaſhed, ſet aſide or vacated, for want of Form only, nor ſhall be removed or removable by *Certiorari* or otherwiſe, into 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 any Account be deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party

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.

LXXXV. 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 next General Quarter Sessions which shall be holden for the said County of *Lancaster*, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Session after such Complaint 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 Sessions, 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 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 said County, for any Time not exceeding Six Calendar Months, or until Payment of such Costs: 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, or other the Respondent or Respondents, of such his or their Intention of bringing and prosecuting an Appeal, and of the Matter thereof, Fourteen Days before the said Quarter Sessions, and shall before such Notice given, enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said County, 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.

Notice of appealing to be given.

Limitations of Actions.

LXXXVI. 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 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 Cause of Action shall have arisen, 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

General Issue.

Satisfaction

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 Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Treble Costs.

Public Act.

LXXXVII. 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 the Act.

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

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