ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lvi.

An Act for more effectually maintaining and amending the Road from *Croſsford Bridge* to the Town of *Mancheſter*, in the County Palatine of *Lancaſter*.

[14th *June* 1819.]

WHEREAS an Act was paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act for more effectually widening, repairing, and amending the Road from* Croſsford Bridge, *through the Townſhips of* Stretford *and* Hulme, *to the Town of* Mancheſter, *in the County Palatine of* Lancaſter: And whereas a conſiderable Sum of Money has been borrowed and is now remaining due upon the Credit of the Tolls granted by the ſaid Act, and which, together with the ſaid Tolls, have been applied from Time to Time in and towards the Amendment of the ſaid Road, which ſtill is in very bad Condition and Repair, and cannot be effectually amended and maintained, nor the ſaid Sum of Money borrowed and remaining due as aforeſaid be paid off, without the further Aid of Parliament: And whereas the ſaid Turnpike Road is carried over and acroſs the Canal of the Truſtees of the late Moſt Noble *Francis* Duke of *Bridgewater* deceaſed, at a Place called *Throſtle Neſt*, in the Townſhip of *Stretford* aforeſaid, by a Bridge called *Throſtle Neſt Bridge*; which Bridge, and the Road thereto leading on both Sides of the ſaid Canal, have for many Years been rendered very difficult and dangerous of Acceſs; and the ſaid Bridge being very narrow, many fatal Accidents have happened to divers of His Majeſty's Subjects paſſing over the ſame; and it is therefore expedient that the ſaid 38 G. 3. c. 71.

Bridge ſhould be taken down, and the ſaid Road diverted therefrom in the Townſhip of *Stretford* aforeſaid, and carried acroſs the ſaid Canal by a Bridge to be erected thereupon, ſo as to communicate with the preſent Road in *Boat Lane* in *Stretford*; but the ſame cannot be effected without the Aid 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 Firſt Day of *July* One thouſand eight hundred and nineteen, the ſaid Act of the Thirty-eighth Year of the Reign of His preſent Majeſty ſhall be, and the ſame is hereby repealed; on which ſaid Firſt Day of *July* One thouſand eight hundred and nineteen this preſent Act ſhall commence and take effect, and ſhall continue in force and be put in Execution from thenceforth for and during the Term herein-after mentioned, for the Purpoſe of making, widening, repairing, diverting, improving, and maintaining the Road from *Croſsford Bridge* through the Townſhips of *Stretford* and *Hulme* to the Town of *Mancheſter* in the County Palatine of *Lancaſter*; and that this Act, and all the Tolls which ſhall be collected, and Money received by virtue thereof, ſhall be and are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the ſaid former Acts, or any of them.

38 G. 3. repealed, and this Act to take place in lieu thereof.

Truſtees.

II. And be it further enacted, That His Majeſty's Juſtices of the Peace acting in and for the County Palatine of *Lancaſter* for the Time being, the Right Honourable *Edward Smith Stanley*, commonly called Lord *Stanley*, the Right Honourable *George Harry Grey*, commonly called Lord *Grey*, the Honourable *William Booth Grey*, the Honourable *Anchitel Grey* Clerk, Sir *John Chetwoode*, Sir *Henry Mainwaring Mainwaring*, Sir *John Thomas Stanley*, *James Ackers*, *William Allen*, *John Allen*, *Thomas Atkinſon*, *Thomas Bateman*, *Samuel Bayley*, *Thomas Baxter*, *Henry Baxter*, *Benjamin Binyon*, *Hugh Hornby Birley*, *Thomas Blackburne* Clerk, *John Bradſhaw*, *William Rigby Bradſhaw*, *James Bradſhaw*, *Jonathan Brettargh*, *Peter Langford Brooke*, *Thomas Langford Brooke*, *John Carrington*, *George Chetwoode* Clerk, *Charles Cholmondeley*, *Charles Cooke*, *Henry Cooke*, *John Cooper*, *Davies Davenport*, *George Eaton*, *William Johnſon Edenſor*, *Wilbraham Egerton*, *Henry Farrington*, *Peter Fletcher*, *John Ford*, *John Foſter* Clerk, *William Fox*, *Edward Vigor Fox*, *John Baſkervyle Glegg*, *Samuel Gratrix*, *James Gratrix*, *Richard J. Grantham*, *Booth Grey*, *Harry Grey* Clerk, *Samuel Grey*, *Thomas Bayley Hall*, *Charles Hankinſon*, *Samuel Hardy*, *James Hardman*, *Iſaac Harrop*, *Thomas James Hatfield*, *George Herron* Clerk, *Peter Herron*, *James Hibbert*, *Edward Hobſon*, *Roger Holland*, *John Hollins*, *Shallcroſs Jacſon* Clerk, *James Ingle*, *Croxton Johnſon*, *Thomas Johnſon*, *Richard Popplewell Johnſon* Clerk, *William Jones*, *James Thomas Law* Clerk, *William Leebridge*, *Oſwald Leiceſter* Clerk, *Peter Leiceſter*, *Egerton Leigh*, *Egerton Leigh* the Younger, *Thomas Legh*, *Peter Legh*, *John Legh*, *George John Legh*, *Peter Leigh* Clerk, *Ralph Leyceſter*, *Ralph Leyceſter* the Younger, *George Lloyd*, *George Lloyd* of *Welcomb*, *Edward Loyd*, *Charles Lowndes*, *Charles M'Niven*, *Thomas Maddocks* Clerk, *John Holdſworth Mallory* Clerk, *Robert Markland*, *John Moore* the Younger, *Devereux Jones Nicholls*, *Robert Newton*, *Robert J. Jackſon Norreys*, *Thomas Ollier*, *Thomas Orrell*, *John Parker*, *John Patten*, *John Philips*, *George Philips*, *Thomas Falkner Phillips*, *Shakeſpear Phillips*, *Frederick Phillips*, *Thomas Pickford*, *Richard*

Richard Poole, John Pooley, John Pooley the Younger, *William Rigby, Joſhua Ryle, Samuel Ryle, William Sergeant, John Shaw, Matthew Shawcroſs, Thomas Aſheton Smith, William Aſheton Smith, John Smith, Richard Smith, Benjamin Sothern, James Sothern, William Stevenſon, Thomas William Tatton, Robert Taylor, Joſeph Taylor, Thomas Joſeph Trafford, William Trafford, Trafford Trafford, Thomas Trafford* the Younger, *Humphrey Trafford, James Touchet, John Touchet, John Taylor, William Wainman, Thomas Walker, John White, John Whitehead, William Whitelegg, John Whitelegg, James Wilde, Thomas Williams, James Wood, John Worthington, Thomas Worthington, Strethill Wright, Ralph Wright, Richard Yates, Thomas Goodier, Peter Hulme, Joſeph Hampſon, Adam Falkener, John Leaf,* and their Succeſſors, to be elected in manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for carrying this Act into Execution; and that when and ſo often as any Truſtee or Truſtees ſhall die or refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect one or more Perſon or Perſons to be a Truſtee or Truſtees in the Room and Stead of ſuch Truſtee or Truſtees ſo deceaſed or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks of the ſaid Truſtees, by affixing the ſame in Writing upon the Turnpike Gate then erected on or upon the ſaid Road, and alſo by inſerting the ſame in ſome one of the *Mancheſter* Newſpapers, in caſe any ſuch ſhall then be printed, at leaſt Ten Days before ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby conſtituted and appointed Truſtees reſpectively for putting this Act in Execution, as fully and effectually as if they had been ſeverally named Truſtees in and by this Act.

On Death of Truſtees, or their Refuſal to act, others to be choſen, and how.

III. Provided always, and be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered, at any Time or Times, to elect any Number of additional Truſtees, not exceeding Ten, who being duly qualified ſhall have the ſame Power and Authority for executing this Act as if they had been hereby nominated and appointed.

Allowing the Truſtees to appoint an additional Number of Truſtees.

IV. Provided nevertheleſs, and be it further enacted, That no Perſon hereby appointed, or hereafter to be appointed a Truſtee as aforeſaid, ſhall be capable of acting as ſuch in the Execution of this Act, (otherwiſe than in adminiſtering an Oath or Affirmation to the Effect following to the other Truſtees), unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, ſituate within the ſaid County of *Lancaſter*, or the County of *Cheſter*, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeiſed or poſſeſſed of ſuch an Eſtate in ſuch Lands, Tenements, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes, or ſhall be an Inhabitant of the ſaid County of *Lancaſter* or the ſaid County of *Cheſter*, and poſſeſſed of a perſonal Eſtate to the Amount of Four thouſand Pounds, nor before he ſhall have taken and ſubſcribed the Oath or Affirmation hereafter mentioned, before any Two or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Qualification of Truſtees.

'I *A. B.*

Their Oath.

'I *A. B.* do ſwear, (or, being one of the People called *Quakers*, do ſolemnly affirm), That I truly and *bona fide* am poſſeſſed of in my own Right, or in the Right of my Wife (*as the Caſe may be*), and in the actual Enjoyment or Receipt of the Rents and Profits iſſuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments within the County Palatine of *Lancaſter*, or the County Palatine of *Cheſter*, of the clear yearly Value of One hundred Pounds above Reprizes, (*or*, am Heir Apparent of a Perſon ſeiſed of ſuch an Eſtate of the clear yearly Value of Three hundred Pounds above Reprizes, *or*, am an Inhabitant of the County of *Lancaſter*, or the County of *Cheſter*, and poſſeſſed of a perſonal Eſtate to the Amount of Four thouſand Pounds).

'So help me GOD.'

No Truſtee to act unleſs qualified, or before he has taken the Oath, (except, &c.) or while in the Enjoyment of any Office of Profit under this Act, or while intereſted in any Contract.

V. And be it further enacted, That no Perſon hereby appointed or hereafter to be appointed a Truſtee, ſhall be capable of acting as ſuch during the Time he ſhall enjoy any Office of Profit under or by virtue of this Act, or have any beneficial Share or Intereſt in any Contract or Bargain relating to the Execution thereof; and if any Perſon hereby required to be ſo qualified as aforeſaid, and not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, (except in adminiſtering ſuch Oath or Affirmation as aforeſaid), or being ſo qualified ſhall act as ſuch Truſtee before he hath taken and ſubſcribed the ſaid Oath or Affirmation; or if any ſuch Truſtee hereby appointed or hereafter to be appointed, ſhall preſume to act as ſuch during the Time he ſhall enjoy any ſuch Office of Profit as aforeſaid, or have any ſuch Share or Intereſt in any ſuch Contract or Bargain; every ſuch Perſon ſo offending in all or any of the Premiſes ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to and for the Uſe of ſuch Perſon or Perſons who ſhall ſue for the ſame, to be recovered, together with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Common Pleas at *Lancaſter*; and in every ſuch Action brought againſt any ſuch Perſon ſo acting as a Truſtee in the Execution of this Act, without being qualified as aforeſaid, the Proof of Qualification ſhall lie on the Perſon againſt whom the ſaid Action ſhall be brought, and it ſhall be ſufficient for the Plaintiff to prove that the Defendant hath acted as ſuch Truſtee; nor ſhall any Victualler, or Retailer of Ale, Beer, Wine, Cyder, or Spirituous Liquors, nor any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act: Provided always, that ſuch Truſtees as are 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.

Penalty on acting without being qualified.

No Victualler, nor any menial Servant of any Truſtee, to hold any Place of Profit;

but Truſtees, being Juſtices, may act as ſuch.

First Meeting of Truſtees.

VI. And be it further enacted, That for putting this Act in Execution the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby required, to meet at the *Angel Inn* in *Stretford* on the Firſt Day of *July* One thouſand eight hundred and nineteen, at Eleven of the Clock in the Forenoon, to proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet at and again adjourn to the *Angel Inn* aforeſaid, or to ſuch other Place or Places as they, or any Five or more of them, ſhall think moſt convenient, within the Townſhips of *Stretford* or *Hulme*, when and as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that at any ſuch Meeting there ſhall not appear a ſufficient

Number

Number of Truſtees to act, or to adjourn to another Day, (One Truſtee being deemed ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks to the ſaid Truſtees ſhall, from Time to Time, in either of ſuch Caſes, by Notice in Writing to be affixed on all the Turnpike Gates now or hereafter to be erected on the ſaid Road in purſuance of this Act, and alſo inſerted in ſome or One of the *Mancheſter* Papers, in caſe any ſuch ſhall then be publiſhed, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Houſe where the laſt Meeting was held or was to have been held, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Three Calendar Months, nor leſs than Three Weeks after the Day on which ſuch laſt Meeting was held or was to have been held; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall and may be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting held purſuant to this Act, at any Time or Times after the Space of Ten Days after ſuch Refuſal, Neglect, or Prevention of ſuch Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inſerted in Manner aforeſaid, to appoint the Truſtees to meet at the Houſe where the laſt Meeting was held or was appointed to be held, or ſome other convenient Houſe, upon the Day Fortnight after the Date of ſuch laſt-mentioned Notice; but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon; and no Adjournment ſhall be made to, or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences: Provided always, that no Order or Proceedings ſhall be or be deemed to be valid, unleſs made or had at a Meeting held in purſuance of this Act, (except as herein is particularly mentioned), nor unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein; nor ſhall any ſuch Order or Proceeding be revoked or altered at any ſubſequent Meeting, unleſs Notice in Writing, ſpecifying the Alteration or Revocation to be made, be affixed upon the Turnpike Gates as aforeſaid, and alſo inſerted in One of the *Mancheſter* Newſpapers, in caſe any ſuch ſhall then be publiſhed, at leaſt Twenty Days before ſuch ſubſequent Meeting; nor unleſs a Majority of the Truſtees preſent at ſuch ſubſequent Meeting, ſuch Majority to conſiſt of Five Truſtees at the leaſt, ſhall concur in ſuch Revocation or Alteration; 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, upon any Queſtion, (including the Vote of the Chairman), then and in every ſuch Caſe the Chairman ſhall have, and he is hereby empowered to give, the deciſive or caſting Vote.

Clerk to call Meetings if One Truſtee ſhall not attend, or omit to adjourn.

If Clerk ſhall omit or neglect to call ſuch Meeting Truſtees may do it.

Hours of Meeting.

Truſtees to pay their own Expences.

Orders to be made at Meetings only, and Majority of Truſtees concur.

Orders not to be revoked, unleſs Notice given of Intention to revoke ſuch Orders, and a Majority conſiſting of Five conſent to revoke.

VII. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the acting Truſtees, although not aſſembled at a Meeting, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed,

Meetings on Emergencies.

rected, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such earlier Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Proceedings to be entered in a Book.

VIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any Thing done in pursuance of the said recited Act or this Act; and that such Book or Books shall at all seasonable Times be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

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

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

Trustees may appoint Officers.

X. And be it further enacted, That the said Trustees or any Five or more of them, at their First or any subsequent Meetings, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see occasion, and appoint new ones in Cases of Death or such Removal, or as shall resign or refuse or neglect to perform their Duty;

and the ſaid Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall, at a General Annual Meeting to be held on the Firſt *Monday* in *April* in every Year, give unto ſuch Truſtees true and perfect Accounts in Writing under their reſpective Hands, of all the Monies which ſhall have been by them reſpectively collected or received, and how and to what Uſes the ſame have been paid and applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or to ſuch Uſes or Purpoſes, as they or any Five or more of them ſhall direct and appoint; and if any of the ſaid Officers or other Perſons ſhall not give ſuch Account, being thereto required by the ſaid Truſtees or any Five or more of them, it ſhall be lawful for any One or more of the Juſtices of the Peace for the County or Place where ſuch Officer or other Perſon ſhall reſide, and ſuch Juſtice or Juſtices are hereby authorized and required, to make Inquiry concerning ſuch Default in a ſummary Way, as well by Confeſſion of the Parties themſelves, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter, without any Fee or Reward); and if any ſuch Perſon ſhall be thereof convicted, ſuch Juſtice or Juſtices ſhall commit the Party to the Common Gaol of the County or Place aforeſaid, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account; and in caſe any of the ſaid Officers or other Perſons ſhall refuſe or neglect to pay any Sum or Sums of Money which ſhall appear to remain in his or their Hands, it ſhall be lawful for any One or more of the Juſtices of the Peace for the County or Place where ſuch Perſon or Perſons ſhall reſide, to make Inquiry touching ſuch Neglect or Refuſal in a ſummary Way, in Manner as aforeſaid, and by Warrant under his or their Hand and Seal or Hands and Seals, to cauſe ſuch Sums of Money as ſhall appear to him or them to be due and unpaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus, if any, after the Money remaining due, and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted; and if ſufficient Diſtreſs cannot be found, then the ſaid Juſtice or Juſtices ſhall commit ſuch Perſon or Perſons to the common Gaol of the County or Place aforeſaid, there to remain, without Bail or Mainprize, until he or they ſhall have paid over ſuch Money in Manner as aforeſaid, or compounded for the ſame, and paid ſuch Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they or any Five or more of them ſhall appoint to receive the ſame; which Compoſition the ſaid Truſtees reſpectively, or any Five or more of them, at any Meeting are hereby empowered to make: Provided always, that no Perſon ſhall by virtue of this Act be committed for want of ſufficient Diſtreſs for any longer Space of Time than Six Calendar Months.

Officers to account.

Proceedings againſt Officers refuſing to account or deliver Books &c.

Truſtees may compound with ſuch Officers.

XI. And be it further enacted, That each and every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under and by virtue of the ſaid recited Act, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments until he or they ſhall be removed therefrom reſpectively by the ſaid Truſtees; and each and every ſuch Clerk, Collector, and other Officer and Officers, ſhall have the

Old Officers to continue till others appointed.

the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to ſuch Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all Reſpects whatſoever, as if he or they had been nominated and appointed under or by virtue of this Act.

Clerk not to act as Treaſurer and vice verſa.

XII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue and appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees; 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 any ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed.

Truſtees to appoint temporary Collectors, diſcharge thoſe miſbehaving, and appoint others till the next Meeting.

XIII. And be it further enacted, That as often as any Collector or Collectors of the Tolls ſhall die, or ſhall groſsly neglect or become incapable of performing his Duty, or ſhall abſent himſelf or abſcond, any Three or more of the Truſtees, though not aſſembled at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf, and ſhall and may alſo nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver as ſhall ſo die or be diſcharged; and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner in all Reſpects, as the Perſon in whoſe Place he was appointed, or the Repreſentatives of ſuch Perſon were or would have been; and if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building erected, or being in and upon the ſaid Road by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Five or more of the ſaid Truſtees, although not at a Meeting, or by their Clerk or Treaſurer for the Time being, by Authority of ſuch Five or more Truſtees, then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his or their Goods, out of the ſame, and to put the ſaid

ſaid Truſtees, or any Three or more of them, or their new appointed Officer, into the Poſſeſſion thereof.

Truſtees may allow Salaries.

XIV. And be it further enacted, That out of the Tolls to be collected by virtue of this Act ſuch Allowances ſhall be made to the Collector or Collectors of the Tolls, and to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Surveyor or Surveyors, and to ſuch other Perſon as ſhall be aſſiſting in and about the Execution of this Act, as the Truſtees by whom he or they ſhall be ſeverally and reſpectively nominated and appointed in the manner herein-before provided ſhall order and direct.

Treaſurers, &c. to give Security.

XV. Provided always, and be it enacted, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurers, Clerks, Collectors of the Tolls, and other Officers, for the due Execution of their reſpective Offices; and accounting for the Money received by them, as to the ſaid Truſtees or any Five or more of them ſhall ſeem meet.

To compel Perſons to pay and deliver over Money, Books, &c. relating to the Road.

XVI. And be it further enacted, That all Perſons who have been employed, or who ſhall receive any Tolls or other Money by virtue or in conſequence of the ſaid recited Act of the Thirty-eighth Year of His preſent Majeſty's Reign; or who ſhall have in their Cuſtody, Poſſeſſion, or Power, any Books, Accounts, Papers, Writings, or Things relating to the ſaid Road, ſhall account for, and pay and deliver over the ſame, and every Part thereof, to the ſaid Truſtees, in like Manner and under the like Penalties as are herein-before directed in reſpect to the ſeveral Collectors and other Perſons receiving any Monies, or having the Cuſtody or Power of any Books, Writings, or other Things, by virtue of this Act.

Actions to be brought in the Name of the Treaſurer or Clerk, or of Truſtees, who are not to be perſonally liable to Coſts.

XVII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk, or in the Name or Names of any One of the ſaid Truſtees, on behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name or againſt whom the ſame ſhall be brought or commenced, nor by the Act of ſuch Perſon or Perſons done without the Conſent of the ſaid Truſtees or any Five or more of them, at a Meeting to be holden in purſuance of this Act; but no Treaſurer, Clerk, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Debt, Coſts, or Expences on Account thereof, but all ſuch Debt, Coſts, and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act, collected or received by the ſaid Truſtees.

Power to continue and erect Toll Gates.

XVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, as they ſhall think proper, continue or remove all or any of the Toll-Gates, Bars, or Chains, erected by virtue of the ſaid recited Act, and may erect and ſet up, or cauſe to be erected and ſet up, any other Toll-Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or acroſs any Part or Parts of the ſaid Road, or any new Road to be made by virtue of this Act; and may alſo continue, erect, and provide a Toll-Houſe with ſuitable Out-Buildings and Conveniences at or near each Toll-Gate, and may from Time to Time afterwards remove, alter, or diſcontinue ſuch Toll-Gates, Bars, Chains, and Toll-Houſes, or any of them, as they the ſaid Truſtees or any Five or more of them ſhall think expe-

expedient; and alſo may take in and incloſe from the Side of the ſaid Road convenient Spots for Gardens for the Toll-Houſes reſpectively, not exceeding One Eighth Part of an Acre to each Toll-Houſe: Provided always, that no Toll-Gate, Bar, Chain, or Toll-Houſe, ſhall be erected or ſet up within the Townſhip of *Hulme*.

Truſtees may erect Side Bars.

XIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, when and as they ſee fit, cauſe to be erected, ſet up, and provided, One or more Turnpike Gate or Gates, Toll Houſe or Toll Houſes, on the Side or Sides of the ſaid Road, acroſs any Lane, Street, Way, or Paſſage now or at any Time hereafter to be made, laid out, and opened into the ſaid Turnpike Road, and from Time to Time to remove or take away the ſame, and to ſet up the ſame again as they think fit, and to demand, receive, and take at any ſuch Turnpike Gate or Gates, ſuch Tolls as are herein-after allowed and directed to be taken at the ſaid reſpective Turnpike Gate or Gates hereby authorized to be erected or ſet up upon and acroſs the ſaid Road, ſo as that the ſame do not amount to a Double Charge within the true Intent of this Act, or ſubject any Perſon to the Payment of larger Tolls in the Whole than are herein-after appointed to be paid, and ſo as the Perſon or Perſons who ſhall have paſſed through any ſuch Side Bar or Bars ſhall be entitled to ſuch Exemption in reſpect of the ſeveral Turnpike Gates ſo to be erected upon and acroſs the ſaid Turnpike Road, as he or they would have had in caſe he or they had paſſed through and paid at the ſame.

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

XX. And be it further enacted, That the Turnpikes and Toll Houſes, and other Buildings erected or to be erected or provided in or upon the ſaid Road, and the Materials for altering or building the ſame, and all Materials and Things which ſhall be provided, collected, or made uſe of for repairing the ſaid Road, ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name of their Clerk, or to prefer and proſecute, at the Expence of the Revenues of the ſaid Road, One or more Indictment or Indictments, ſtating the ſame as the Property of their Clerk, againſt any Perſon or Perſons who ſhall ſteal, take, carry away, or damage the ſame, or any Part thereof, or diſturb them in the Poſſeſſion of the ſame, or any Part thereof; ſubject nevertheleſs to ſuch and the like Eſtates, Rights, and Intereſts, as the preſent Mortgagees of the Tolls have or may have or claim in the ſame, or as they might reſpectively have had or claimed in or to the Turnpike or Toll Houſe already erected under and by virtue of the ſaid former Act.

Tolls to be demanded and taken.

XXI. And be it further enacted, That there ſhall be demanded and taken at every Turnpike Gate now ſtanding and being, or hereafter to be erected, upon and acroſs the ſaid Road, the reſpective Tolls following, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, before any Horſe or other Cattle, Coach, Waggon, Cart, or other Carriage, ſhall be permitted to paſs through the ſame, on any Day in the Week; that is to ſay,

Tolls. For every Horſe or Beaſt of Draught, drawing any Coach, Berlin,

Landau, Chaiſe, Hearſe, Curricle, Calaſh, or other ſuch Carriage with Four Wheels, the Sum of Sixpence:

For every Horſe or Beaſt of Draught, drawing any Chaiſe, Chair, or other ſuch Carriage with Two Wheels, the Sum of Sixpence:

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, or other ſuch Carriage with Four Wheels, the Fellies of ſuch Wheels being of the Breadth of Nine Inches, or of a greater Breadth than Six Inches from Side to Side at the Bottom or Sole thereof, when drawn by Seven or more Horſes or Beaſts of Draught, the Sum of Eight-pence; when drawn by Six or leſs Horſes or Beaſts of Draught, the Sum of Six-pence:

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, or other ſuch Carriage with Four Wheels, the Fellies of ſuch Wheels being of the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, when drawn by Five or more Horſes or Beaſts of Draught, the Sum of One Shilling; and when drawn by Four Horſes or Beaſts of Draught, the Sum of Nine-pence; and when drawn by Two or Three Horſes or Beaſts of Draught, the Sum of Eight-pence:

For every Horſe or Beaſt of Draught, drawing any Waggon, Wain, or other ſuch Carriage with Four Wheels, the Fellies of ſuch Wheels being of a leſs Breadth than Six Inches from Side to Side at the Bottom or Sole thereof, the Sum of One Shilling:

For every Horſe or Beaſt of Draught, drawing any Cart, Wain, or other ſuch Carriage, with Two Wheels the Fellies of ſuch Wheels being of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, when drawn by Three or more Horſes or Beaſts of Draught, the Sum of Sixpence; and when drawn by Two Horſes or Beaſts of Draught, the Sum of Four-pence:

For every Horſe or Beaſt of Draught, drawing any Cart, Wain, or other ſuch Carriage, with Two Wheels, the Fellies of ſuch Wheels being of leſs Breadth than Nine Inches, and exceeding Six Inches in Breadth from Side to Side at the Bottom or Sole thereof, when drawn by Four Horſes or Beaſts of Draught, the Sum of Nine-pence; when drawn by Three or Two Horſes or Beaſts of Draught, the Sum of Sixpence:

For every Horſe or Beaſt of Draught drawing any Cart, Wain, or other ſuch Carriage, with Two Wheels, the Fellies of ſuch Wheels being of the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horſe or Beaſt of Draught drawing any Cart, Wain, or other ſuch Carriage with Two Wheels, the Fellies of ſuch Wheels being of leſs Breadth than Six Inches from Side to Side at the Bottom or Sole thereof, when drawn by Two or more Horſes or Beaſts of Draught, the Sum of Nine-pence; and when drawn by One Horſe or Beaſt of Draught, the Sum of Sixpence:

For every Single Horſe or Beaſt of Draught, drawing any Cart, Wain, or other ſuch Carriage, with Two Wheels, the Sum of Sixpence:

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

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

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of One Shilling and Eight-pence *per* Score; and ſo in proportion for any greater or leſs Number.

And

One Half Tolls to be taken from the Inhabitants Occupiers of Trafford Houſe, &c.

And that One Half of the Tolls above mentioned, and no more, ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, before any Waggon or Cart belonging to any of the Inhabitants Occupiers of *Trafford Houſe*, or of the Demeſne Lands thereunto belonging, or of a Meſſuage and Tenement in *Stretford* aforeſaid, called *Crown Point*, or the Lands thereunto belonging, or of *Old Trafford*, or the Demeſne Lands thereunto belonging, or of *Stretford Moſs* adjoining the Demeſne Lands of *Old Trafford* aforeſaid, ſhall be permitted to paſs through any Turnpike erected or to be erected on the ſaid Road on any Day in the Week; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, to ſeize, diſtrain, detain, and keep any Horſe or Horſes, or other Cattle, or any Harneſs or Accoutrements of and belonging to the ſame, or any Carriage, or any Goods in any Carriage, upon the Horſe or Horſes drawing which ſuch Toll is by this Act impoſed, or a ſufficient Part thereof; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure made, the Perſon or Perſons ſo diſtraining ſhall and may ſell and diſpoſe of the Horſe or Horſes, Cattle, Carriage, or Goods ſo diſtrained, returning the Overplus (if any) on Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be paid; and that all Monies ſo to be collected and levied ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied to the Purpoſes of this Act.

Upon Refuſal of Payment of Tolls, Collector may diſtrain upon any Horſe, &c.

No Tolls for croſſing the Road only.

XXII. And be it further enacted, That no Tolls ſhall be taken at any Toll Gate or Turnpike erected or to be erected by virtue of this Act, on the Side or Sides of any Part of the ſaid Road, for any Horſe, Cattle, or Carriage which ſhall only croſs the ſaid Road, and ſhall not paſs above One hundred Yards thereon, unleſs ſuch croſſing ſhall be with an Intent to avoid the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Toll ſhall be avoided accordingly.

Perſons having paid full Toll to return Toll-free;

XXIII. Provided always, and be it further enacted, That all and every Perſon and Perſons having paid the full Toll hereby authorized to be taken at any Gate or Gates, Turnpike or Turnpikes erected or to be erected on any Part of the ſaid Road, or on the Side thereof, for any Horſe or Horſes drawing any Carriage or not drawing, Mules, Beaſts, Oxen, or Cattle, as aforeſaid, ſhall, upon producing a Note or Ticket, or Notes or Tickets, denoting ſuch Payment, be permitted to paſs any other Gate or Gates, Turnpike or Turnpikes erected or to be erected on any other Part of the ſaid Road, or on the Side or Sides thereof, and to return Toll-free the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, with the ſame Carriage, Horſe or Horſes, Mules, Beaſts, Oxen, or Cattle, in reſpect of which he ſhall have paid the Toll, or with the Horſes or other Cattle which ſhall have drawn any Coach, Waggon, or other Carriage for which Toll has been paid on that Day, through all or any of the ſaid Turnpikes or Toll Gates on the ſame Road, or on the Sides thereof; except any Waggon or Cart which ſhall be laden both going and returning, in which Caſe ſuch Perſon or Perſons ſhall be

except laden both Ways.

be liable to pay Toll for ſuch Waggon or Cart when returning, in like Manner as he or they would have been liable to pay for the ſame in caſe the ſame had not before paſſed through ſuch Turnpike or Toll Gate on the ſame Day; and no Waggon, Cart, or other ſuch Carriage ſhall be deemed to be laden, unleſs the Lading therein or thereon ſhall be of the Weight of Two hundred and forty Pounds Avoirdupois or upwards.

Stage Coaches and Poſt Chaiſes to pay each Time of paſſing.

XXIV. Provided always, and be it further enacted, That the Tolls hereby granted ſhall be paid for and in reſpect of all Horſes or Mules drawing any Stage Coach every Time they ſhall paſs through any Toll Gate or Turnpike erected by virtue of this Act, and for and in reſpect of all Horſes or Mules drawing any Poſt Chaiſe or other Carriage, every Time they ſhall paſs through any ſuch Toll Gate or Turnpike, and the Driver thereof ſhall deliver a Ticket denoting a freſh Hiring; provided alſo, that no more than the Number of Tolls limited by this Act to be received on the ſaid Road ſhall be demanded or taken.

Abatement of One-fourth of Toll in certain Caſes.

XXV. And be it further enacted, That all Waggons, Carts, or other Carriages having the Fellies of the Wheels of the Widths and Deſcriptions, 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 Weights in certain Caſes*, ſhall be entitled to an Abatement of One-fourth Part of the Tolls hereby granted.

Toll for Carriages laden with Coal or Cannel.

XXVI. Provided always, and be it further enacted, That no Horſe, Mule, or Aſs, drawing any Waggon, Cart, or other Carriage, laden only with or going empty for, or returning empty after having been laden on the ſame Day only with Coal or Cannel, ſhall be ſubject or liable to the Payment of any more than the Tolls following; that is to ſay, The Sum of Threepence for each and every Horſe, Mule, or Aſs with which ſuch Waggon, Cart, or other Carriage ſo laden in any of the Caſes aforeſaid ſhall be drawn; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Perſons carrying Milk to pay Toll only once a Day.

XXVII. Provided alſo, and be it enacted, That no Perſon ſhall be ſubject or liable to the Payment of any Toll more than once in the ſame Day for any Cart or other Carriage, Horſe, Mule, or Aſs, laden with Milk, Butter, Whey, Butter-milk, or Curds, or for the Return of any ſuch Cart, Carriage, Horſe, Mule, or Aſs with the empty Cans in which ſuch Milk, Butter, Whey, Butter-milk, or Curds ſhall have been conveyed; any Thing herein contained to the contrary notwithſtanding.

Truſtees to provide Tickets denoting Payment of Tolls.

XXVIII. 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 Toll, a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Settling Diſputes concerning Tolls.

XXIX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of making, keeping, or

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

Collectors of Tolls not incompetent Witneſſes.

XXX. And be it further enacted, That in caſe any Diſpute 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.

Toll Collectors to put up their Names, &c.

XXXI. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees or any Five or more of them, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll-Gate erected by virtue of the ſaid Act or 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 ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of this Act, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to give a Ticket denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Roads, or ſhall, without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon, then and in every ſuch Caſe every

ſuch

ſuch Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings 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.

Truſtees may let the Tolls.

XXXII. And be it further enacted, That it ſhall and may 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, to be affixed upon all the Toll-Gates then erected upon the ſaid Road, and inſerted in ſome Newſpaper circulated in the Neighbourhood of ſuch Road), from Time to Time, by Writing under their Hands, to demiſe or let to farm, or agree to be let to farm, all or any of the Tolls ariſing by virtue of this Act, for any Term not exceeding Three Years, upon public Bidding, 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 Thing in any Law or Statute to the contrary thereof notwithſtanding; and the Renter or Renters of ſuch Tolls, and their Collectors, ſhall have the ſame Powers and Authorities as are veſted in the Collectors herein-before mentioned, for all the Purpoſes of this Act; and ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall have ſuch and the like Powers and Authorities of appointing any Collectors of the Tolls, and diſmiſſing them for Miſbehaviour or Neglect of Duty, of recovering the Tolls received by ſuch Collector, and of obtaining Poſſeſſion of the Toll-Gates and Houſes, as are by this Act given to the ſaid Truſtees.

In caſe Requiſites are not complied with, Contract to be void.

XXXIII. Provided always nevertheleſs, and be it further enacted, That in caſe all or any of the Requiſites herein mentioned for letting the Tolls ſhall not have been ſtrictly complied with in the making of any Contract or Agreement for letting the ſame, then and in that Caſe ſuch Contract or Agreement ſhall be null and void; and it ſhall be lawful for any Two or more Truſtees, at any Time or Times, by Writing under their Hands, to call a Meeting of the ſaid Truſtees, to let the Tolls again.

Leſſees and Perſons appointed by them may collect the Tolls.

XXXIV. And be it further enacted, That during ſuch Times as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm 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 other Perſon or Perſons as he or they ſhall by Writing or Writings under his or their Hand or Hands authorize and appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for 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, or other Perſon or Perſons as aforeſaid, ſhall be ſubject 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.

XXXV. Pro-

Exempting Royal Family from Toll.

XXXV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for or in respect of any Horse or Carriage belonging to His Majesty, or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family.

Exemptions from Tolls.

XXXVI. Provided also, That no Toll shall be demanded or taken for any Horse, Cattle, or Carriage, passing laden with, or going empty or unladen for, or returning the same Day empty or unladen, after having been laden with Stone, Bricks, Lime, Gravel, or other Materials for making and repairing the said Road, or for repairing the Highways in either of the Townships through which the Road directed by this Act to be repaired leads; nor for any Carriage passing laden with, or going empty or unladen for, or returning the same Day empty or unladen, after having been laden only with Marl, Muck, Dung, Compost, or other Manure, Lime excepted; or for any Cattle or Carriage employed in carrying or conveying Hay or Corn in the Straw, not sold or disposed of, or going to be sold or disposed of, but to be laid up in the respective Houses, Outhouses, or Yards of the respective Owners thereof; nor shall any Toll be demanded or taken for any Ploughs, Harrows, or other Implements of Husbandry, passing in order to the using or repairing the same, or any other Thing employed in Husbandry in the several Townships in which the said Road lies; nor for any Horse or other Cattle going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or within any of the Lands within such Townships or either of them; nor for any Horse, Cattle, or Carriage belonging to any Inhabitant of either *Stretford* or *Hulme* aforesaid, which shall be only passing to the Smith's Shop or Carpenter's Shop in such Township, in order to be shod or repaired, or for the Return of any such Cattle or Carriage unladen; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; or from any Persons going to or returning from their proper Parochial Church, Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship tolerated by Law, upon *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated; nor from any Person or Persons going to or returning from the Funeral of any Person or Persons who shall die or be buried in either of the said Townships, or within the Parish of *Manchester*; nor for any Person or Persons going to or returning from any Election of a Member or Members to serve in Parliament for the said County of *Lancaster*, during the Time of or on the Day before or Day after such Election shall begin or be concluded; nor for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; nor for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exercise, Inspection, or Review, provided that such Person be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; nor for the Horses of Soldiers passing who are upon their March, or upon Duty; nor for Waggons, Wains, Carts, or Carriages employed in con-

veying the Arms or Baggage of any such Officers or Soldiers, or 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, which shall be employed in carrying or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed; nor for Horses or Carriages travelling with Vagrants sent by legal Passes, nor Prisoners sent to Gaol or House of Correction, or returning after having been so employed.

Carriages conveying Military Stores not to be subject to Penalties for Overweight.

XXXVII. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage, be stopt 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 any 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.

Penalty on fraudulently taking Benefit of Exemptions; or taking off any Horse, &c. to avoid Payment of Tolls; or putting any Horse, &c. having passed the Turnpike, to any Carriage.

XXXVIII. And be it further enacted, That if any Person or Persons shall knowingly and deceitfully claim or take the Benefit of any of the Exemptions aforesaid, in respect of the Payment of the Tolls hereby granted, or any Part thereof, not being entitled so to do; or if any Person or Persons shall take off or cause to be taken off any Horse or other Beast from any Carriage, or shall unload or cause to be unloaden any Goods, Wares, Merchandize, or other Things from any Carriage, at or before the same shall have come to any Turnpike Gate or Weighing Engine, or shall put or leave, or cause to be put or left in any House or other Place any Carriage, Horse, Beast, or other Cattle liable to pay the Tolls or Duties in part or entirely, at or before the same shall come to any Turnpike Gate or Weighing Engine erected or to be erected by virtue of this Act, with an Intent to avoid or evade paying any of the said Tolls or any Part of them; or if having passed through or by any of the said Turnpike Gates or Weighing Engines, shall afterwards add or put any Horse or other Beast to any Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through or by any of the said Turnpikes or Weighing Engines, with an Intent to avoid, evade, or lessen, or having thereby avoided, evaded, or lessened the Payment of any of the said Tolls or any Part thereof; or if any Person or Persons shall load or lay upon any such Carriage, after the same shall have passed through or by any such Turnpike or Weighing Engine, any Goods, Wares, Merchandize, or other Things, taken or unloaden from any Horse or other Cattle, Waggon, Cart, or other Carriage, belonging to or hired or borrowed by the same Waggoner, Carrier, or Driver, or so concealed or secreted in

order to evade or leſſen the Payment of the ſaid Tolls or Duties or any of them; or if any Perſon ſhall ſo unload in order to carry any Quantities of Goods, Wares, Merchandize, or other Things, through or by any Turnpike Gate or Weighing Engine in one and the ſame Day, and thereby pay leſs Toll at ſuch Turnpike Gate than would have been paid in caſe ſuch Goods, Wares, and Merchandize had not been ſo unloaded, each and every the Perſon or Perſons ſo offending in any of the Caſes aforeſaid, and being thereof lawfully convicted before one or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, upon the Oath of one or more credible Witneſs or Witneſſes, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety ſhall go to the Informer and the other Moiety ſhall be applied to the Purpoſes of this Act.

Penalty on Perſons forcibly paſſing through the Bar, &c.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall forcibly or wilfully go or paſs with any Horſe, Beaſt, or Carriage through the Turnpikes by virtue of this or the ſaid former Act erected or to be erected or ſet up, without paying the Toll or Tolls by this Act directed to be paid for the ſame, or ſhall knowingly or deſignedly aſſault, interrupt, or obſtruct any of the Collectors or Perſons employed in the collecting or receiving the ſaid Tolls, or any otherwiſe in the Execution of his, her, or their Office or Offices of Collector or Receiver; or if any Perſon or Perſons (not being the Owner or Owners or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants), ſhall go or paſs with any Horſe, Beaſt, Cattle, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to the ſaid Road, the ſame not being a public Highway; or if any Perſon or Perſons owning or occupying any Land, Ground, or other Place or private Way, ſhall knowingly and wilfully permit or ſuffer any Perſon or Perſons (not being his, her, or their Servant or Servants, or of his, her, or their Family) to go or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over ſuch Land, Place, or private Way, in order or with Intent to avoid the Payment of the ſaid Tolls or any of them, or any Part thereof, or whereby or by reaſon or means whereof the Payment of any of the Tolls aforeſaid ſhall or may be evaded or avoided; or in caſe any Perſon or Perſons ſhall go or paſs with any Horſe, Beaſt, Cattle, or Carriage along or over the Towing Path or Paths, or the Side of a certain navigable Cut or Canal made by the late moſt Noble *Francis* Duke of *Bridgewater*, near the ſaid Road, or on any Part or Parts thereof, (other than and except the Truſtees of the ſaid *Francis* Duke of *Bridgewater*, their Heirs and Aſſigns, and their Agents, Servants, and Workmen employed upon the Buſineſs of or relating to the ſaid Canal, and other than and except every Perſon and Perſons, Cattle and Carriages to be uſed or employed in or upon account of the drawing, towing, or haling any Boat or other Veſſels, or any Matters or Things upon or along the ſaid Canal), whereby the Payment of any of the Tolls hereby granted ſhall or may be evaded or avoided; every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be applied as is herein-before directed with reſpect to Penalties impoſed upon Offenders who knowingly or deceitfully claim or take the Benefit of Exemptions for the Tolls hereby directed to be paid.

XL. Provided

Power of reducing the Tolls.

XL. Provided always, and it is hereby enacted and declared, That the ſaid Truſtees, or any Seven or more of them, are hereby authorized and empowered from Time to Time, if they ſhall think proper, to reduce or lower all or any Part or Parts of the ſeveral Tolls hereby granted, and to raiſe the ſame again, ſo as that the ſame do not exceed the Tolls by this Act granted, and ſo as ſuch Reduction be with the Conſent of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Road, and who at the Time of ſuch Reduction ſhall have Money ſecured on the Tolls intended to be reduced; but ſuch Reduction ſhall not be made unleſs Notice in Writing of the Meeting to be holden for that Purpoſe be given, ſpecifying the Toll or Tolls intended to be reduced or lowered, by affixing the ſame upon all the Turnpike Gates which ſhall be then erected upon the ſaid Road, and alſo by inſerting the ſame in One at leaſt of the *Mancheſter* Newſpapers, (in caſe any ſuch ſhall then be publiſhed), and delivering a Copy thereof to the Clerk or Clerks to the ſaid Truſtees, and for want of ſuch Clerk or Clerks, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, Twenty-one Days at leaſt previous to ſuch Meeting, nor unleſs a Majority of the Truſtees be preſent at ſuch Meeting, ſuch Majority to conſiſt of Seven Truſtees at the leaſt, ſhall concur in ſuch Reduction; and ſuch Tolls ſo reduced or lowered ſhall be collected, levied, and applied reſpectively in the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and applied reſpectively.

Truſtees empowered to compound for Tolls.

XLI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered from Time to Time, as they ſhall ſee convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Cattle, or Beaſts, or Carriages, paſſing through any of the ſaid Turnpikes or Toll Gates, ſo that no ſuch Compoſition ſhall be made for any Cattle or Carriages travelling for Hire; and all ſuch Compoſition Money ſhall be paid One Year in Advance, otherwiſe ſuch Compoſition ſhall be void.

Truſtees may borrow Money.

XLII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpoſe, whereof Fourteen Days Notice in Writing ſhall be given by the Clerk or Clerks, Treaſurer or Treaſurers, appointed purſuant to this Act, to be fixed on all the Turnpike Gates then erected on the ſaid Road, and inſerted in one of the *Mancheſter* Newſpapers, (in caſe any ſuch ſhall then be publiſhed), may, and they are hereby empowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage, ſubject to the ſeveral Mortgages now affecting the ſame, all or any of the Tolls to be collected and ariſing by virtue of this Act, and alſo the Toll Houſes and Appurtenances thereunto belonging, (the Charges of aſſigning the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees, or any Seven or more of them, upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, his, her, and their Executors, Adminiſtrators, and Aſſigns, or his, her, or their Truſtee or Truſtees, who ſhall advance and lend the ſame, to ſecure the Re-payment thereof, with ſuch legal Intereſt as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; which ſaid Money ſo to be

be borrowed ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpikes are hereby intended to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; which Mortgage or Mortgages, Aſſignment or Aſſignments, ſhall and may be in the Form following, or ſuch other Form as the ſaid Truſtees making the ſame ſhall think proper; (*videlicet*),

Form of Mortgage.

'BY virtue and in purſuance of an Act of Parliament made in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*], and in Conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act into Execution, having been paid this Day by *C. D.* of we, whoſe Names are hereunto ſubſcribed, and Seals affixed, being of the ſaid Truſtees, do grant and aſſign unto the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns, the Tolls ariſing or to ariſe by virtue of the ſaid Act at or from the Turnpike Gate or Gates erected or to be erected upon or on the Side or Sides of the ſaid Road, and alſo the Toll Houſe or Houſes, Weighing Machines, and other Engines, erected or to be erected within the ſame, to have, hold, receive, and take the ſaid Tolls, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns, for the Reſidue and Remainder now to come of the Term for which the ſaid Tolls are granted by the ſaid Act, ſubject to the Mortgages affecting the ſame at the Time of paſſing the ſaid Act; and alſo to the Proviſo following; (that is to ſay), Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *C. D.* Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full force. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of .'

Copies to be entered.

Copies of all which Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees;

Truſtees not liable in their private Capacities.

but nothing in this Act contained ſhall extend or be conſtrued to extend to charge or ſubject the ſaid Truſtees, or any of them, or the Perſons appointed to receive the ſaid Money, or any Part thereof, to any Payment of the ſame, by reaſon of their or any of their ſigning any ſuch Mortgages, Aſſignments, or other Securities to be made in purſuance of this Act, or any of them;

Mortgages may be aſſigned.

and all Perſons to whom ſuch Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, or to the Money thereby ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit to the ſaid Mortgage, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Indorſement on the Back of ſuch Security, or by any other Writing or Writings, before one credible Witneſs, in the following Words, or Words to the like Effect; (*videlicet*),

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

Which Transfer ſhall be produced and notified, within Sixty Days after the Date thereof, to the Clerk or Treaſurer of the ſaid Road, who ſhall cauſe an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made any ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the ſame, or any Monies due thereon.

No Priority of Mortgages.

XLIII. Provided nevertheleſs, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons who ſhall hereafter advance any Sum or Sums of Money upon the Credit of this Act, in reſpect to the Priority of advancing any ſuch Sum or Sums of Money, but that all Perſons to whom ſuch Mortgages or Aſſignments ſhall be made as aforeſaid ſhall, in proportion to the Sum or Sums of Money therein mentioned, be Creditors on this Act in equal Degree one with another.

One Mortgagee may obtain Poſſeſſion of Tollhouſes.

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

Application of Tolls and Money borrowed under this Act.

Mortgages may be aſſigned.

XLV. And be it further enacted, That all Monies and other Effects which the Truſtees under the ſaid Act of the Thirty-eighth Year of His preſent Majeſty, or any of them, or any Treaſurer or other Perſon on their Behalf, are or is poſſeſſed of or entitled unto by virtue of the ſaid Act, in reſpect of the ſaid Road, ſhall be and the ſame are hereby veſted in the Truſtees appointed under this Act, and their Succeſſors; and the ſame, and all Monies which ſhall or may be borrowed, collected, or received under the Powers or Authorities of this preſent Act, ſhall be diſpoſed of and applied by the ſaid Truſtees in Manner following; that is to ſay, that out of the Monies ariſing or to ariſe by virtue of the ſaid former Act or this preſent Act in manner aforeſaid, the Expences of procuring and paſſing this Act, and all incidental Charges relating thereto and attending the ſame, ſhall be firſt paid and diſcharged; and after full Payment thereof, the Remainder of ſuch Monies and Effects, and all Tolls collected or to be collected at the ſaid ſeveral Turnpikes,

Cranes, Engines, or Machines reſpectively, and all Penalties levied or to be levied for the Purpoſes of this Act, and Money borrowed or received, ſhall be chargeable with and applied to the Payment and Diſcharge of the Intereſt of all ſuch Sums of Money as are now due and owing under the Authority of the ſaid former Act in reſpect of the ſaid Road, upon the Credit of the Tolls thereby granted; and from and after full Payment thereof, and in the meantime ſubject thereto, the Tolls and Duties to be collected at the Turnpikes, Machines, and Engines now or hereafter to be erected and ſet up by virtue of this Act, and all Monies to be borrowed on the Credit thereof, and all Penalties levied and Monies received for the Purpoſes of this Act, ſhall from Time to Time be applied in making, widening, turning, altering, repairing, and keeping in Repair the ſaid Road, and in otherwiſe putting this Act in Execution, and in Payment of the Principal Money owing or to be borrowed as aforeſaid, in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall direct or appoint.

Treaſurer of the Tolls to pay to T. J. Trafford Eſq. 80l. per Ann. during the Term of this Act;

XLVI. And whereas *Thomas Joſeph Trafford*, of *Trafford*, in the ſaid County of *Lancaſter*, Eſquire, and his Anceſtors, have for Time immemorial been entitled to, and have conſtantly had, collected, and received, as a Toll or Duty, for every loaded Waggon paſſing on the ſaid Road between the Town of *Stretford* and *Croſsford Bridge* Four-pence; and for every loaded Cart paſſing between the ſaid Two Places, Two-pence, (except Waggons and Carts loaded with Coals only); it is hereby further enacted and declared, That the Treaſurer or Receiver of the Tolls and Duties to be collected and received on the ſaid Road by virtue and in purſuance of this Act, ſhall, immediately after the Payment of the Charges and Expences attending the obtaining and paſſing this Act, and of the erecting and ſetting up ſuch Turnpike and Toll-houſe as is herein-before mentioned, yearly and every Year during the Continuance of this Act, pay or cauſe to be paid unto the ſaid *Thomas Joſeph Trafford*, his Heirs and Aſſigns, at the Manſion Houſe of the ſaid *Thomas Joſeph Trafford*, called *Trafford*, in the Townſhip of *Barton*, in the ſaid County of *Lancaſter*, the yearly Sum of Eighty Pounds, by half-yearly Payments, free from all Deductions for Taxes or otherwiſe whatſoever; the ſaid annual Rent or yearly Sum of Eighty Pounds to be payable and paid at *Chriſtmas Day* and the Nativity of *Saint John* in every Year, by equal Portions, the firſt half-yearly Payment thereof to begin and be made at or upon *Chriſtmas Day* One thouſand eight hundred and nineteen, in lieu of and as a Recompence for ſuch Tolls and Duties payable to the ſaid *Thomas Joſeph Trafford*, his Heirs and Aſſigns as aforeſaid, for and during the Continuance of this Act, and which ſhall accordingly be ſuſpended during the Continuance thereof: Provided always, that immediately after the Expiration of this preſent Act the ſaid ſeveral Tolls and Duties ſo received and taken by the ſaid *Thomas Joſeph Trafford*, and his Anceſtors as aforeſaid, ſhall revert to, be had, received, and taken by, the ſaid *Thomas Joſeph Trafford*, his Heirs and Aſſigns, in ſuch Manner as they were or could be taken and received before the paſſing this Act, or as if this Act had never been made.

by Half-yearly Payments.

If the ſaid Sum ſhall be unpaid Twenty Days

XLVII. Provided alſo, and it is hereby enacted and declared, That when and ſo often as the ſaid annual Sum or yearly Rent of Eighty Pounds, or any Part thereof, ſhall happen to be behind or unpaid by the Space

of Twenty Days after any of the said Feasts or Days herein-before limited and appointed for Payment thereof, then and so often and from Time to Time as it shall so happen, it shall and may be lawful to and for the said *Thomas Joseph Trafford*, his Heirs and Assigns, to take Possession of the Toll Gate so to be erected and set up by virtue and in pursuance of this Act as aforesaid across the said Road, and to receive and take the Tolls and Duties hereby granted and made payable to and for his and their own Use and Benefit, until thereby or therewith, or otherwise, all Arrears of the said yearly Sum of Eighty Pounds then grown due, or that during such Possession shall grow due, and all Costs and Charges attending such Entry upon and Perception of the said Tolls and Duties, and all Damages that he or they shall then have had or sustained by reason of the Non-payment of the said yearly Sum, shall be fully satisfied and paid.

Mr. Trafford may take Possession of the Tolls.

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, and they are hereby authorized and empowered, to divert and turn the said Road from a certain Place in *Stretford* aforesaid, called *Old Trafford Gate*, by a new Road to be made through a Close or Parcel of Land in the Occupation of *John Smith* and *Ellen Ingle*, and from thence over and across the Canal of the Devisees of the said late Duke of *Bridgewater* deceased, and through a certain other Close or Parcel of Land in the Occupation of *Thomas Wroe*, and from thence to communicate with the present Road in *Boat Lane* within *Stretford* aforesaid; and to design, direct, order, and build or cause to be built, and to complete, maintain, and keep in repair, a Bridge across the said Canal of the Devisees of the said late Duke of *Bridgewater*, and the Towing or Haling Path adjoining the same, from the said Close in the Occupation of the said *John Smith* and *Ellen Ingle* to the said Close in the Occupation of the said *Thomas Wroe*, and to dig and make proper Foundations in the said Canal, and on the said Lands and Grounds lying on each Side thereof, for the Piers and Abutments of the said Bridge, and to cut and level the Banks of the said Canal in such Manner as shall be necessary and proper for building the said Bridge, and for raising the Embankments necessary to conduct and make the said Road over the same; and also to cut, remove, take, and carry away all Trees, Beds of Gravel, Sand, Mud, or any other Impediment whatsoever, which may in any wise tend to hinder the erecting and completing the said Bridge; and to execute all other Things which may be actually requisite and necessary for erecting and building, maintaining and supporting the said Bridge, and making the said new Road and proper Avenues thereto as aforesaid, according to the Tenor and Meaning hereof; and further, that for the Purpose of erecting, building, maintaining, repairing, and supporting the said Bridge, Road, and Avenues thereto, the said Trustees, or any Five or more of them, shall from Time to Time have full Power and Authority to land, lay down, or place on either Side of the said Canal, within Fifty Yards of the Scite of the said Bridge, all Materials and other Things to be used in and about the same, and there to work and use such Materials and Things, according as they the said Trustees, or any Five or more of them, and the Person or Persons to be by them appointed, shall think proper, doing as little Damage as may be, and making such Satisfaction as hereinafter mentioned to the respective Owners and Occupiers of all Lands and Grounds, Tenements and Hereditaments, which shall be altered, damaged, spoiled,

Trustees may divert a Part of the Road, and build a Bridge over the Canal of the Devisees of the late Duke of Bridgewater.

ſpoiled, taken, or made uſe of by means of the ſaid new Road and Bridge and the Avenues thereto reſpectively, and alſo making no Obſtruction to the free Paſſage of the ſaid Towing or Haling Path, or to the Navigation of the ſaid Canal.

Aſcent to the Bridge and Fence.

XLIX. Provided always, and be it further enacted, That the Aſcent to ſuch Bridge ſhall not be more than One Foot in Thirteen, and that a good and ſufficient Fence ſhall be made on each Side of ſuch Bridge, which Fence ſhall not be leſs then Four Feet above the Surface of ſuch Bridge.

Branch of Road to be made according to a Plan.

L. And whereas a Map or Plan deſcribing the Line of the ſaid Deviation of Road, and the Lands through which the ſame are to be carried, together with the Names of the Owners or reputed Owners or Occupiers of ſuch Lands, has been depoſited at the Office of the Clerk of the Peace for the County of *Lancaſter*; be it therefore enacted, That the ſaid Map or Plan ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County of *Lancaſter*, to the End that all Perſons may at any reaſonable Time have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan; and that the ſaid Truſtees, in making, widening, or repairing the ſaid Road, ſhall not deviate more than One hundred Yards from the Line deſcribed in the ſaid Map or Plan, 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.

Miſnomers not to prevent the Execution of the Act.

LI. Provided always, and be it further enacted, That if any of the Lands laid down or deſcribed in the ſaid Map or Plan, or any of the Perſons in whoſe Poſſeſſion or Occupation the ſame, or any Part thereof, are or is ſtated or deſcribed to be, ſhall happen to be miſnamed or inaccurately deſcribed, ſuch Miſnomer or inaccurate Deſcription ſhall not prevent or retard the Execution of this Act, but the ſeveral Premiſes, and every Part thereof, ſhall and may be purchaſed for the Purpoſes of this Act, as fully and effectually as if the ſame were more properly named; provided it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County of *Lancaſter*, and be certified in Writing under their Hands, that ſuch Miſnomer or inaccurate Deſcription proceeded from Miſtake.

When new Bridge is completed, Throſtle Neſt Bridge to be pulled down.

LII. And be it further enacted, That when and ſo ſoon as they the ſaid Truſtees, or any Five or more of them, ſhall have made and completed the ſaid new Road and Bridge, and rendered the ſame paſſable by Coaches, Waggons, Carts, and other Carriages, or within Six Months from the Time of ſuch Road and Bridge firſt becoming paſſable by Coaches, Waggons, Carts, and other Carriages, they the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby fully empowered and required to pull down the ſaid Bridge now ſtanding and being over the ſaid Canal of the Deviſees of the ſaid late Duke of *Bridgewater*, called *Throſtle Neſt Bridge*, and to take and carry away the Materials thereof, and to convert and diſpoſe of the ſame for the Purpoſes of this Act, they the ſaid Truſtees, their Agents, Servants, and Workmen, taking eſpecial Care not to obſtruct or impede the Navigation of the

ſaid

said Canal, and the Passage of the Towing and Haling Path of and belonging to the same.

Trustees may turn the Road;

LIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may and they are hereby fully empowered, from Time to Time at their Discretion, to widen, divert, turn, vary, or alter the Course or Path of any Part or Parts of the said Road, and to set out and make the same of any Width not exceeding Sixty Feet, including the Ditches on each Side thereof, through any Common or Waste Grounds, without making Satisfaction for the same, and also through any private or inclosed Grounds or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain thereby; and for that Purpose it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the widening, diverting, turning, varying, or altering the Course or Path of any Part or Parts of the said Road through such Lands and Hereditaments in manner aforesaid; and it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Femes Covert, or Cestuique Trusts, Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and also for all Femes Covert who are or shall be seised of or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them, for the Sale of such Lands or Hereditaments or any Part thereof, or for their Interest therein, for the Purpose of this Act, as the Satisfaction to be made for such Damages as aforesaid, and to sell and convey unto them or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all such Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or other Matter to the contrary in anywise notwithstanding: Provided always, that it shall not be lawful for the said Trustees, in making, widening, diverting, altering, shortening, or varying the Line of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course of the said Road, without the Consent in Writing of the Owners or Occupiers of the Estates, Lands, or Grounds which may be affected by such Deviation respectively.

and widen Sixty Feet;

and contract for Lands.

The Damage, Value, and Recompence to be settled by a Jury.

LIV. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, Femes Covert, 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 Dwelling Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments

taments through which any Part of such Road may be intended to be widened, diverted, turned, varied, or altered, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them, shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the 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 require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (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 Ways and Means as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage, Value, or Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and appoint the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments respectively, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgment, Order, and Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Lancaster*, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such 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 impannelled, summoned, 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 swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers by, or that can be speedily procured to attend that Service, to the Number of Twelve; and 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, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and who shall not appear, or appearing shall refuse to be sworn on the said Jury,

Trustees to issue Warrants to the Sheriff to impannel a Jury.

Jury may be challenged.

Trustees may impose Fines on the Sheriff making Default, or on the Jury or Witnesses.

Jury, or being ſworn ſhall refuſe to give, or ſhall not give their Verdict, or 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, ſhall refuſe or neglect to appear after having been paid or tendered a reaſonable Sum for their Coſts, Charges, and Expences, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no Fine be more than Five Pounds on any One Perſon for One Offence; which ſaid Fine or Fines ſhall be levied and applied as the Penalties for Offences againſt this Act are herein-after directed to be levied and diſpoſed of.

How the Expences of the Jury and Witneſſes are to be paid.

LV. And be it further enacted, That in caſe any Jury or Juries, to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence or Satisfaction for the Right, Intereſt, or Property of every Perſon or Perſons in any ſuch Lands or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls, Duties, or Monies ariſing by virtue of this Act, or out of any Money borrowed upon the Credit thereof; but if any Jury or Juries, ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſs or Damage as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, 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 County of *Lancaſter* not intereſted in the Matter in queſtion, who is hereby required to examine and ſettle the ſame, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums of Money ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after having been ſo aſcertained and ſettled as aforeſaid, may be levied and recovered by the Ways and Means herein-after provided for levying and Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence out of the Kingdom, have been prevented from treating about ſuch Recompence or Satisfaction as aforeſaid, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, as aforeſaid.

LVI. And

Money allowed for Lands how to be paid.

LVI. And be it further enacted, That every Sum of Money or Recompence, to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls and Duties hereby granted, or out of the Money to be borrowed on the Credit thereof, to the Parties or Perſons reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or depoſiting the ſame in the Bank of *England* as herein-after directed (as the Caſe may be), and after Eight Days Notice thereof given to ſuch Parties or Perſons, or their Agents, or to the Tenant in Poſſeſſion of the Premiſes, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct; and ſhall be by them, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe; and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a common Highway, and ſhall be repaired and kept in Repair in ſuch Manner as the Road compriſed in this Act is hereby directed to be repaired; and after ſuch new Road ſhall be completed, the Lands and Grounds conſtituting ſuch former Road, or any Part thereof, unleſs leading over ſome Moor, Common, or Waſte Ground, or to ſome Village, Town, or Place to which ſuch new Road doth not lead, ſhall be veſted in the ſaid Truſtees, and ſhall and may be ſold and conveyed by them, or any Five or more of them, for the beſt Price that can be gotten for the ſame, purſuant to the Direction contained in the General Highway Act, and the Money ariſing from ſuch Sale ſhall be applied for the Purpoſes of this Act; or the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting ſuch former Road, for any Part or Parts of ſuch new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges, to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County of *Lancaſter*, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Lands purchaſed to become a Part of the Road.

In caſe the Road through Boat Lane be diverted, Boat Lane not to be ſtopped up.

LVII. Provided nevertheleſs, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall at any Time remove, alter, or divert the Road from *Boat Lane* aforeſaid, or when and ſo ſoon as the ſaid Truſtees, or any Five or more of them, ſhall have erected and completed the ſaid intended Bridge over and acroſs the ſaid Canal of the Deviſees of the ſaid Duke of *Bridgewater*, and the new Road from *Old Trafford Gate* aforeſaid to *Boat Lane* aforeſaid, as the ſaid Truſtees and their Succeſſors are hereby empowered to erect and make, then and in any ſuch Caſe the ſaid Road already made in *Boat Lane* aforeſaid, or any Part thereof, ſhall not be obſtructed or ſtopped up by the ſaid Truſtees, without the Licence and Conſent of the ſaid *Thomas Joſeph Trafford*, his Heirs or Aſſigns; but neither the ſaid Truſtees, nor the Inhabitants of the ſaid Townſhip of *Stretford*, ſhall be liable to the Repair of any Part of the ſaid Road from which ſuch Diverſion or new Road ſhall be made, after the ſame ſhall have been completed as aforeſaid.

No Diverſion over Duke of Bridgewater's Canal.

LVIII. Provided always, and be it enacted, That no Diverſion of the ſaid Road ſhall be made at any Place over the ſaid Canal of the Deviſees of the

the ſaid Duke of *Bridgewater*, within the Diſtance of One hundred Yards from the Line of the preſent Road, without the Conſent of the ſaid Deviſees, or One of them, in Writing.

Truſtees not to pull down Houſes, &c. except as herein mentioned.

LIX. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the ſaid Truſtees as aforeſaid ſhall not extend to the taking down of any Dwelling Houſe or other Buildings, or taking in the Scite of any Houſe or other Buildings, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, incloſed Shrubbery, planted Walk, or Avenue to a Houſe, without the Conſent in Writing of the Owners and Proprietors thereof reſpectively; ſave and except the ſeveral Hereditaments mentioned and deſcribed in the Schedule hereunto annexed.

Application of Compenſation when exceeding 200l.

LX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any other Diſability or Incapacity, as herein particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo

hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. but not leſs than 20l.

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

Application where the Money is leſs than 20l.

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

In caſe of not making out Titles.

LXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and 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 Court of Chancery, to be placed to his Account, to the Credit of the Perſons intereſted in the ſaid Lands,

Tene-

Tenements, or Hereditaments, (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum and 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money.

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

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

LXV. Provided alſo, and be it enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of the ſaid recited Acts and this Act, it ſhall and may be lawful to and for the ſaid 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 the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the ſaid Monies to be received by virtue of this Act, who ſhall from Time to

Time

Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees empowered to sell overplus Grounds.

LXVI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, 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, and before they shall sell and dispose of any Land constituting any former Road, in lieu whereof some new Road shall be made, and which shall be vested in the said Trustees by virtue of this Act, for the Purposes of Sale as aforesaid, shall offer the same respectively to the Person or Persons to whom the same originally belonged; or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree, except with respect to and on account of the Price thereof, as herein-after mentioned, or shall refuse (except with respect to and on account of the Price thereof) to purchase and repurchase the same respectively, any 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 County in which such Lands shall be situate, who are hereby empowered and required to take the same, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be a 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; 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 Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Persons liable to repair particular Parts of the Road or Bridges to continue so.

LXVII. And be it further enacted, That all Bodies Politic and Corporate, Corporations Aggregate and Sole, and all other Persons whomsoever, who by reason of the Tenure of their Lands, or any Charge thereon, or by any Law, Custom, or Usage, or otherwise, are or shall be liable to the Repair of any Part or Parts of the said Road, or any Bridge, Causeway,

way, Drain, Arch, or Sewer therein, or to pay any Sum or Sums of Money for or towards the Repairs thereof, ſhall, notwithſtanding this Act, remain liable to repair the ſame, or to pay ſuch Monies for or towards the Repair thereof, as they reſpectively before were or was liable to do or pay, except ſo far as herein or hereby otherwiſe directed.

Surveyors, by Order of Truſtees, may make Cauſeways, Drains, &c.

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

may make temporary Roads through the adjoining Grounds whilſt the old Roads are repairing;

making Satisfaction.

Surveyors of Highways, by Order of Truſtees, may remove Annoyances, turn Watercourſes, &c

LXIX. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order from the ſaid Truſtees, or any Five or more of them, for that Purpoſe) to remove and abate all Public Nuiſances and Annoyances on any Part of the ſaid Road, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, whereby the Paſſage over and through the ſame is impeded; and to turn any Watercourſes, Sinks, or Drains (ſave and except a certain Watercourſe, Sink, or Drain running acroſs the ſaid Turnpike Road in *Hulme* aforeſaid, by, from, under, or near unto a Meſſuage or Dwelling Houſe, with the Appurtenances, ſituate and being in *Hulme* aforeſaid, and now or late belonging to and in the Poſſeſſion of *Bradſhaw*, into certain Lands or Grounds belonging to the Truſtees of the ſaid late Duke of *Bridgewater*, on the oppoſite Side of the ſaid Road), running into, along, or out of the ſaid Road to the Prejudice thereof, and to open, ſcour, and cleanſe any Watercourſes or Ditches adjoining to the ſaid Road, and make the ſame as deep and large as the ſaid Truſtees, or any Five or more of them, ſhall think proper and neceſſary; and at proper Seaſons of the Year to cut down or lop any Branches or Buſhes growing

in the ſaid Road, or in the Hedges or Banks adjoining thereto, within Fifteen Feet of the Center of the ſaid Road, not being in any Garden, Orchard, Yard, Park or Paddock, planted Walk or Avenue to a Houſe, or not for Shelter or Ornament to any Dwelling Houſe or Ground thereto belonging, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall neglect to remove the ſame, or to cut down or carry away ſuch Branches or Buſhes as aforeſaid, or to open, ſcour, or cleanſe ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, for the Space of Fourteen Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges thereof, to be ſettled by the ſaid Truſtees or any Five or more of them, to be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers, and to be recovered in ſuch Manner as the Penalties and Forfeitures are hereafter directed to be recovered; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in the like Kind, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors may dig for Gravel.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, fiſh up, and take away, any Furze, Heath, Sand, Stones, Gravel, or other Materials, for repairing the ſaid Road, or for the Purpoſes of this Act, out of the Beds of the Rivers *Merſey* and *Irwell*, or either of them, or out of any other common or public River or Brook, or out of any Waſte or common Grounds in any Pariſh, Town, Village, or Hamlet, in or near which any Part of the ſaid Road doth lie, without paying any Thing for ſuch Materials; ſuch Surveyor or Surveyors levelling or cauſing to be levelled all ſuch Holes and Pits, or otherwiſe to be railed or fenced out, where and from whence any ſuch Materials ſhall be digged, gathered, or taken away, in ſuch Manner as that the ſame ſhall not be dangerous to any Cattle or Travellers; and paying for the Damages done by landing, and for going over and through any Lands, Grounds, and Private Lanes, for or with ſuch Materials, to be aſcertained as hereafter mentioned; and alſo, it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors firſt having an Order of Two or more Juſtices of the Peace for the County in which the Lands ſhall be ſituated, to ſearch for, dig, gather, and take away ſuch Materials out of the ſeveral Grounds of any Perſon or Perſons, not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to an Houſe, or any Piece of Ground incloſed, planted, and ſet apart as a Nurſery for Trees, paying ſuch Rates for ſuch Materials, and for Damage done to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame ſhall be carried, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference concerning the ſame, between the ſaid Truſtees, Surveyor or Surveyors, and the ſaid Owners or Occupiers, or any of them, concerning the Value of ſuch Materials and Damages, it ſhall and may be lawful to and for any Two Juſtices of the Peace for the County in which the Lands ſhall be ſituated, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the ſame, which Determination ſhall be final.

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

LXXI. Provided nevertheleſs, and be it further enacted, That no Surveyor or any other Perſon or Perſons acting under the Authority of this Act, ſhall firſt begin to dig, gather, or carry away any Materials for repairing the ſaid Road of or from any incloſed Lands until Notice in Writing ſigned by the Surveyor ſhall have been given to the Owner, or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Occupier's uſual Place of Reſidence, to appear before any Juſtice or Juſtices of the Peace, acting for the County or Place wherein ſuch Land ſhall lie, to ſhew cauſe why ſuch Materials ſhall not be had therefrom; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtice or Juſtices ſhall, if he or they ſhall think proper, authorize ſuch Surveyor or other Perſon to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtice or 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 Juſtice or Juſtices ſhall and may make ſuch Order therein as he or they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his or her Agent, had attended; and the Order of ſuch Juſtice or Juſtices ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials got by Surveyors.

LXXII. And be it enacted, That if any Perſon whomſoever ſhall take or carry away Materials which ſhall have been digged or gathered for the Purpoſe of making, completing, or amending the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own private Uſe, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Not to take Gravel, &c. within 200 Yards of the Locks on the Rivers Merſey and Irwell, nor within Four Yards of the Banks thereof.

LXXIII. Provided always, That nothing herein contained ſhall extend to authorize or empower the ſaid Surveyor or Surveyors, or any other Perſon or Perſons to be employed in the Execution of this Act, to dig or gather any Gravel or other Materials out of the ſaid Rivers *Merſey* or *Irwell*, ſo far as the ſame is made navigable by Law, within the Diſtance of Two hundred Yards of any Lock or Weir erected on either of the ſaid Rivers, or within Four Yards of the Banks or Sides of the ſaid Rivers, or either of them, unleſs with the Conſent of the Proprietors of the Lands adjoining the ſaid Rivers, or either of them, or to undermine, take, or remove any Stones or other Materials, which are or ſhall be placed for preſerving or ſupporting the Banks of either of the ſaid Rivers, or any other River whatſoever.

Penalty on Perſons getting Gravel, &c. or drawing up or letting down the Cloughs in the Weirs contrary to

LXXIV. And it is hereby enacted, That if any Perſon or Perſons, who ſhall be employed by the ſaid Truſtees or their Agents, ſhall be guilty of the Offence of digging or gathering any Gravel, Sand, or other Materials, out of the ſaid Rivers *Merſey* and *Irwell*, or either of them, within the Diſtance of Two hundred Yards from any Lock erected on the ſaid Rivers, or either of them, or within the Diſtance of Four Yards of the Banks or Sides of the ſaid Rivers, or either of them, unleſs with the Conſent

the Reſtrictions before made.

Conſent of the Committee or Managers elected or appointed by the Undertakers of the Navigation of the ſaid Rivers for the Time being, or ſhall obſtruct the Paſſage of any Boat or Veſſel that is liable to pay Tonnage, or ſhall draw up or let down any Cloughs upon or in any Weir erected on the ſaid Rivers, and ſhall be convicted thereof, upon Oath before any one of the Juſtices of the Peace for the ſaid County of *Lancaſter* (which Oath the ſaid Juſtices are hereby empowered to adminiſter), every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, paid, and applied to the Uſe of the Proprietors of the ſaid Navigation.

Truſtees may direct Proſecutions at the Expence of the Tolls.

LXXV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at a public Meeting to be held purſuant to this Act, whereof Ten Days Notice in Writing, ſpecifying the Time, Place, and the Purpoſe for which ſuch Meeting is intended to be held, ſhall be affixed on the ſaid Turnpike Gate or Gates, and inſerted in One of the *Manchester* Newſpapers, in caſe any ſuch ſhall then be publiſhed, at leaſt Ten Days previous to the Time when ſuch Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they ſhall think fit and neceſſary, to direct Indictments to be preferred and proſecuted, at the Expence of the Revenues ariſing from the ſaid Turnpike Gate, againſt the Inhabitants of all or either of the Townſhips through which the Road paſſes, and againſt every Perſon or Perſons liable by Reaſon of his, her, or their Tenure, or otherwiſe, to repair and make any Part of the ſaid Turnpike Road, who ſhall have neglected or refuſed to repair or make the ſame; and in caſe the Defendant or Defendants in any ſuch Indictments ſhall happen to be convicted, the Whole of the Fine to be impoſed ſhall be paid by ſuch Defendant or Defendants, and not apportioned between ſuch Defendant or Defendants, and the Truſtees under this Act.

Truſtees at Public Meetings may order Weighing Engines to be erected, and cauſe loaded Carriages to be weighed, and take for Overweight.

LXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Public Meeting, if they ſhall think proper, in lieu of or in addition to the preſent Machine Houſe and Weighing Machine now erected and being upon the ſaid Road, in the Townſhip of *Hulme* aforeſaid, to order and cauſe to be built or erected, at any or as many Gate or Gates, Bar or Bars, erected or to be erected upon any Part of the ſaid Road, and at ſuch Diſtance from any ſuch Turnpike Bar or Toll Gate, as they ſhall think requiſite and expedient, a Crane, Machine, or Engine, with a ſuitable Houſe or other Buildings thereto, proper for the weighing of Carts, Waggons, or Carriages, conveying any Goods, Wares, Merchandize, or other Matter or Thing whatſoever, and to each ſuch Crane, Machine, or Engine, to order and cauſe to be erected a Turnpike Gate or Toll Gate acroſs the ſaid Road, if they ſhall think fit; and by Writing ſigned by them, or any Five or more of them, to order all and every or any ſuch Carriage or Carriages, which ſhall paſs loaded through any ſuch Gate or Bar, or ſhall come upon any Part of the ſaid Turnpike Road, within the Diſtance of One hundred Yards from the preſent Machine Houſe, or from any other ſuch Crane, Machine, or Engine, although the ſame Carriage or Carriages ſhall not have paſſed through any Toll Gate or Turnpike Gate, to be weighed, together with the Loading thereof; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order any Perſon or Perſons

Perſons to receive and take, over and above the Tolls hereby granted, the ſeveral Sums of Money herein-after mentioned, as additional Tolls, for the Exceſs of Weight which any Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh at any ſuch Crane, Machine, or Engine now erected or to be erected by virtue of this Act, over and above the Weights herein-after mentioned, to be allowed to each of them reſpectively; that is to ſay,

To every Waggon or Four Wheeled Carriage, having the Fellies or Rollers of the Wheels of the Breadth of Sixteen Inches, Eight Tons in Summer, and Seven Tons in Winter:

To every Waggon or Wain, having the Axletrees thereof of ſuch different Lengths, that the Diſtance from Wheel to Wheel, of the nearer Pair of the ſaid Wheels, be not more than Four Feet Two Inches, to be meaſured at the Ground, and that the Diſtance from Wheel to Wheel, of the other Pair thereof, be ſuch, that the Fore and Hind Wheels of ſuch Waggons and Wains ſhall roll only One ſingle Surface or Path of Sixteen Inches wide at the leaſt on each Side of the ſaid Waggons or Wains, and having the Fellies thereof of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, Six Tons Ten Hundred Weight in Summer, and Six Tons in Winter:

To every Waggon, or every Four Wheel Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Nine Inches, Six Tons in Summer, and Five Tons Ten Hundred Weight in Winter:

To every Cart having the Fellies of the ſame Dimenſions, Three Tons in Summer, and Two Tons Fifteen Hundred Weight in Winter:

To every Waggon having the Sole or Bottom of the Fellies of the Wheels of the Breadth of Six Inches, Four Tons Five Hundred Weight in Summer, and Three Tons Fifteen Hundred Weight in Winter:

And to every ſuch Waggon ſo conſtructed as to roll and actually rolling a Surface of Eleven Inches by the Wheels thereof, Five Tons Ten Hundred Weight in Summer, and Five Tons in Winter:

To every Cart having the Fellies of the Wheels of the Breadth of Six Inches, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter:

To every Waggon having the Sole or Bottom of the Fellies of the Wheels of leſs Breadth than Six Inches, Three Tons Ten Hundred Weight in Summer, and Three Tons in Winter:

And to every Cart having the Fellies of the Wheels of the ſame Dimenſions, One Ton Ten Hundred Weight in Summer, and One Ton Seven Hundred Weight in Winter:

And that for the ſeveral Purpoſes aforeſaid, it ſhall be deemed Summer from the Firſt Day of *May* to the Thirty-firſt Day of *October*, both Days incluſive, and Winter from the Firſt Day of *November* to the Thirtieth Day of *April*, both Days incluſive; and that there ſhall be demanded and taken for ſuch Overweights, except in the Caſe of Carts drawn by One Horſe only, the ſeveral Sums of Money following; that is to ſay,

For the Firſt and Second Hundred (after the Rate of One hundred and twenty Pounds to the Hundred) of ſuch Overweight of any Goods, Wares, Merchandize, or other Matter or Thing, the Sum of Threepence:

For the Third, Fourth, and Fifth Hundred of ſuch Overweight of any Goods, Wares, Merchandize, or other Matter or Thing, the further Sum of Three-pence:

For the Sixth, Seventh, and Eighth Hundred of ſuch Overweight of any Goods, Wares, Merchandize, or other Matter or Thing, the further Sum of Sixpence:

For every Hundred of ſuch Overweight of any Goods, Wares, Merchandize, or of any other Matter or Thing whatſoever, above Eight Hundred, and not exceeding Ten Hundred, the Sum of Two Shillings:

For every Hundred of ſuch Overweight above Ten Hundred, and not exceeding Fifteen Hundred, the Sum of Five Shillings:

And for every Hundred of ſuch Overweight above Fifteen Hundred, the Sum of Twenty Shillings:

And that there ſhall be demanded and taken for ſuch Overweights as aforeſaid, in reſpect of Carts drawn by One Horſe only, the ſeveral Sums of Money following; that is to ſay,

For the Firſt and Second Hundred of ſuch Overweight, the Sum of Three-pence:

For every Hundred of ſuch Overweight above Two Hundred, and not exceeding Five Hundred, the Sum of Sixpence:

And for every Hundred of ſuch Overweight above Five Hundred, the Sum of Two Shillings and Sixpence.

Which ſaid Additional Toll or Duty hereby granted and made payable, ſhall and may be levied and recovered, in any of the Caſes aforeſaid, upon any Perſon liable thereto, or upon his or her Goods or Chattels, who ſhall, after Demand made thereof, refuſe or neglect to pay the ſame, in ſuch Manner as any other Toll or Duty is hereby directed to be levied and recovered; and the Money ariſing from ſuch additional Toll or Duty ſhall be applied to the Repair of the ſaid Road, and other Purpoſes of this Act.

Truſtees may exempt Carts, &c. with Nine Inch Wheels from additional Toll.

LXXVII. Provided always, and be it enacted, That the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered, if they ſhall think proper, to exempt from the additional Tolls for Overweights herein-before granted and made payable, every Waggon, Cart, or other Carriage, which ſhall have the Sole or Bottom of the Fellies of the Wheels thereof reſpectively of the Breadth of Nine Inches.

Carriages with Wheels of leſs Breadth than Six Inches to pay Half Toll more.

LXXVIII. Provided alſo, and be it further enacted, That One Half more of the additional Tolls hereby granted and made payable ſhall and may be demanded, levied, and recovered for and in reſpect of the Overweights of any Waggon, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof reſpectively of a leſs Breadth than Six Inches.

No Toll but for Overweight to be taken at the Turnpike at any Weighing Machine.

LXXIX. Provided always, and be it enacted, That no Toll or Duty ſhall be collected or payable at any Turnpike Gate erected or to be erected at any ſuch Crane, Machine, or Engine, for the Uſe of any ſuch Crane, Machine, or Engine only, for any Carriage paſſing through the ſame and being weighed, except for Overweight as aforeſaid, unleſs the ſaid Turnpike Gate or Toll Gate ſhall be alſo a Turnpike Gate for collecting the Tolls hereby granted for the Purpoſes of this Act.

LXXX. And

LXXX. And be it further enacted, That the Keeper of the said Machine House now erected upon the said Road, and of every such Toll Gate or Bar where any other such Crane, Machine, or Engine shall be erected, or any other Person or Persons appointed by the said Trustees, or any Five or more of them, to the Care of such a Crane, Machine, or Engine, shall and is hereby required to weigh all such Waggons, Carts, and other Carriages, liable to be weighed by virtue of this Act, which shall pass loaded through the said Gates or Bars respectively, or shall come upon any Part of the said Turnpike Road within the Distance of One hundred Yards from the said Machine House, or from such other Crane, Machine, or Engine, without passing through any such Gates or Bars respectively, and which he shall have Reason to believe carry greater Weights than are allowed to pass without paying such additional Toll; and if any Gate Keeper or Person so appointed shall permit any such Waggon, Cart, or other Carriage to go or pass by the said Machine House now erected on the said Road, or through any such Toll Gate or Toll Bar, with greater Weights than are allowed as aforesaid, without weighing the same, and receiving such additional Tolls as are allowed as aforesaid; or if any Owner or Driver of any Waggon, Cart, or other Carriage, which shall pass loaded through any such Gates or Bars respectively, or shall come upon any Part of the said Turnpike Road, within the Distance of One hundred Yards from the said Machine House now erected on the said Road, or any such other Crane, Machine or Engine, shall refuse to have his Waggon, Cart, or other Carriage weighed, upon being thereto required by the Collector or Receiver of such additional Tolls; every such Gate Keeper or Person so appointed as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Owner, or Driver being the Owner of any such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Driver, not being the Owner of any such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

The Person appointed by the Trustees shall weigh all loaded Carriages which he has Reason to suspect carry Overweight,

or for his Neglect shall forfeit 5*l.*

LXXXI. Provided always, and be it enacted, That the Regulations of Weight herein-before mentioned shall not extend, or be deemed or construed to extend, to any Waggons, Carts, or other Carriages employed only in Husbandry, or carrying only Muck, Mould, Soil, Ashes, or Compost for Land, Hay, Straw, Fodder, or Corn unthrashed, excepting Hay and Straw for Sale.

Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, not to be weighed.

LXXXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of such Stone or Post from the Market Cross in *Manchester* aforesaid, and also such and so many Direction Posts as to the said Trustees, or any Five or more of them, shall seem meet.

Roads to be measured, and Mile Stones set up.

LXXXIII. And be it further enacted, That no Person shall erect or place any Trough or Troughs, or other Vessel for the Purpose of watering Horses or other Cattle, nearer the Middle of the said Road than Twenty Feet, and every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

No Troughs for Water to be placed within Twenty Feet of Centre of Road.

LXXXIV. And

Penalty on defacing Mile Stones;

breaking Lamps;

riding upon Foot Paths;

drawing Timber or Stone;

suffering Pigs to root up the Road;

Drivers of Carriages not keeping on the Left Side of the Road;

suffering the Horse in any Cart, &c. or carrying Milk Cans, &c. to go too fast;

making Bonfires, or letting off Fireworks; laying Timber or leaving Carriages, &c. on the said Roads; laying Straw, &c. upon the Road to be made into Manure, or scraping the Road with sharp-pointed Instruments.

LXXXIV. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction Posts or Mile Stones erected or fixed or to be erected or fixed on the Side of or adjoining to the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person or Persons shall wilfully or carelessly break, throw down, displace, take away, extinguish, spoil, or damage any Lamp or Lamps put up or to be put up under the Authority of this Act, or otherwise, in or along the Line of the said Road or Bridge, for lighting the same, or any of the Posts, Irons, Materials, Furniture, or other Appendages thereof, or belonging thereto; or if any Person or Persons shall ride upon any Footway adjoining to the said Road or Bridge, or shall drive any Horse, Cattle, or Swine, or any Truck, Wheelsledge, Wheelbarrow, Handbarrow, or Carriage thereon, or shall cause any Damage to be done to such Footway; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, (otherwise than upon Wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Road, to the Prejudice thereof; or if any Person or Persons shall bait, drive, or worry any Bull or Bear with Dogs or otherwise, upon the said Road, or shall suffer any Horse, Mule, or Ass to go loose on the said Road, or to graze upon the Side thereof, or when driving any Pigs or Swine upon the said Road, shall suffer the same to stop on the Road, or to root up and damage the same, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left Side of the said Road; or if any Person having the care of or driving any Waggon, Cart, or other such Carriage upon the said Road, shall suffer the Horse or Horses, or Beasts of Draught therein, to go faster than a Walk; or if any Person driving or riding upon any Horse carrying Milk Cans, Crates, Cans, or Panniers, shall not keep the said Horse on the Left Hand Side of the said Road, or shall permit or suffer the same to go faster than a Trot; or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such Blocking; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football or any other Game, to the Annoyance of any Passenger or Passengers, on any Part or Parts of the said Road; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with an Iron Cow Rake, or other

Inſtrument with ſharp Points, whereby the ſaid Road or any Part thereof ſhall be damaged, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

For ſecuring tranſient Offenders.

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

Penalties on obſtructing Surveyors.

LXXXVI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

If any Part of the Road is paved hereafter, directing how it ſhall be done.

LXXXVII. Provided always, and be it further enacted, That in caſe the ſaid Turnpike Road, or any Part thereof, ſhall at any Time or Times hereafter be pitched or paved, ſuch Part thereof as ſhall be ſo pitched or paved ſhall be Eight Yards in Breadth, or Seven Yards in Breadth with a good caſt up Road of Four Yards in Breadth at the leaſt, to be covered with Gravel, or ſome other hard Material, adjoining to and to be continued the whole Length of ſuch Seven Yards Pavement.

Gates to open inwards.

LXXXVIII. And be it further enacted, That no Gate of any Park, Paddock, or Field ſhall be made to open towards the ſaid Road, or ſhall be ſuffered to continue ſo to open, unleſs the Hanging Poſts thereof ſhall be Thirty Feet at the leaſt from the Centre of the Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof ſhall open towards the ſaid Road, ſhall, within Fourteen Days after Notice from the Surveyor

Surveyor or Surveyors of the ſaid Road, cauſe ſuch Gate to be altered in ſuch a Manner as that no Part of the Gate, when open, ſhall project over any Part of the ſaid Road; and in default thereof the ſaid Surveyor or Surveyors is and are hereby authorized to cauſe ſuch Gate to be taken down and afterwards fixed up in the Manner herein-before directed, and the Perſon or Perſons making Default ſhall upon Complaint made to any Juſtice of the Peace for the County where the Offence ſhall be committed, and on Conviction thereof on the Oath of One credible Witneſs, pay to ſuch Surveyor or Surveyors ſuch Sum as the ſaid Juſtice ſhall direct for defraying the Expence of ſuch Alteration, and ſhall alſo forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Statute Work.

LXXXIX. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing or amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace, within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or by their Order, yearly, to adjudge and determine what Part or Proportion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 thereto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons,) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days' Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done at ſuch Days and at ſuch Times (not being Hay Time or Harveſt,) and in ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to be paid, to the Surveyor or Surveyors of ſuch Townſhips or Places reſpectively, and to be by

him or them paid over to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by 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 Reſidence, Place or Places of Abode, for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject and liable to by any Law or Statute in force or effect for Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge 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 Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Highways; and if any Surveyor of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect or pay over ſuch Compoſition or any Part thereof in Manner aforeſaid, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Truſtees may compound for Statute Work.

XC. Provided always, and be it enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Perſon or Perſons, by and with the Conſent of the Inhabitants of the ſaid Townſhips or Places reſpectively, firſt had at any Veſtry or other public Meeting of ſuch Inhabitants, who ſhall be ſummoned together for that Purpoſe, to compound and agree from Time to Time with the ſaid Truſtees, or any Five or more of them, for a certain Sum of Money, by the Year or otherwiſe, in lieu of the Statute Work to be performed by ſuch reſpective Inhabitants upon any Part of the ſaid Road; and in caſe ſuch Compoſition Money ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch other Perſon as they ſhall appoint to receive the ſame, within Ten Days after the ſame ſhall be due and demanded, it ſhall be lawful for any one or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, upon Oath made before him or them of ſuch Default, which Oath the ſaid Juſtice or Juſtices is or are hereby empowered to adminiſter, and he or they is and are hereby required, to iſſue a Warrant under his or their Hand and Seal or Hands and Seals, empowering ſuch Perſon ſo by the ſaid Truſtees or any Five or more of them appointed to receive ſuch Compoſition Money, to levy the ſame by Diſtreſs of the Goods and Chattels of the Perſon or Perſons who hath or have made ſuch Compoſition as aforeſaid, and ſuch Goods and Chattels

Money how to be recovered.

tels ſo diſtrained, after the Space of Five Days (ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs, and keeping the ſame, not being ſooner paid), to ſell, rendering the Overplus, if any there be, to the Owner or Owners thereof upon Demand, after the Compoſition Money and all reaſonable Charges of ſuch Diſtreſs and Sale ſhall be deducted, which Compoſition Money ſhall be applied to the Purpoſes of this Act; and ſuch Surveyors and other Perſons, by whom ſuch Compoſition ſhall be made, on the Behalf of either of the ſaid Townſhips as aforeſaid, ſhall be reimburſed ſuch Compoſition Money in ſuch Manner as the Surveyors of the Highways are, by the Laws now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Penalties how to be applied.

XCI. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, the Manner of levying and Recovery whereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any one Juſtice of the Peace for the County or Place in which the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes); and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, ſhall be, if not otherwiſe directed to be applied by this Act, from Time to Time paid, One Half to the Informer, and the other Half to any Five or more of the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers, and applied in the Repair of the ſaid Road; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainpriſe, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

For the more eaſy Conviction of Offenders.

XCII. And for the more ſpeedy and eaſy Conviction of Offenders againſt this Act, be it enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this preſent Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect, as the caſe ſhall happen; (*videlicet*),

Form of Conviction.

‘ County of } BE it remembered, That on the Day of
‘ Lancaſter. } in the Year of our Lord
‘ *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of
‘ the Peace for the County of *Lancaſter*, [*ſpecifying the Offence, Time*
‘ *and*

'*and Place when and where the ſame was committed, as the Caſe may be, without further ſetting forth the Information or Evidence againſt the Defendant*]. Given under my Hand and Seal, the Day and Year first above mentioned.'

Proceedings not to be quaſhed for Want of Form.

And that no Objection ſhall be made, or Advantage taken, for want of Form in any ſuch Conviction, by any Perſon or Perſons whomſoever; and that no Proceeding to be had touching any Offender or Offenders againſt this Act, ſhall be quaſhed, vacated, or diſcharged for want of Form only.

Perſons aggrieved may appeal to the Quarter Seſſions.

XCIII. And be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done by virtue of this Act, and for which no particular Method of Relief hath been appointed, ſuch Perſon may appeal to the Juſtices of the Peace at the Firſt General Quarter Seſſion of the Peace to be held for the County or Place in which ſuch Cauſe of Appeal ſhall ariſe, within Six Calendar Months after the Matter of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty-one clear Days Notice at the leaſt, in Writing, of his or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, to the Treaſurer or Clerk of the ſaid Truſtees, and within Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal and abide the Order of the ſaid Quarter Seſſion; and the ſaid Juſtices at their ſaid Seſſion, upon due Proof of ſuch Notice being given, and of the entering into ſuch Recognizance, ſhall hear and finally determine ſuch Appeal in a ſummary way, and if they ſee Cauſe may, by Order of ſuch Seſſion, mitigate at their Diſcretion all or any of the ſaid Penalties, or vacate and ſet aſide any Conviction or Convictions of any Juſtice or Juſtices of the Peace, or otherwiſe may ratify and confirm the ſame, and award ſuch Coſts to either of the Parties, or otherwiſe, as they may think proper, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and the Determination of the ſaid Juſtices ſhall be binding and concluſive upon all Parties, to all Intents and Purpoſes.

Notice of Appeal to be given.

Recognizance to be entered into.

Perſons who may be ſued or proſecuted for any Thing done reſpecting this Act, to be indemnified Expences.

XCIV. And be it further enacted, That in caſe any Action or Proſecution ſhall be commenced or proſecuted in purſuance of this Act, under the Authority or by the Direction of the ſaid Truſtees, or any Five or more of them; or if any Perſon or Perſons ſhall be proſecuted, or have any Action or Actions brought againſt them, for or by reaſon of any Thing done in purſuance of this Act, under the Authority and by the Direction of the ſaid Truſtees, or any Five or more of them; then and in every ſuch Caſe, the ſaid Truſtees or any Five or more of them ſhall, out of the Monies ariſing by virtue of this Act, allow and pay to the Proſecutor of ſuch Perſon or Perſons, in whoſe Name or Names ſuch Action or Proſecution ſhall be commenced or proſecuted, and to ſuch Perſon and Perſons againſt whom any ſuch Action or Proſecution ſhall be brought or commenced, all ſuch reaſonable Coſts and Charges as ſuch Perſon or Perſons ſhall be really and *bonâ fide* out of Pocket for or by reaſon of ſuch Action or Proſecution, or any Judgment or Determination therein.

Limitation of Actions.

XCV. And be it further enacted, That no Action or Suit shall be brought by any Person or Persons, for any Thing done by virtue of this Act, till after Fourteen clear Days Notice thereof in Writing shall be given to the Person or Persons against whom such Action shall be intended to be so brought, thereby setting forth the Cause of such Action, or left at his or their last or usual Place of Abode; and that every Action brought for any Thing done as aforesaid, shall be brought within the Space of Three Calendar Months next after the Cause thereof shall arise, and shall be laid and tried in the County where the Cause of Action shall have arisen; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been so given or left as aforesaid, or after the End of Three Calendar Months next after the Cause thereof shall arise, or if such Action shall be brought or laid in any other County than as aforesaid, or after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every the Cases aforesaid, the Jury on the Trial of such Action shall find for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and the like Remedies for recovering the same, as Defendants have for recovering their Costs in other Cases by Law.

General Issue.

Public Act.

XCVI. 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.

Term and Continuance of this Act.

XCVII. And be it further enacted, That this Act shall commence from the said First Day of *July* One thousand eight hundred and nineteen, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The

The SCHEDULE to which this Act refers.

A Meſſuage or Dwelling Houſe, in the Occupation of James Hulme.

A Meſſuage or Dwelling Houſe, in the Occupation of George Cookſon.

A Meſſuage or Dwelling Houſe, in the Occupation of John Aſhton.

A Meſſuage or Dwelling Houſe, in the Occupation of Edward Harrop.

A Meſſuage or Dwelling Houſe, in the Occupation of John Hale.

A Garden, in the Occupation of Alice Oldfield.

A Garden, Fold, and Outbuildings, in the Occupation of Richard Pearſon.

A Meſſuage or Dwelling Houſe, in the Occupation of Alice Oldfield.

A Meſſuage or Dwelling Houſe, in the Occupation of William Hale.

A Meſſuage or Dwelling Houſe, in the Occupation of James Woodall.

A Pigcote and Fold, in the Occupation of John Mellor.

A Garden, in the Occupation of John Hale.

A Garden, in the Occupation of John Lomax.

A Barn, with Sheep Pens, Stables, and Gardens, in the Occupation of George Savage.

A Meſſuage or Dwelling Houſe, Stables, Yard, and Garden, in the Occupation of John Kent.

A Garden, in the Occupation of Thomas Morral.

A Meſſuage or Dwelling Houſe, in the Occupation of James Gibborn.

A Meſſuage or Dwelling Houſe and Orchard, in the Occupation of Robert Higham.

Two Meſſuages or Dwelling Houſes, in the Occupation of William Hancock.

A Meſſuage or Dwelling Houſe, in the Occupation of John Hampſon.

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