ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 137.

An Act for making and maintaining a Road from *Brandleſome Moſs Gate*, in the Townſhip of *Elton*, to the *Duke of York*'s Public Houſe, in the Townſhip of *Blackburn*, and Three ſeveral Branches of Road therefrom, all in the County Palatine of *Lancaſter*. [24th *May* 1810.]

WHEREAS it would be of great Benefit and Advantage to the Neighbourhood, and the Publick in general, if a Road were made from the Turnpike Road leading from *Booth Pits* in the Townſhip of *Tottington Lower End* in the Pariſh of *Bury*, at a certain Place called *Brandleſome Moſs Gate*, in the Townſhip of *Elton* in the ſame Pariſh, to a certain Publick Houſe called *The Duke of York's Publick Houſe* in the Townſhip of *Blackburn*; and alſo the Three ſeveral Branches of Road from and out of the Road herein-after mentioned; (that is to ſay), one from near *Holden Hall*, in the Townſhip of *Haſlingden*, to a Houſe at or near the Southerly End of *Dearden Gate* in *Haſlingden* aforeſaid, now in the Occupation of *John Roſtron*; another from or nearly from the Bridge End in *Haſlingden* aforeſaid to the laſt-mentioned Houſe at *Dearden Gate* aforeſaid, in the Occupation of the ſaid *John Roſtron*; and the other from certain Cloſes in *Tottington Lower End* aforeſaid, called *Smithy Brows*, or one of them, now in the Occupation of *James Yates* and *James Butterworth*, to the old Highway leading from the Altar to *Holcome* in *Tottington Lower End* aforeſaid, or at or near a Place oppoſite to a certain Cottage late in the Occupation of *Peter Rothwell*, all in the County Palatine of *Lancaſter*: But the ſame cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Ad-

vice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Edward Smith Stanley* commonly called *Lord Stanley*, the Rector of the Parish and Parish Church of *Bury* for the Time being, the Vicar of the Parish Church of *Blackburn* for the Time being, the Curate of *Holcome* Chapel for the Time being, *John Ashworth*, *George Ashworth*, *Samuel Ashton*, *James Aspinall*, *William Aspinall*, *Thomas Ainsworth*, *William Arrowsmith*, *John Birley*, *Joseph Birley*, *Samuel Bower*, *Browne Holt Browne*, *John Bowker*, *John Booth* the younger, *John Brandwood*, *Lawrence Brandwood*, *Robert Boardman*, *Thomas Beardsworth*, *James Barlow*, *Benjamin Bentley*, *Thomas Barcroft*, *John Buckley*, *Ellis Cunliffe*, *Richard Calrow*, *William Calrow*, *Thomas Calrow*, *Edward Chippindale*, *James Cowburn*, *Abraham Chew*, *William Carr*, *Thomas Carr*, *Richard Chadwick*, *Richard Cardwell* the elder, *Richard Cardwell* the younger, *Thomas Hodson Cardwell*, *John Cardwell*, *Robert Ellis Cunliffe*, *John Cunliffe*, *Robert Cross*, *Joshua Chorley* the younger, *Richard Clark*, *James Crankshaw*, *John Crankshaw*, *George Duckworth*, *James Duckworth*, *Robert Dugdale*, *Henry Duckworth*, *Robert Dewhurst*, *John Elton*, *Thomas Eccles*, *William Eccles*, *John Edmundson*, *Lawrence Elton*, *Edward Elton*, *Henry Fielden*, *William Fielden*, *John Fielden*, *Richard Formby* Clerk, *Henry Formby*, *Webster Fishwick*, *John Fisher*, *James Greenway*, *James Greenway* the younger, *John Gorton*, *Henry Gorton*, *Eli Gorton*, *Joseph Gorton*, *John Grundy*, *John Grundy* the younger, *Edmund Grundy*, *William Grant*, *William Grant* the younger, *Isaac Glover*, *Dennis Grundy* the younger, *John Grundy* of *Moorside*, *Thomas Hutchinson*, *William Heap Hutchinson*, *John Hutchinson*, *James Hutchinson*, *Samuel Holker*, *Lucas Hargreaves*, *Edmund Haworth* of *Bury*, *Christopher Hindle*, *John Hornby*, *John Fowden Hindle*, *Francis Hodson* Clerk, *George Hendrick* Clerk, *Richard Hodson*, *Henry Hargreaves* of *New Church*, *John Hargreaves* of *Colne*, *John Harper*, *Thomas Haslam*, *George Haworth*, *William Haworth*, *Thomas Holden*, *William Holden*, *Edmund Haworth* of *Turton*, *John Haworth*, *Luke Hoyle*, *Samuel Heywood*, *John Hughes*, *George Holt*, *John Johnson*, *John Kay* of *Ramsbottom*, *Robert Kay*, *Richard Kay* of *Limefield*, *Thomas Knowles*, *Charles Kenyon*, *John Kay* of *Larkhill*, *John Kay* of *Ercokshaw*, *Thomas Kay* of *Brookshaw*, *Ralph Latus*, *James Leach*, *Richard M'Mellon*, *John Moss*, *John Mason*, *William Maude*, *Thomas Norris*, *Thomas Norris* of *Stanley Street*, *John Nuttall*, *James Nevill*, *Thomas Meadowcroft*, *Christopher Norris*, *John Openshaw*, *James Openshaw* of *Fearngrove*, *George Openshaw*, Sir *Robert Peel* Baronet, *Robert Peel*, *Samuel Powell*, *Robert Parker*, *Thomas Porter*, *Richard Pilkington*, *Arthur Potter*, *Thomas Potter*, *Robert Pickup*, *James Parkinson*, *James Rostron*, *James Rostron* of *Edenfield*, *Lawrence Rostron*, *John Rostron* of *Ramsbottom*, *Richard Roscoe*, *Edward Rothwell*, *Ellis Ratcliffe*, *James Ratcliffe*, *Baxter Roscoe*, *John Ramsbottom*, *James Ramsbottom*, *Thomas Ramsbottom*, *John Ramsbottom* of *Tottington*, *Thomas Ramsbottom* of *Reddisher*, *John Rostron* of *Edenfield*, *Proctor Ratcliffe*, *Henry Rothwell*, *William Rawsthorn* the younger, *Henry Sudell*, *John Scholes* of *Bury*, *John Scholes* of *Bellthorn*, *Thomas Sandiford*, *Edmund Sagar*, *Edmund Sagar* the younger, *Samuel Shaw*, *George Stones*, *Thomas Stevenson* Clerk, *Hugh Taylor* of *Liverpool*, *John Taylor* of *Moorside*, *Samuel Taylor* of *Moston*, *Benjamin Tattersall*, *Henry Unsworth* Clerk, *Thomas Wade* Clerk, *Samuel Woodcock*, *William Walker*, *Richard Walker*, *John Walmsley*, *Henry Wood* of *London*, *Thomas Wood* of *Holcome*, *Henry Wilkinson* of *Blackburn*, *Leonard Wilkinson*, *Joseph Willis*, *Thomas Jackson Wood*, *Abraham Wood* the younger, *William Yates* of *Springside*,

Trustees for the First District.

ſide, Edmund Yates, Thomas Yates of *Bury*, and *Thomas Yates* of *Blackburn*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, widening, turning, varying, altering, and keeping in Repair a Road from the ſaid Turnpike Road leading from *Booth Pits* aforeſaid, at *Brandleſome Moſs Gate* in *Elton* aforeſaid, to the *Duke of York* Publick Houſe in *Blackburn* aforeſaid, and Two ſeveral Branches of Road therefrom; (that is to ſay), one from near *Holden Hall*, in the Townſhip of *Haſlingden* aforeſaid, to a Houſe at or near the Southerly End of *Dearden Gate* in *Haſlingden* aforeſaid, in the Occupation of *John Roſtron*, and the other from certain Cloſes in *Tottington Lower End* aforeſaid, called *Smithy Brows*, or one of them, in the Occupation of *James Yates* and *James Butterworth*, to the old Highway leading from the Altar to *Holcome* aforeſaid, at or near a Place oppoſite to the ſaid Cottage late in the Occupation of *Peter Rothwell*; and for otherwiſe putting this Act into Execution with regard to the ſaid laſt-mentioned Roads; which Roads ſhall be and are hereby declared to be the Firſt Diſtrict of Road by this Act intended to be made, amended, widened, turned, varied, altered, and kept in Repair.

Truſtees f the Secon Diſtrict.

II. And be it further enacted, That *William Wyndham Grenville, William Aſsheton, Thomas Armiſtead* Clerk, *John Armiſtead* Clerk, Sir *John Aubrey* Baronet, *John Adamſon* Clerk, *Thomas Altham, Henry Aſpinall, John Aſpinall, William Aſpinall, John Alſop, Joſeph Ainſworth, George Aſhworth, John Blackburn, George Bolton, Wilſon Braddyll, Richard Henry Beaumont, James Bradſhaw, Richard Birby, William Bentley, Samuel Bower, William Brown, James Bury, William Barton* Clerk, *Joſeph Birley*, Sir *William Henry Clerk* Baronet, *Thomas Clayton, Richard Cardwell, Adam Cottam, Abraham Chew, William Chippindall, Richard Croſs, Edward Chippindall, James Chew, Ellis Cunliffe, Thomas Crompton, Robert Crompton, Thomas Clark, Thomas Collins* Doctor in Divinity, the Bailiffs of *Clitheroe* for the Time being, *John Cardwell, Pudſey Dawſon, Richard Dawſon* Clerk, *Adam Dugdale, Richard Edleſton, Richard Edleſtone* the younger, *Robert Ellis, Henry Fielden, Richard Fornby, William Fielden, Richard Fort, Iſaac Glover, John Grundy, John Grundy* the younger, *Edmund Grundy*, Sir *Henry Hoghton* Baronet, *John Hartley* Clerk, *John Hindle, Edmund Haworth, John Haworth, John Hornby, John Hoyle, Robert Hawkeſhead, George Horner, James Hargreaves* Clerk, *James Halliwell, James Haworth, Geoffrey Hornby* Clerk, Sir *Thomas Dalrymple Heſketh* Baronet, *John Fowden Hindle, John Hargreaves* Clerk, *Francis Hodgſon* Clerk, *Joſeph Harriſon, George Holt, Thomas Hutchinſon, Samuel Holker* the younger, *John Hoyle* the younger, *John Hoghton, John Haworth, Chriſtopher Hindle, Nicholas Halſtead, William Hartley, Henry Hayhurſt, John Hyde, Thomas Horner, John Harper, Thomas Hargreaves, Hoyle* of *Accrington, Richard Hodſon, Thomas Haſlam* the younger, *William Harper, John Holt, Richard Hoghton, Richard Hardy, William Heap Hutchinſon, Thomas Haſlam* of *Cheſham, John Hargreaves* Clerk, *John Johnſon, John Kay, Robert Kay* the younger, *John Kay* of *Ramſbottom, William Kirk, William King, Richard Kay, James Kay* of *Baſs Lane, Richard Grimſhaw Lomax, Oliver Liveſey, Daniel Lonſdale, Edmund Lonſdale, James Lancaſhire, Richard Lonſdale, Bertie Markland, John Maſon, John Moſs, John Nuttall, Henry Norris, William Norris, William Norris* the younger, *Thomas Norris, Chriſtopher Norris, Richard Noble* Clerk, *Richard Ort* Clerk, *James Openſhaw, Henry Hoyle Oddie, John Oddie*, Sir *Robert Peel* Baronet, *Jonathan Peel, Lawrence Peel, John Peel, Joſeph Peel, James de la Pryme, James Pilling,*

Pilling, *Robert Peel* of *Accrington Houſe*, *Edward Peel*, *William Peel* of *Church Bank*, *John Parker* of *Clitheroe*, *Thomas Liſter Parker*, *Thomas Parker* of *Newton*, *Robert Peel* the younger, *Giles Peel* Clerk, *Jonathan Peel* the younger, *Bolton Peel*, *George Petre*, *James Quartley* Clerk, *Henry Rawſtorn*, *Joſias Robinſon*, *John Robinſon*, *Stephen Kay* Clerk, *John Rawſtorn*, *William Robinſon*, *John Rawſtorn*, *Thomas Stanley Le Gendre Starkie*, *Henry Sudell*, *Thomas Starkie* Clerk, *John Scholes*, *William Saint Clare* Doctor of Phyſick, *Thomas Jepſon Starkie*, *Richard Teaſdale*, *Robert Turner*, *Thomas Turner* of *Blackburn*, *Robert Turner* the younger, *William Turner*, *James Turner*, *Thomas Taylor*, *William Tipping*, *Thomas Turner* of *Altham*, *James Taylor*, *Nicholas Thompſon*, *Thomas Wilſon* Clerk, *Henry Wilkinſon*, *Thomas Whattaker*, *William Walker*, *John Whittaker*, *Richard Walker*, *Abraham Wood* Ironmonger, *John Wright*, *John Whittam*, *John Wilkinſon*, *Henry Wiggleſworth* Clerk, *James Walmſley*, *Lawrence Walmſley*, *George Wearing* Clerk, *Richard Walker*, *Charles Whittaker*, *Matthew Wilkinſon*, *William Yates*, *Edmund Yates*, *Thomas York*, and *John York*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for making, amending, widening, turning, varying, altering, and keeping in Repair a Branch of Road from and out of the ſaid Road intended to be made from *Brandleſome Moſs Gate* aforeſaid to the *Duke of York* Publick Houſe in *Blackburn* aforeſaid, from or nearly from the Bridge End in *Haſlingden* aforeſaid, to the ſaid Houſe at *Dearden Gate* aforeſaid, in the Occupation of *John Roſtron*, and for otherwiſe putting this Act into Execution with regard to the ſaid laſt-mentioned Branch of Road; which laſt-mentioned Branch of Road ſhall be and is hereby declared to be the Second Diſtrict of Road by this Act intended to be made, amended, widened, turned, varied, altered, and kept in Repair; and the ſaid Roads authorized to be made by this Act, when made, ſhall from thenceforth be deemed and taken to be, and ſhall be for ever after, Publick Highways for Cattle and Carriages, to all Intents and Purpoſes whatſoever.

Qualification of Truſtees.

III. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, 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, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate in Law or in Equity, of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſeized in Fee Simple of an Eſtate of the clear yearly Value of One hundred Pounds, or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate, or Real and Perſonal Eſtate, of the Value of One thouſand Pounds;

Penalty on acting if not qualified.

and if any Perſon not being ſo qualified ſhall preſume to act contrary to the true Intent and Meaning hereof, every ſuch Perſon 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, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty upon Proof given of his having acted as a Truſtee in the Execution of this Act.

IV. And

IV. And be it further enacted, That the ſaid Truſtees for the ſaid First Diſtrict or any Five or more of them, ſhall meet together at the Houſe now or lately known by the name of *The Boar's Head* in *Bury* aforeſaid, on the Fourth *Thurſday* next after this Act ſhall receive the Royal Aſſent, and the Truſtees for the ſaid Second Diſtrict of Road or any Five or more of them, ſhall meet at the Houſe now or lately known by the name of *The Bull's Head* in *Haſlingden* aforeſaid, on the following Day between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon of each Day reſpectively, and ſhall ſeverally proceed in the Execution of this Act within their reſpective Diſtricts; and the ſaid Truſtees for the ſaid First Diſtrict of Road ſhall from their ſaid First Meeting adjourn themſelves from Time to Time, and meet at the ſame Place or ſuch other Place or Places upon or near the ſaid Roads, as they the ſame Truſtees or any Five or more of them ſhall think proper; and the Truſtees for the ſaid Second Diſtrict ſhall hold their Second Meeting in the Town of *Bury*, their Third Meeting at *Haſlingden* aforeſaid, their Fourth Meeting in the Town of *Blackburn*, their Fifth at *Haſlingden* aforeſaid, and their Sixth in the Town of *Whalley*, and ſhall hold all their future Meetings of the ſaid reſpective Places alternately in the above-mentioned Order: Provided nevertheleſs, that if at any Meeting of the Truſtees of either of the ſaid Diſtricts there ſhall not appear a ſufficient Number of Truſtees to act or to adjourn to another Day, (Two Truſtees being deemed ſufficient for the Purpoſe of Adjournment only), or in caſe the Truſtees at any Time aſſembled ſhall not adjourn themſelves, then and in every ſuch Caſe the Clerk of the ſaid Truſtees reſpectively ſhall by Notice in Writing, to be fixed upon all the Turnpikes or Toll Gates then erected by virtue of this Act within the Diſtrict for which ſuch Meeting was to have been held, and in the Meantime or until the Erection of ſuch Turnpikes upon the principal Doors of the Pariſh Churches of *Blackburn* and *Bury* aforeſaid; and in both Caſes alſo inſerted in ſome Newſpaper publiſhed or circulated in the ſaid County, at leaſt Ten Days before the then next propoſed Meeting, appoint the reſpective Truſtees to meet at the Place where their then laſt Meeting was held or was appointed to have been held, on that Day Three Weeks next after the Day for which ſuch laſt Meeting was held or was appointed to be held as aforeſaid; and that the ſaid reſpective Truſtees at all their Meetings ſhall defray their own Expences, and that all Orders and Determinations of the ſaid reſpective Truſtees in or touching the Execution of this Act ſhall be made at Meetings to be held in purſuance thereof and not otherwiſe, except as herein particularly mentioned, and that no Order or Determination ſhall be made at any Meeting unleſs the major Part of the Truſtees preſent ſhall concur therein, ſuch Meeting not conſiſting of leſs than the Number of Truſtees hereby authorized to make ſuch Order and Determination; and that none of the Truſtees ſhall be capable of acting in the Execution of any of the Powers hereby granted during the Time he ſhall hold any Place of Profit under this Act, or have any Share or Intereſt in any Contract or Bargain relating to the Execution thereof: Provided nevertheleſs, that any Subſcriber of Money for or towards the making or repairing the ſaid Roads or any of them, or any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act or receiving Intereſt thereout for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee; and that all Truſtees who are Juſtices of the Peace may act as ſuch

First and ſubſequent Meetings.

Power to adjourn.

Truſtees to defray their own Expences.

such in the Execution of this Act, except only in such Cases where they shall be personally interested.

Meetings on Emergencies.

V. And be it further enacted, That if after any Adjournment of the said Trustees respectively it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, the Clerk by an Order in Writing signed by Three or more of the said respective Trustees (although not assembled at a Meeting), mentioning the Time and Place and Purpose of such Meeting, shall forthwith give Notice thereof in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said respective Trustees (such Time not being less than Ten Days after such Notice), and all Proceedings of the said respective Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment: Provided always, that the Place of such Meeting for the said Second District shall be at the Place next in Rotation, as herein-before mentioned.

No Order to be revoked unless Two-thirds of the Trustees concur.

VI. And be it further enacted, That no Order or Appointment made by any Five or more of the said Trustees respectively, shall be revoked or altered unless Nine Trustees at the least shall be then present and Two Third Parts in Number of the Trustees then present shall concur therein, and unless Notice shall have been given by Five Trustees to the Clerk, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order with a View to alter or revoke the same; and in such case Notice shall be given by the Clerk Twenty-one Days at the least before such Meeting, to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order or Appointment.

New Trustees may be chosen,

VII. And be it further enacted, That upon the Death or Refusal or Disability to act of any of the respective Trustees hereby appointed, or their Successors to be elected as herein-after mentioned, it shall be lawful for the surviving or remaining Trustees or any Five or more of them, respectively from Time to Time to elect and appoint one other Person qualified as aforesaid to be a Trustee in the Room of each Trustee so dying or refusing or being incapable to act as aforesaid, Notice in Writing of the Time and Place of Meeting for every such Election having been given by the Clerk to the Trustees for the respective Districts, in like Manner as the said other Notices for Meetings are directed to be given as aforesaid, at the least Fourteen Days before every such Meeting; and that every such new Trustee so to be elected and appointed as aforesaid shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes in as full and ample Manner as the Trustees herein-before nominated are hereby empowered to act.

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

VIII. And be it further enacted, That the said respective Trustees may sue and be sued in the Name of their respective Clerks or Treasurers, and that no Action or Prosecution to be brought or commenced by or against the said respective Trustees or any of them by virtue of this Act in the Name of their Clerk or Treasurer, shall be abated or discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the said respective Trustees or any Seven or more of them, but the Clerk or Treasurer for the Time

Time being to the ſaid reſpective Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed on the reſpective Diſtricts by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant therein reſpectively, and alſo the Coſts and Charges of proſecuting any Indictment or Indictments or other Proceedings againſt any Perſon or Perſons whomſoever, that ſhall or may be commenced or proſecuted by the Order or Conſent of a Majority of the Truſtees at any Meeting.

Officers.

IX. And be it further enacted, That the ſaid Truſtees for the ſaid reſpective Diſtricts or any Five or more of them, may and they are hereby empowered from Time to Time to appoint a Gate Keeper or Gate Keepers or Toll Gatherer or Toll Gatherers, at the ſeveral Toll Bars or Toll Gates to be erected within the ſaid reſpective Diſtricts in purſuance or by virtue of this Act, and alſo a Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Diſtricts reſpectively, and ſuch other Officer or Officers as they ſhall reſpectively think neceſſary to employ in the Execution of this Act, and ſhall take ſuch Securities for the due Execution of their reſpective Offices as they the ſaid reſpective Truſtees or any Five or more of them ſhall think fit; and may from Time to Time remove ſuch Gate Keepers or Toll Gatherers, Receivers, Clerks, Treaſurers, Surveyors, and other Officers or any of them, and appoint others in their Stead, and out of the Monies to be raiſed by virtue of this Act allow ſuch Gate Keepers or Toll Gatherers, Receivers, Clerks, Treaſurers, Surveyors, and other Officers, and ſuch other Perſon or Perſons as ſhall be aſſiſting in or about the Execution of this Act, ſuch Salaries or Allowances as to them the ſaid Truſtees for the ſaid reſpective Diſtricts or any Five or more of them, ſhall ſeem reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act who ſhall ſell any Wine, Cyder, Ale, or Spirituous Liquors by retail.

Five Truſtees may appoint temporary Collectors, diſcharge thoſe miſbehaving, and appoint others till next Meeting.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall neglect or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Five or more of the ſaid reſpective Truſtees, though not aſſembled at a public Meeting, ſhall and may lawfully diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf; and in ſuch caſe and alſo in caſe any Collector or Receiver ſhall die, ſuch Truſtees ſhall and may nominate and appoint a proper Perſon to be Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the reſpective Truſtees, in the Stead of ſuch Collector or Receiver as ſhall die or be diſcharged, and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority and be anſwerable and accountable in the ſame Manner in all reſpects as the Perſon who ſhall ſo die or be diſcharged would have had or would have been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentative or Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon,

shall refuse to deliver up the Possession of any Toll House or Building erected on the said Roads or any of them, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the respective Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer with such Assistance as shall be necessary, to enter such House or Building in the Day-time and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said respective Trustees or any Five or more of them, or such new appointed Collectors or Receiver into the Possession thereof.

Officers to account,

XI. And be it further enacted, That all such Officers and other Persons, and their respective Executors and Administrators, shall from Time to Time, within Seven Days after such Notice in Writing signed by the Clerk or Treasurer to the said respective Trustees, (pursuant to an Order of the said respective Trustees made at a Meeting held by virtue of this Act), to them respectively given or left at their usual Place of Abode for that Purpose, deliver to such Trustees or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively received, collected, or had, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath; and such Officers and Persons shall and they are hereby respectively required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said respective Trustees or any Five or more of them shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same or to verify the Articles thereof on Oath (which Oath the said respective Trustees or any One or more of them is and are hereby authorized and empowered to administer), or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said respective Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, within Seven Days after such Notice given as aforesaid, all Books, Accounts, Papers, and Writings in their Custody or Power, in anywise relating to the Execution of this Act or to the said Roads or any of them, and Complaint shall be made of such Neglect or Refusal to any Justice of the Peace for the County, Borough, City, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, by or on Behalf of the said respective Trustees, such Justice may and he is hereby authorized and required by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons to be brought before him, and upon his or their appearing or not appearing (except for some reasonable Cause), to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or

upon Oath (if required).

Accounts,

Accounts, if produced in ſuch Manner as the ſaid reſpective Truſtees might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods and Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, or if appearing ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Account or Accounts, or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers or Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Roads or any of them, then and in any of the Caſes aforeſaid the ſaid Juſtice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction of the County, City, Borough, or Place where he or they ſhall be or reſide, there to remain, without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their Hands reſpectively, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that Reſpect have been made; or until he or they ſhall have compounded with the ſaid reſpective Truſtees, or any Five or more of them, for the ſame, and paid the Sum compounded for to the ſaid reſpective Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make); or until he or they ſhall deliver up the Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees: 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 Three Calendar Months.

Truſtees may erect Toll Gates in Firſt Diſtrict.

XII. And be it further enacted, That the ſaid Truſtees for the ſaid Firſt Diſtrict, or any Five or more of them, ſhall and may erect or cauſe to be erected Five Turnpikes or Toll Gates in, upon, and acroſs the ſaid Road from *Brandleſome Moſs Gate* to the *Duke of York* Publick Houſe aforeſaid, but not nearer to the ſaid *Duke of York* Publick Houſe than the North Side of a certain Lane in *Blackburn* aforeſaid, called *The Bank Lane*, where the Firſt Diſtrict of Road will croſs the ſame Lane; and alſo One Turnpike or Toll Gate in, upon, and acroſs the ſaid Branch of Road from near *Holden Hall* to the ſaid Houſe in the Occupation of *John Roſtron*, at ſuch Places as the ſaid laſt-mentioned Truſtees, or any Nine or more of them, ſhall

shall think proper; and also may erect and set up, or cause to be erected and set up on the Side or Sides of any Part of the said last-mentioned Roads, or any of them, where any Highway joins or meets the same, but not where any such Highway joins or meets the same nearer to the said *Duke of York* Publick House than the Northern Side of the said Lane called *The Bank Lane*, where the intended Road will cross the same, as many Side Gates or Turnpikes as they, or any Nine or more of them, shall think proper; and also a Toll House, and proper and necessary Buildings, Gardens, Conveniences, and Fences near to each of the said Gates or Turnpikes, or to such of them as they shall think proper; and that the respective Tolls following shall be demanded and taken at each of the said Turnpikes or Gates, by such Person or Persons as the said last-mentioned Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle or Beast, or any Carriage whatever, shall be permitted to pass through the same; (that is to say),

Tolls on First District.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Hearse, or Litter, drawn by Six or more Horses or other Beasts, the Sum of One Shilling and Sixpence; and drawn by Three, Four, or Five Horses or other Beasts, the Sum of One Shilling; and drawn by Two Horses or other Beasts, the Sum of Nine-pence; and drawn by One Horse or other Beast, the Sum of Sixpence:

For every Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Four Horses or other Beasts, the Sum of Three Shillings; and drawn by Three Horses or other Beasts, the Sum of Two Shillings and Sixpence; and drawn by Two Horses or other Beasts, the Sum of Two Shillings; and drawn by One Horse or other Beast, the Sum of One Shilling:

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

For every Waggon having the Fellies of the Wheels Nine Inches broad, and rolling a Surface of Sixteen Inches, and drawn by Eight Horses or other Beasts, the Sum of Two Shillings and Sixpence; and drawn by Six Horses or other Beasts, the Sum of Two Shillings; and drawn by Five Horses or other Beasts, the Sum of One Shilling and Sixpence; and drawn by Four Horses or other Beasts, the Sum of One Shilling and Three-pence; and drawn by Three Horses or other Beasts, the Sum of One Shilling; and drawn by Two Horses or other Beasts, the Sum of Nine-pence; and drawn by One Horse or other Beast, the Sum of Sixpence:

For every Waggon having the Fellies of the Wheels Nine Inches broad, and rolling a Surface of Nine Inches only, and drawn by Eight Horses or other Beasts, the Sum of Two Shillings and Sixpence; and drawn by Seven Horses or other Beasts, the Sum of Two Shillings and Three-pence; and drawn by Six Horses or other Beasts, the Sum of Two Shillings; and drawn by Five Horses or other Beasts, the Sum of One Shilling and Nine-pence; and drawn by Four Horses or other Beasts, the Sum of One Shilling

ſing and Sixpence; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling; and drawn by One Horſe or other Beaſt, the Sum of Nine-pence:

For every Cart having the Fellies of the Wheels of leſs Breadth than Six Inches; and drawn by Three Horſes or other Beaſts, the Sum of Two Shillings; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by One Horſe or other Beaſt, the Sum of One Shilling:

For every Cart having the Wheels of the Breadth of Six Inches, and drawn by Four Horſes or other Beaſts, the Sum of Two Shillings; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling; and drawn by One Horſe or other Beaſt, the Sum of Six-pence:

For every Cart having the Fellies of the Wheels of the Breadth of Nine Inches, and drawn by Four or any greater Number of Horſes or other Beaſts, the Sum of One Shilling and Sixpence, and drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling; and drawn by One Horſe or other Beaſt, the Sum of Sixpence:

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

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

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

All which Tolls ſhall be charged Double upon *Sundays* (except Milk, which ſhall be charged Single only):

Manner of Recovery of Tolls on Firſt Diſtrict.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as Toll; and if any Perſon or Perſons, ſubject to the Payment of any of the Tolls at any Gate or Gates to be erected by the Order of the Truſtees for the ſaid Firſt Diſtrict by virtue of this Act, ſhall, after the Demand thereof made, whether immediately on the ſame becoming due, or at any Time after, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting ſuch Tolls, or any Perſon or Perſons authorized by him or them, to ſeize or diſtrain any Horſe or other Cattle or Beaſt, or any Carriage upon which any ſuch Toll is by this Act impoſed, or any other of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, or Carriage, or other Goods ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and all reaſonable Charges of making and keeping ſuch Diſtreſs, and of ſuch Sale, ſhall be deducted, or the ſame may be recovered by Action or Suit in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*, or in the Court commonly called *The County Court*, holden in and for the ſaid County of *Lancaſter*, to be brought in the Name of the Clerk to the

ſaid

said Truſtees for the ſaid Firſt Diſtrict, or Collector or Collectors of the ſaid Tolls; and that all Tolls collected and levied by virtue of this Act upon the ſaid Firſt Diſtrict ſhall be and the ſame are hereby veſted in the Truſtees of ſuch Diſtrict, and ſhall be applied and diſpoſed of in ſuch Manner as is herein-after mentioned.

Exemptions from ſo much Toll as ſhall have been paid at certain Gates.

XIII. Provided always, and be it further enacted, That all Horſes, Cattle or Carriages which ſhall paſs the ſame Day through any Gate or Bar to be erected on the Side or Sides of the ſaid Firſt Diſtrict of Road, and acroſs any Lane or Way leading into or out of the ſame, and through the next Gate or Bar to be erected in, upon, or acroſs the ſame Diſtrict of Road, ſhall be exempt at the other of the ſaid laſt-mentioned Gates or Bars (provided the ſame be erected within the Diſtance of Nine hundred Yards from ſuch Side Gate) from ſo much Toll as ſhall have been reſpectively paid for ſuch Horſes, Cattle, or Carriages at the other of the ſame Gates or Bars as they ſhall have ſo previouſly paſſed through, by a Note or Ticket, which the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Truſtees may leſſen the Tolls and advance them again.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees for the ſaid Firſt Diſtrict of Road, or any Nine or more of them, from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, and they are hereby empowered, by and with the Conſent of the Perſon or Perſons who ſhall be entitled to Five-ſixth Parts of the Money which ſhall be then due on the Credit of the ſaid Tolls ariſing from the ſaid Firſt Diſtrict of Road, to leſſen or reduce all or any of ſuch Tolls, and for ſuch Time and Times as they the ſaid laſt-mentioned Truſtees, or any Nine or more of them, ſhall think proper; and from Time to Time afterwards to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned; and alſo from Time to Time to direct the Tolls hereby granted on the ſaid Firſt Diſtrict of Road, or ſo received as aforeſaid, to be collected in ſuch Parts or Proportions at the ſaid Turnpikes or any Toll Gates within the ſaid Firſt Diſtrict as they ſhall think proper; and that ſuch reduced Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the ſaid laſt-mentioned Tolls hereby granted are directed to be levied and applied; but that no Meeting ſhall be held for the Purpoſe of leſſening, reducing, or advancing all or any of the Tolls ſo leſſened, after the Firſt Meeting, unleſs Twenty-one Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes which ſhall be then erected within the ſaid Firſt Diſtrict, and alſo inſerted in ſome Newſpaper publiſhed or circulated in the ſaid County.

Exemptions at a Third Gate after having paid Toll at the Two Firſt Gates upon the Firſt Diſtrict of Road.

XV. Provided always, and be it further enacted, That all Horſes, Cattle, or Carriages which ſhall paſs the ſame Day through the Gates or Bars that may be reſpectively erected and ſet up by virtue of this Act at or near *Brandleſome Moſs Gate* aforeſaid, and at or near the ſaid Lane called *Bank Lane*, upon or acroſs that Part of the ſaid Road hereby authorized to be made from the Publick Houſe known by the Sign of the *Duke of York*, to the *Brandleſome Moſs Gate* as aforeſaid, and ſhall afterwards paſs through the Two other Gates or Bars that may be erected in purſuance of this Act upon the ſaid laſt-mentioned Road neareſt to the ſaid Gate or Bar that

may

may be erected at or near *Brandlesome Moss Gate* aforesaid, or to the said Gate or Bar that may be erected at or near the said Lane called *Bank Lane*, and shall pay Toll at the Two First Gates or Bars from the said Place called *Brandlesome Moss Gate*, (the Gate or Bar that may be erected at or near to the said last-mentioned Place to be accounted One of those Two last-mentioned Gates or Bars), or at the Two First Gates or Bars from the said Publick House, shall be exempt from Toll at the last of the Three Gates or Bars through which they shall so successively pass, by a Note or Ticket which the Collector of the Tolls at the First of the Three Gates through which they shall so pass is hereby required to deliver *gratis* on Receipt of the Tolls, if demanded.

Exemption one of the two Gates that may b erected at near Holco and Bridg End, if tra ling throug both Gates or from Ha lingden.

XVI. Provided always, and be it further enacted, That all Horses, Cattle, or Carriages, which shall only travel upon that Part of the said First District of Road hereby authorized to be made, amended, widened, turned, varied, and kept in Repair, which lies between *Brandlesome Moss Gate* and the Junction of the said Second District of Road with the said last-mentioned Road at or near *Bridge-End* aforesaid, to or from the Town of *Haslingden* only, and shall the same Day pass through either of the Two Turnpike Gates or Bars that may be respectively erected or set up at or near *Holcome*, in the said County, and the *Bridge End* aforesaid, upon the said First District of Road, shall be exempt from Toll at the other of the same Two last-mentioned Gates or Bars, by a Note or Ticket which the Collector of the Tolls is hereby required to deliver *gratis* on Receipt of the Tolls, if demanded.

Gates on S cond Distri

XVII. And be it further enacted, That the said Trustees for the said Second District, or any Five or more of them, shall and may erect or cause to be erected one Turnpike or Toll Gate in, upon, and across any Part of the said Second District of Road, and also may erect and set up, or cause to be erected and set up, on the Side or Sides of any Part of the said Second District of Road where any Highway joins or meets the same, as many Side Gates or Turnpikes as they or any Nine or more of them shall think proper, and also a Toll House, and proper and necessary Buildings, Gardens, Conveniences, and Fences near to each of the said Gates or Turnpikes, or to such of them as they shall think proper; and that the respective Tolls following shall be demanded and taken at each of the said Gates or Turnpikes, by such Person or Persons as the said last-mentioned Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle or Beast, or any Carriage whatever, shall be permitted to pass through the same; (that is to say),

Tolls on Second Distric

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

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

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

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

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

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

For every Waggon having the Fellies of the Wheels thereof Six Inches broad, and drawn by Four, Five, or Six Horses or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling:

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

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

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

For every Cart having the Fellies of the Wheels thereof Six Inches broad, and drawn by Three, Four, or Five Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One or Two Horse or Horses, or other Beast or Beasts of Draught, the Sum of Four-pence.

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

Coals, &c. partially exempt from Tolls on Second District.

XVIII. Provided also, and be it hereby further enacted and declared, That none of the Tolls or Duties by this Act granted or made payable upon the said Second District of Road, or any Part or Parts thereof, shall be demanded or received at any Toll Gate or Turnpike to be erected by virtue of this Act upon, across, or on the Side or Sides of any Part of the said Second District of Road, for or in respect of any of the Carriages herein-after mentioned, when solely employed in Manner following; (that is to say), when going empty or unladen for, or returning laden with Coals, Cinders, or Lime; and that all such Carriages, when so employed as last aforesaid, and the Horses, Beasts, and Cattle used in drawing the same, shall, during the Continuance of this Act, be permitted to pass and repass through any such Toll Gate or Turnpike as last aforesaid, upon paying the several Tolls and Duties herein-after mentioned; (that is to say),

For

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

For every Waggon having the Fellies of the Wheels thereof Six Inches Broad, and drawn by Four, Five or Six Horſes, or other Beaſts of Draught, the Sum of One Shilling, and drawn by Three Horſes or other Beaſts of Draught, the Sum of Eight-pence:

For every Waggon or other ſuch Carriage, having the Fellies of the Wheels thereof Nine Inches Broad, and rolling a flat Surface of Nine Inches, drawn by Four, Five, Six, Seven or Eight Horſes, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Eight-pence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Five-pence:

For every narrow-wheeled Cart, drawn by Two or Three Horſes, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Four-pence.

And that all and every the Tolls hereby authorized to be demanded and taken upon the ſaid Second Diſtrict of Road ſhall be charged double on each and every *Sunday* during the Continuance of this Act; which ſaid reſpective Sums of Money ſhall be demanded in the Name of or as Toll, and if any Perſon or Perſons ſubject to the Payment of any of the Tolls at any Gate or Gates to be erected by the Order of the Truſtees for the ſaid Second Diſtrict by virtue of this Act, ſhall after Demand thereof made, whether immediately on the ſame becoming due or at any Time after, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid for collecting ſuch Tolls, or any Perſon or Perſons authorized by him or them, to ſeize and diſtrain any Horſe or other Cattle or Beaſt, or any Carriage upon which any ſuch Toll is by this Act impoſed, or any other of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, and if ſuch Tolls and the reaſonable Charges of ſuch Seizure and Diſtreſs ſhall not be paid within the Space of Five Days after ſuch Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt or Carriage, or other Goods ſo diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money ariſing from ſuch Sale (if any be), and what ſhall remain unſold upon Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges of making and keeping ſuch Diſtreſs, and of ſuch Sale ſhall be deducted, or the ſame may be recovered by Action or Suit in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*, to be brought in the Name of the Clerk of the ſaid Truſtees for the ſaid Second Diſtrict, or Collector or Collectors of the ſaid Tolls; and that all Tolls collected and levied by virtue of this Act upon the ſaid Second Diſtrict ſhall be, and the ſame are hereby veſted in the Truſtees of ſuch Diſtrict, and ſhall be applied and diſpoſed of in ſuch Manner as is herein-after mentioned.

Manner of Recovery o Tolls on Se- cond Diſtric

XIX. Provided always, and be it further enacted, That all Horſes, Cattle, or Carriages which ſhall paſs the ſame Day through any Gate or Bar to be erected on the Side or Sides of the ſaid Second Diſtrict of Road, and acroſs any Lane or Way leading into, or out of the ſame, and through the next Gate or Bar to be erected in, upon, or acroſs the ſame Diſtrict of Road,

Exemptions from ſo muc Toll as ſhall have been pai at certain Gates.

Road, shall be exempt at the other of the same last-mentioned Gates or Bars, (provided the same be erected within the Distance of Nine hundred Yards from such Side Gate), from so much Toll as shall have been respectively paid for such Horses, Cattle, or Carriages at the other of the same Gates or Bars as they shall have so previously passed through, by a Note or Ticket, which the Collectors of the Tolls are hereby required to deliver *gratis* on receipt of the Tolls.

No Toll for crossing the Road.

XX. And be it further enacted, That no Toll shall be taken in respect of any Horse, Beast, Cattle, or Carriage which shall only cross the said Districts of Road respectively.

General Exemptions from Toll.

XXI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Mare, Gelding, or other Cattle drawing any Carriage going for, or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the said Roads, or any Toll House or Toll Houses upon the Roads by this Act to be made, or any of the Highways or public Roads in the Townships or Places in which the said Roads hereby intended to be repaired and improved, or any Part thereof do lie, or any Dung, Mould, Soil, or Compost of any Kind (other than and except Lime) for the manuring of any Garden, or other Land or Ground; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of, or returning from ploughing, sowing, tilling, or cultivating any Land or Ground, or going for, or returning unladen, or only laden with Hay, Straw, or Corn in the Straw not sold or disposed of, or carrying to be sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof, or for any Plough, Harrow, Implement of Husbandry, or for any Horse, or other Beast or Cattle drawing or carrying the same in order for the repairing thereof, or using the same in Husbandry; or for any Horse or other Beast or Cattle going to or returning from Water or Pasture, or going to be or returning from being shoed or farried; or for any Horses, Cattle, or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding the same, or in returning from conveying or guarding the same; or for the Horses of Soldiers on their March, or on Duty, or Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning from conveying the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons be in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning from so doing; nor shall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Parish through

which any Part of the ſaid Roads doth paſs, who ſhall paſs through any of the ſaid Turnpikes to or from his, her, or their reſpective Pariſh Church, Chapel, or other Place of Religious Worſhip tolerated by Law on *Sundays*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon dying and to be buried in any of the ſaid Pariſhes; or from any Clergyman going to, or returning from viſiting any ſick Perſon, or upon any other his Parochial or Miniſterial Duty on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Toll be demanded or taken for or in reſpect of any Horſe, Cattle, or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Landaulet, Chariot, Gig, or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Lancaſter*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions in this Act contained, not being entitled to the ſame, or make Uſe of any Fraud whatſoever whereby the Payment of the Tolls granted by this Act or any Part thereof ſhall be evaded, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof One Moiety ſhall be applied in ſuch Manner as other Penalties are directed to be applied, and the other Moiety thereof ſhall be paid to the Uſe of the Informer or Informers, and in all Caſes the Proof of Exemptions ſhall lie upon the Perſon or Perſons claiming the ſame.

Owners o Drivers of Waggons ployed in Service of Majeſty's Forces no be ſubject Penalties f Overweigh &c.

XXII. 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 Publick Stores, belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained, by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or 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 in any 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.

Tolls to be paid but on for paſſing t ſame Day.

XXIII. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall be ſubject to any Toll for returning through ſuch Turnpike or Toll Gate the ſame Day, or before Twelve of the Clock at Night of the ſame Day with the ſame Horſe or Horſes, Cattle or Carriage, but ſhall return Toll-free (except ſuch Waggon, Cart or other Carriage, which ſhall paſs or repaſs through any of the ſaid Turnpikes or Toll Gates upon the ſaid Firſt Diſtrict of Road, laden with any lading of the Weight of Five hundred Pounds or upwards, of Five Score to the Hundred, and ſhall return the ſame Day alſo laden with any Lading of the Weight of Five hundred Pounds or upwards as aforeſaid; and alſo except ſuch Coach, Chariot, Landau, Berlin, Chaiſe with Four Wheels,

Calash with Four Wheels, Chaise Marine, Diligence or Caravan, or by what Name soever such Carriage or Carriages now is or are, or hereafter may be called or known, which shall be kept or used by or for any Person or Persons as a public Stage Coach or Stage Coaches, or Stage Carriages employed in carrying Passengers for Hire to and from different Places), on delivering a Ticket to the Collector of the Tolls at such respective Turnpikes or Toll Gates, which Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls.

Penalty on evading the Tolls.

XXIV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast or Carriage whatsoever pass through any Gate, Passage, Inclosure, private Way, Land, Ground or Hereditaments belonging to any Person or Persons, or through or over any Common or Waste Ground adjoining to or lying near any Turnpike or Toll Gate to be erected by virtue of this Act, the same not being a publick Way for Carts and Carriages, or if any Owner or Occupier of such Gate, Passage, Inclosure, private Way, Ground, Land, or Hereditaments shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever to pass through the same, whereby the Payment of the said Tolls or any Part thereof shall be avoided, or if any Person or Persons shall take off or cause to be taken off any Horse or other Cattle from any Carriage before the same come to any Turnpike or Toll Gate to be erected upon either of the said Districts of Roads, whether the same shall or shall not have been drawn upon the said District of Roads or either of them, or any Part thereof, or shall leave or cause to be left upon or near to any Part of the said Roads any Cattle or Carriage, or shall alter or cause to be altered the Distance of the Wheels of any Waggon or other Carriage before or after the same shall have passed, with an Intent to avoid paying any of the said Tolls or any Part thereof, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Carriage, Horse, or other Cattle or Beast without Payment of Toll, or if any Person shall forge or counterfeit, or offer to dispose of any Note or Ticket denoting the Payment of Toll to any other Person in order to evade the Payment of the said Tolls, or if any Person shall receive or make use of the same with that Intent, every Person so offending in each and every the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are by this Act directed to be applied.

Power to remove Gates.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees within their respective Districts, or any Nine or more of them, from Time to Time to take down and remove any Gate, Turnpike or Toll Gate, Buildings and other Conveniences erected or provided by virtue of this Act, and to set up the same again in any other Place or Places in, upon, across or on the Side or Sides of the said Roads within the Limits herein-before prescribed, but not otherwise.

Trustees not to remove Gates without Notice.

XXVI. Provided always, and be it further enacted, That no Gate or Turnpike to be erected or set up by virtue of this Act shall at any Time after the same shall be so set up, be taken down or removed to any other Place, except by the Order of the said Trustees within their respective Districts, or any Nine or more of them, at a Meeting convened for that Purpose, and unless Notice in Writing specifying the Intent thereof be

fixed

fixed on all Turnpikes then erected within the reſpective Diſtricts by virtue of this Act, and alſo inſerted in One of the *Mancheſter* or *Blackburn* Newſpapers, Twenty-one Days at leaſt before ſuch Meeting, any Thing in this Act contained to the contrary thereof notwithſtanding.

For ſettlin Diſputes cerning T

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

Collectors Tolls not i competent Witneſſes.

XXVIII. And be it further enacted, That in caſe any Diſpute, Suit or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, or in caſe of any Proceeding or Proſecution for the obtaining any of the Penalties impoſed by this Act, the Perſon or Perſons appointed to collect the ſame Tolls, or any other Perſons acting by or under the Authority of the ſaid reſpective Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, Litigation or Proceeding by reaſon of his or their being appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Turnpikes, &c. veſted i Truſtees.

XXIX. And be it further enacted, That the Right and Property of all the Turnpikes, Bars, Rails and Fences, Toll Houſes and Buildings to be erected or provided by virtue of this Act on the ſaid reſpective Diſtricts, and the Right and Property of the Materials to be provided for erecting, building or repairing the ſame, or any of them reſpectively, and alſo of all the Tools, Materials and other Requiſites, got, provided or collected for any of the Purpoſes of this Act, ſhall be, and are hereby veſted in the Truſtees of the ſaid Diſtricts reſpectively, and they or any Five or more of them are hereby empowered to diſpoſe thereof as they ſhall think proper for the Purpoſes of this Act, and to bring or cauſe to be brought any Action or Actions, or to prefer or order to be preferred, any Indictment or Indictments againſt any Perſon or Perſons who ſhall take, ſteal or carry away, break down or ſpoil the ſame, or any Part thereof, or diſturb the Truſtees, their Agents or Servants in the Poſſeſſion thereof.

Power to let Tolls.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, after giving Twenty-one Days Notice in Writing, to be affixed on all the Turnpikes which ſhall be then erected within the reſpective Diſtricts, and advertiſing the ſame in ſome Newſpaper publiſhed or circulated in the County of *Lancaſter*, from Time to Time to let and demiſe, or agree to let and demiſe the Tolls granted by this Act on the reſpective Diſtricts, or any Part or Parts thereof,

thereof, for any Term of Years not exceeding Three Years at a Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Times and to ſuch Perſon or Perſons, and under ſuch Covenants, Conditions, and Agreements, and with ſuch Sureties for the Payment and Performance thereof as the ſaid reſpective 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 ſo let are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithſtanding.

Enabling Truſtees to take Poſſeſſion of Toll Houſes &c. when let.

XXXI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall be demiſed or let to farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, either by taking greater or leſs Tolls, or in any other Way or Manner, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers ſhall be in Arrear, by the Space of Ten Days next after any One of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or letting thereof, and in caſe the Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or Collector or Collectors who ſhall be diſcharged or removed from his or their Office of Collector, or ſhall happen to die, then and in any of thoſe Caſes, the ſaid reſpective Truſtees or any Five or more of them, although not aſſembled at a Meeting, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of the ſaid reſpective Truſtees or any Five or more of them as aforeſaid, ſhall be at Liberty, and they are hereby authorized to enter upon, and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates and Appurtenances thereto belonging ſo let as aforeſaid, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or any Collector or Collectors, or other Officer or Officers having the Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Gate and Premiſes, from the Poſſeſſion thereof, and from the Collection of the Tolls; and that thereupon it ſhall be lawful for the ſaid reſpective Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement (if any) for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be from that Time utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants or Agreements on the Leſſees Part which ſhall have been broken), as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees reſpectively, or any Five or more of them in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any Perſon or Perſons, or cauſe them to be collected, as if no former Demiſe, Contract or Agreement had been made relative thereto, any Law, Cuſtom or Uſage to the contrary thereof in anywiſe notwithſtanding.

Truſtees may compound for Tolls.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees or any Five or more of them, from Time to Time to compound for any Term not exceeding One Year at a Time, with any Perſon or Perſons for any Carriages, Horſes, Beaſts or Cattle travelling on their reſpective Diſtricts, for all or any of the Tolls to be paid in

respect of such Carriages, Horses, Beasts or Cattle, and all such Compensation Money shall be paid in Advance Quarterly or otherwise as the said Trustees shall think fit, and in Default thereof the Composition to be void.

For erecting Weighing Machines.

XXXIII. And be it enacted, That it shall be lawful for the said Trustees within their respective Districts at any Meeting (if they shall think proper) to order and cause to be built upon any Parts of the said Roads as to them shall seem most eligible and expedient, a Crane, Machine or Engine, with suitable Buildings thereto proper for the Weighing of Carts, Waggons or Carriages, conveying any Goods, Wares, Merchandizes or other Things whatsoever, and to order all and every, or any such Carriage or Carriages subject and liable to the Payment of Tolls by virtue of this Act which shall come upon any Part of the said Roads, (whether the same shall have passed through any Toll Gate or Toll Bar or not), to be weighed, together with the Loading thereof; and that all Clauses, Powers, Privileges, Exemptions, Restrictions, Penalties and Forfeitures contained in an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend and reduce into one Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purposes*, or in any other General Act now in force applicable to Weighing Machines, shall in all Cases extend to and operate upon all Cranes, Machines and Engines whatsoever, which may hereafter be erected upon the said Roads or any of them, any Thing herein contained to the contrary notwithstanding.

All Clauses, &c. in general Turnpike Acts respecting Weighing Engines to extend to this Act.

For letting Weighing Machines.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees within their respective Districts, or any Five or more of them, at any Meeting whereof Twenty-one Days Notice shall have been given in Writing, affixed upon all the Toll Gates or Turnpikes then erected by virtue of this Act, within their respective Districts, and by Advertisement inserted in some Newspaper circulated in the said County of *Lancaster*, from Time to Time, to let and demise, or agree to let and demise, either with or without the Tolls by this Act authorized to be taken, or any Part thereof, the Weighing Cranes, Machines and Engines which may be erected by virtue of the said recited Act passed in the Thirteenth Year of the Reign of His present Majesty, and this Act, and the additional Tolls or Duties granted and made payable thereat for any Carriage which with its Loading shall weigh more than the Weight allowed by Law, provided that the said additional Tolls be let in the same Manner as the Tolls arising at the Toll Gates or Turnpikes are by the said recited Act directed or prescribed to be let.

Regulating the Tolls on Waggons, the Wheels whereof shall roll Two Surfaces.

XXXV. And be it further enacted, That all Waggons and other Four-wheeled Carriages, the Wheels or Axletrees whereof shall be so constructed as to be capable of rolling Two Surfaces, shall be permitted to carry Weight according to the Width of the Fellies of the Narrowest of the Wheels thereof only; and all Waggons or other Four-wheeled Carriages subject and liable to the Payment of Tolls by virtue of this Act, which shall have the Fellies of the Wheels thereof of different Breadths, shall be liable to pay Toll, and have Allowance of Weight according to the Breadth of the narrowest of such Wheels: Provided always, that the said Regu-

lations and Restrictions shall not apply to Waggons, or other Four-wheeled Carriages the Wheels whereof shall be of the Breadth of Nine Inches, rolling a Surface of Sixteen Inches.

No Side Gate to be set up across any Turnpike Road within Tottington Lower End.

XXXVI. Provided always, and be it further enacted, That no Side Gate or Turnpike shall be erected or set up by the said Trustees for the said First District of Road, across any Turnpike Road which now joins or hereafter shall join the said Road hereby authorized to be made from *Brandlesome Moss Gate*, to the Public House known by the Sign of the *Duke of York* as aforesaid, within the said Township of *Tottington Lower End*.

If more than one Cart, &c. be drawn by the same Horses each to be charged separately.

XXXVII. And be it further enacted, That every Waggon, Wain or Cart, Coach, Berlin, Landau, Chaise, or other Carriage of whatsoever Description it may be, where more than One such Carriage shall be drawn by the same Horse or Horses, or other Beast, shall be charged with such and the same Toll as each of such Carriages would be liable to pay if drawn separately by the like Number of Horses or other Beasts.

Carriages on Wheels not rolling a flat Surface shall be considered as Carriages with narrow Wheels and be liable to be weighed or pay Toll as such.

XXXVIII. Provided always, and be it further enacted, That for the Purposes of Exemption from a Reduction of Tolls, or of Allowance of any additional Number of Horses, Oxen or other Beasts of Draught, by virtue of any Law or Statute, the Sole or Bottom of the Wheels of Waggons, Carts, Wains or other such Carriages subject and liable to the Payment of Tolls by virtue of this Act, shall roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface; and all Waggons, Wains, Carts or other such Carriages passing on the said Roads, or by any of the Weighing Engines hereafter to be erected thereon, or within Eight hundred Yards thereof, the Wheels whereof shall not roll a flat or level Surface, or a Surface so flat or level as not to deviate more than Half an Inch from a flat or level Surface, shall be considered and deemed as Carriages on Wheels rolling a Surface of less than Six Inches, and be liable to be weighed at any of such Weighing Engines as any Wain, Waggon or other Carriage on Wheels rolling a Surface of less than Six Inches, is now by Law liable to be weighed there, and shall pay the same Tolls at the said Gates or Turnpikes, and Weighing Engines as such Waggons, Wains or Carriages on Wheels rolling a Surface of less than Six Inches, are now subject and liable to pay.

Occupiers of adjoining Lands to carry off the Scrapings on Notice, except Harvest-time.

XXXIX. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the said several Roads hereby authorized to be made, amended, widened, turned and varied, shall on Seven Days Notice to be given to him or them respectively, by the Surveyor or Surveyors of the said respective Districts of Roads, or any Person or Persons which he or they shall appoint from Time to Time, haul, remove and carry away all such Soil, Earth or other Matter as shall have been gathered, collected or scraped from off the said Roads or any of them, as far as the Lands or Grounds of such Occupier and Occupiers shall respectively extend, but not farther; and in case any such Occupier or Occupiers shall neglect or refuse to haul, carry off, or remove such Soil, Earth or other Matter as aforesaid, after such Notice as aforesaid, each and every Person so neglecting or refusing, shall for each and every such Offence

forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered and applied in ſuch Manner, and for ſuch Uſes and Purpoſes as other Penalties are herein directed to be recovered and applied: Provided always, that no Perſon ſhall be liable to any ſuch Penalty for neglecting or refuſing to carry away any ſuch Soil, Earth or other Matter during the Time of Hay or Corn Harveſt.

Truſtees may borrow Money.

XL. And be it further enacted, That it ſhall and may be lawful for the ſaid reſpective Truſtees, or any Five or more of them, at any Meeting to be held for that Purpoſe, whereof Fourteen Days Notice ſhall be given in Writing to be affixed upon all the Turnpikes within the reſpective Diſtricts, and inſerted in One of the Newſpapers printed in the ſaid County, and they are hereby empowered from Time to Time to borrow and take up at Intereſt, on the Credit of the Tolls ariſing by virtue of this Act on their reſpective Diſtricts, ſuch Sum or Sums of Money as they, or any Five or more of them ſhall think fit; and they may, and are hereby empowered to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houſes for collecting the ſame, or any of them, or any Part thereof, and the Coſts and Charges of ſuch Mortgages to be paid out of ſuch Tolls as a Security to any Perſon or Perſons or their Truſtees, who ſhall advance ſach Sum or Sums of Money by the following Words, under their Hands and Seals, or by any other Words to the like Effect; (that is to ſay),

Form of Mortgage.

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

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the Truſtees for the Diſtrict on which ſuch Money ſhall be borrowed; and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign over or transfer his, her or their Right, Title, Intereſt or Benefit to the ſaid Mortgage, and all Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by indorſing on ſuch Security, or by any other Writing or Writings under his, her or their Hand or Hands, before One credible Witneſs, the following Words, or Words to the like Effect; (that is to ſay),

'I Do

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

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer of the respective Districts within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid such Sum as the said respective Trustees or any Five or more of them shall appoint, not exceeding the Sum of Five Shillings; and such Assignment or 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*; but in case any Sum or Sums of Money so to be transferred shall not exceed the Sum of Fifty Pounds, it shall be lawful for the respective Persons entitled thereto, by an Indorsement of his, her, or their Name or Names, to transfer his, her, or their Property therein to any other Person or Persons without an Entry being made thereof in Manner aforesaid, and it shall not be in the Power of any Person (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security or any Monies thereby due or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made shall be in Proportion to the Sum or Sums of Money therein mentioned Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference with respect to the Priority of any Monies advanced.

Application of the Money on the First District.

XLI. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act shall in the First Place be paid and defrayed out of the respective Tolls to be collected on the First District of Road by virtue of this Act, or out of the First Money borrowed on the Credit thereof; and the Remainder of the Money so raised, and other Money which shall come to the Hands of the said Trustees or their Treasurer for the said First District by virtue of this Act, shall from Time to Time be applied in repaying the Principal Monies by this Act borrowed on the said First District and the Interest thereof, and in otherwise putting this Act in Execution with respect to the same District, and to or for no other Use or Purpose whatsoever.

Application of the Money on the Second District.

XLII. And be it further enacted, That the respective Tolls to be collected on the said Second District of Road by virtue of this Act, and all other Money which shall come to the Hands of the said Trustees for the Second District or their Treasurer by virtue of this Act, shall from Time to Time be applied in repaying the Principal Monies by this Act borrowed on the said Second District of Road and the Interest thereof, and in otherwise putting this Act into Execution with respect to the same District, and to and for no other Use, Intent, or Purpose whatsoever.

XLIII. And

Trustees make an from Ti Time tu alter the Roads.

XLIII. And be it further enacted, That the said respective Trustees or any Nine or more of them may, and they are hereby fully empowered to make and from Time to Time afterwards as they may think proper to widen, divert, turn, or alter, within the Distance herein-after mentioned, any Part or Parts of the said Roads within their respective Districts, and to set out and make the same of any Width not exceeding Sixty Feet through any Common or Waste Grounds without making any Satisfaction for the same, and also through any private Grounds or Hereditaments not exceeding Forty-eight Feet, making Satisfaction for the same as herein-after mentioned; and for that Purpose it shall be lawful for the said respective Trustees or any Five or more of them, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, or Administrators, and other Trustees whomsoever, not only for and on Behalf of themselves their Heirs and Successors, but also for and on Behalf of their *Cestui que* Trusts whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed or interested in any such Lands or Hereditaments, to contract with such Trustees respectively or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell or convey to any Five or more of them respectively, all such Lands or Hereditaments or any Part thereof for the Purposes aforesaid, and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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 or in a printed Form at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any of such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of the said Roads is intended to be made, widened, diverted, or altered, shall for the Space of Twenty Days next after such Notice given or left neglect or refuse to treat, or shall not agree in the Premises, or by Reason of Absence shall be prevented from treating, then and in every such Case the said respective Trustees or any Five or more of them shall cause such Damage and 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 respective Trustees or any Five or more of them are hereby required and empowered,

from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury and examine upon Oath all and every Perſon or Perſons whomſoever who ſhall be thought neceſſary and proper to be examined concerning the Premiſes, which Oath any One or more of the ſaid Truſtees reſpectively is and are hereby empowered to adminiſter, and the ſaid reſpective Truſtees or any Five or more of them ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means as well for their own as the ſaid Jury's Information in the Premiſes; and after the ſame Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence as aforeſaid, they the ſaid reſpective Truſtees or any Five or more of them ſhall thereupon order, adjudge, and determine the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners or other Perſons intereſted in the ſaid Lands or Hereditaments according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict or Inquiſition and Judgment, Order, or Determination thereupon ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties or Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well preſent as abſent, Femes Covert, Lunatics, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever; and for ſummoning and returning ſuch Juries the ſaid reſpective Truſtees or any Five or more of them are hereby empowered to iſſue their Warrant or Warrants to the Sheriff for 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 the ſaid reſpective 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 and his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid reſpective Truſtees acting in the Premiſes, or any Five or more of them, ſhall and are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, 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 reſpective 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 or his Deputy or Deputies, Bailiffs or Agents making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, except for ſome reaſonable Excuſe, or ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or for not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and upon any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined or give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfei-

For ſummoning Juries.

tures are herein-after directed to be levied and applied, ſo that no ſuch Fine be more than Forty Shillings on any one Perſon for one Offence.

How Expe of Juries be borne.

XLIV. And be it further enacted, That in caſe any Jury ſhall give in or deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments or for any ſuch Loſs or Damage, than what ſhall have been agreed to and offered by the ſaid reſpective Truſtees or any Five or more of them before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, or Loſs and Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning the Jury and Witneſſes ſhall be borne and paid by the ſaid reſpective Truſtees or any Five or more of them out of the Tolls hereby granted or out of the Money to be borrowed on the Credit thereof; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid reſpective Truſtees or any Five or more of them before the ſummoning and returning of the ſaid Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes and all other Charges and Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid reſpective Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County of *Lancaſter*, not intereſted in the Matter in queſtion, who is hereby required to examine and ſettle the ſame, 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 Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame ſhall be not paid on Demand after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Treaſurer to the Truſtees in and by ſuch Ways and Means as are herein-after provided for 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 with the ſaid Truſtees, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid reſpective Truſtees in Manner aforeſaid.

Perſons beir abſent charg with the whole Expence.

Money agre upon or af- ſeſſed how t be paid or tendered.

XLV. And be it further enacted, That all and every ſuch Sums and Sum of Money, Conſideration, Recompence, or Satisfaction to be agreed for or aſcertained, or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or out of the Monies to be raiſed by virtue of this Act, either into the Bank of *England* as herein-after mentioned, or (as the Caſe may require) to the Parties or Perſons reſpectively entitled to ſuch Monies, or to their Agents, and that upon ſuch Payment into the Bank or Tender thereof to ſuch Perſons or their Agents, it ſhall be lawful for the ſaid reſpective Truſtees or any Five or more of them, their reſpective Surveyors, Workmen, or Agents, to make, extend, widen, divert, or turn ſuch Roads through or over ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with Relation to ſuch Lands or Hereditaments

taments as the ſaid reſpective Truſtees or any Five or more of them ſhall think fit, according to the Directions of this Act; and the ſaid reſpective Truſtees or any Five or more of them ſhall cauſe ſuch Parts of the ſaid Roads as ſhall be made, widened, diverted, or turned through any private Grounds, to be ditched or otherwiſe fenced from the adjoining Lands in ſuch Manner as the ſaid reſpective Truſtees or any Five or more of them ſhall direct; and all Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, ſhall to all Intents and Purpoſes be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Roads do not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid reſpective Truſtees or any Five or more of them for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the ſaid Roads by this Act directed to be repaired; and all Conveyances executed by the ſaid reſpective Truſtees or any Five or more of them, and inrolled with the Clerk of the Peace for the ſaid County of *Lancaſter*, ſhall be good and effectual in the Law to all Intents and Purpoſes; but this Act ſhall not extend to the taking down of any Dwelling Houſe or other Buildings, or to the taking in of any Land that is a Garden or Orchard adjoining to any Dwelling Houſe, or any Park, planted Walk, incloſed Nurſery for Trees or Avenue to a Houſe, or any Part thereof, or any Lodge or Reſervoir of Water, within *Muſbury* in the ſaid County (ſave and except the Buildings, Gardens, Orchard, Woodlands, and Lodge or Reſervoir of Water herein-after mentioned, reſpectively ſituate in the ſeveral Townſhips of *Tottington Lower End* and *Blackburn* aforeſaid, and in *Muſbury*, *Tottington Higher End*, *Haſlingden* and *Oſwaldtwiſle* in the ſaid County; that is to ſay, a Garden, alſo an Erection or Building intended for a Slaughter Houſe and Cart Houſe, and alſo a Neceſſary Houſe ſituate within *Tottington Lower End* aforeſaid, in the Occupation of *James Butterworth*; alſo a Brewhouſe and Room over the ſame, Slaughter Houſe, Coach Houſe, Pigſty, Neceſſary Houſe, and Garden ſituate in *Tottington Lower End* aforeſaid, in the Poſſeſſion of *John Booth* the younger; alſo a certain Erection or Building ſituate at *Holcome* within *Tottington Lower End* aforeſaid, now uſed as a Loom Shop and in the Poſſeſſion of *James Gregory*; alſo a certain other Erection or Building ſituate at *Holcome* aforeſaid, now uſed as a Pigſty, in the Poſſeſſion of *Thomas Gregory*; alſo Two Gardens ſituate at *Holcome* aforeſaid, in the Occupation of *James Gregory* and *James Holt* reſpectively; alſo certain Wood, Grounds, Nurſeries, or Plantations for Trees, ſituate in *Tottington Higher End* aforeſaid, in the Occupation of Meſſrs. *Sandiford*, *Johnſon*, and Company; alſo certain Wood, Grounds, Nurſeries, or Plantations for Trees, ſituate in *Tottington Higher End* aforeſaid, in the reſpective Poſſeſſions of *Robert Haſlam* and *Chriſtopher Parkinſon*; alſo certain Wood, Grounds, Nurſeries, or Plantations for Trees, ſituate in *Tottington Higher End* aforeſaid, in the Poſſeſſion of *Betty Hoyle* and *James Hoyle*; alſo a certain Orchard ſituate in *Muſbury* aforeſaid, in the Occupation of *James Duckworth*; alſo certain Wood, Grounds, Nurſeries, or Plantations for Trees, ſituate in *Muſbury* aforeſaid, in the

Poſſeſſion

Poſſeſſion of *Henry Duckworth*; alſo a certain Lodge or ſmall Reſervoir of Water, ſituate in *Muſbury* aforeſaid, in the Occupation of Meſſrs. *Turner* and Company; alſo certain Wood, Grounds, Nurſeries, or Plantations for Trees, ſituate in *Haſlingden* aforeſaid, in the reſpective Occupations of *James Rothwell* and *Ralph Ruſhton*; alſo a certain Garden, ſituate in *Oſwaldtwiſle* aforeſaid, and now in the Occupation of *John Tatterſall* and his Sub-tenants, alſo Three ſeveral Gardens, ſituate near the *Turk's Head* in the Townſhip of *Blackburn* aforeſaid, in the reſpective Poſſeſſions of *William Bateſon*, *George Woods*, and *Thomas Ramſbottom*; alſo certain Meſſuages, Dwelling Houſes, or other Buildings, ſituate in *Haſlingden* aforeſaid, in the ſeveral Poſſeſſions of *John Nuttall*, *John Pickup*, *Richard Hoyle* Woollen Weaver, and *Richard Hoyle* Cotton Weaver, and other Perſons as Tenants thereof; and alſo a certain Garden, ſituate in *Haſlingden* aforeſaid, called *Old Adam Garden*, now in the Occupation of *Adam Coupe*; or ſuch Parts thereof as ſhall be neceſſary for making and improving the ſaid Roads or any of them), without the Conſent of the Owner or Proprietor thereof reſpectively in Writing firſt had and obtained.

Truſtees empowered to ſell overplus Grounds.

XLVI. And whereas by Reaſon of the Purchaſes which the ſaid reſpective Truſtees are empowered and required to make by virtue of this Act, or by Reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of 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 reſpective Truſtees 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 reſpective Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall offer the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed; or where the ſame ſhall ariſe by Reaſon of diverting any Part or Parts of the ſaid Roads, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the ſaid County of *Lancaſter* (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 reſpectively, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees reſpectively, 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 reſpective Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as hereinbefore directed with reſpect to ſuch Purchaſes made by the ſaid reſpective

Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales of ſuch Piece or Parcel 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 Miſ-application or Non-application of ſuch Money.

Truſtees may enter Lands and make the Roads.

XLVII. And be it further enacted, That it ſhall be lawful for the ſaid reſpective Truſtees, and for their Surveyor or Surveyors and Workmen, with and without Carriages and Cattle, from Time to Time to enter upon the Lands and Hereditaments, through which or whereupon the ſaid Roads or any of them may be to be made, altered, or turned, or adjoining thereto, and to ſtake out, make, alter, and turn the ſame in ſuch Manner as the ſaid reſpective Truſtees ſhall think neceſſary or proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands or Hereditaments reſpectively for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands or Hereditaments for the Damage that ſhall be done to the Lands or Hereditaments in caſe ſuch Damage ſhall exceed the Sum of Two Shillings; and if any Perſon ſhall wilfully pull up, remove, or deſtroy, any of the Stakes or other Marks uſed in laying out, making, altering, or turning any ſuch Roads or any of them, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Miſnomers or wrong Deſcriptions not to prevent the Execution of this Act.

XLVIII. Provided always, and be it further enacted, That if any of the Houſes, Buildings, Gardens, Courts, Yards, or Premiſes herein-before mentioned, 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, and in caſe it ſhall appear to Two or more Juſtices of the Peace for the ſaid County that ſuch Miſnomer or inaccurate Deſcription ſhall have ariſen or proceeded from Miſtake, ſuch Miſnomer or inaccurate Deſcription ſhall not prevent or retard the Execution of this Act, but the ſame Premiſes and every Part thereof ſhall and may be purchaſed and ſold or aſſeſſed and valued by a Jury, and conveyed, diſpoſed of, and applied, for and to the Purpoſes of this Act, as fully and effectually as if the ſame were more properly named.

For reſtraining the Truſtees from deviating beyond a certain Diſtance of the Line deſcribed in the Plan, &c.

XLIX. And whereas a Map or Plan deſcribing the Line of the ſaid Roads and the Lands through which the ſame are to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Lancaſter*; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may at any reaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Eight-pence for every One Hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid reſpective Truſtees in making the ſaid Roads ſhall not deviate more than Three 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

or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees make th Roads through Ground though t Owners Names a omitted i the Book Referenc

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

Clerks no competen Witneſſes

LI. And be it further enacted, That in all and every Action or Suit touching or concerning the ſaid reſpective Diſtricts of Road, the Clerk or Clerks to the Truſtees of the ſaid reſpective Diſtricts of Road ſhall not be deemed an incompetent Witneſs or Witneſſes for or on Behalf of the ſaid reſpective Truſtees, by reaſon of ſuch Clerk or Clerks being the Plaintiff or Plaintiffs, Defendant or Defendants, upon Record in any ſuch Action or Suit.

Applicati of Compe ſation Mo exceeding 200*l.*

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

veyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so directed to be purchased, by virtue of this Act, in case such Purchase or Settlement was made.

Application of Compensation Money if less than 200 l.

LIII. Provided always, and be it 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 any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds; then and in all such Cases the same shall, (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy 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 respective Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money if less than 20 l.

LIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used for the Purposes of this Act, in such Manner as the said respective Trustees shall think fit; or in case of Idiotcy or Lunacy, then such Money shall be paid 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 refusal to accept or of not making out Titles; &c.

LV. 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

a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees reſpectively; 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 for the ſaid reſpective 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 Parties intereſted in the ſaid Lands, Tenements or Hereditaments [*deſcribing them*], ſubject to the Order, Controul and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof or Payment of the Dividend 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 into the Bank as aforeſaid.

Money to be paid into Bank.

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſons who may be in Poſſeſſion ſhall be entitled thereto.

LVII. Provided alſo, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required

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

quired to be paid into the said 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 this Act, it shall and may be lawful 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 respective Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute Labour.

LVIII. And be it further enacted, That the Roads hereby authorized to be made, amended, widened, turned, and varied, shall be deemed and taken to be, and shall be the King's Common Highways for ever, to all Intents and Purposes whatsoever, and that the Inhabitants of the several Townships, Districts or Places through which the said Roads or any of them shall lead, pass, and extend, shall respectively be, and for ever continue subject and liable to the Repair thereof, except such Part or Parts thereof as any Person or Persons is or are liable to the Repairs thereof *ratione tenuræ*, as is herein-after mentioned; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Lancaster*, and they are hereby required and empowered upon Application made to them by the said respective Trustees, or by their Treasurer, Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Portion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships or Places in which the same do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township or Place, in lieu of, or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said respective Trustees, or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Fourteen Days after the Service of such Summons) of the Names of the several Persons who within such Parish, Township or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work as aforesaid upon the said Roads as the said Justices shall think reasonable, and the same shall be done at such Days, and at such Times, (not being Hay-time or Harvest,, and in such Parts of the said Roads as the said respective 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,

proper, to the ſaid reſpective 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 or left for him, her or them, at his, her or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor to the ſaid reſpective Truſtees, ſhall for every Day of his, her or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force or effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid reſpective Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if he had neglected or refuſed to come, or ſuch a Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid reſpective Truſtees and applied towards amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Juſtices to determine Statute Work

LIX. And for preventing Differences between the ſaid reſpective Truſtees and the Surveyors of the Highways for the Time being, of the ſeveral Townſhips and Places through which the ſaid Roads may lead, touching what Parts of the Statute Work in any Townſhip or Place ought to be done on the ſaid Roads, be it further enacted, That it ſhall be lawful for any Two or more of the Juſtices of the Peace, at any ſpecial Seſſions to be holden for the Diviſion or Hundred, Diviſions or Hundreds, where ſuch Part or Parts of the ſaid Roads may lie, upon Application made to them for that Purpoſe by the ſaid reſpective Truſtees or any Five or more of them, to adjudge and determine what Part or Portion of the Statute Work ſhall be done on the ſaid Roads, by and in each and every of the Townſhips and Places aforeſaid.

Truſtees may compound Statute Work

LX. Provided always, and be it enacted, That it ſhall be lawful for the ſaid reſpective Truſtees or any Five or more of them, to compound and agree by the Year or otherwiſe, with any Perſon or Perſons for the Performance of his, her or their Statute Work on the ſaid Roads; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Townſhips or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Townſhips or Places firſt had at any Veſtry or other public Meeting of ſuch Inhabitants, to compound and

agree by the Year or otherwiſe with the ſaid reſpective Truſtees, or any Five or more of them, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Roads; all which Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in the Repair of the ſaid Roads; and all ſuch Surveyors ſhall be reimburſed the Monies ſo by them paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Perſons liable to repair old Highways diſcontinued, to repair new Highway.

LXI. And whereas, by the making the Roads authorized to be made by this Act, certain old publick Highways or Roads near the ſame, or certain Parts thereof, will be deſerted and rendered unneceſſary to be continued as Highways, and Doubts may ariſe whether the Inhabitants of any Townſhip or Place, or any particular Perſon or Perſons liable to repair ſuch old publick Highway or Road by Statute Duty, Tenure or otherwiſe, ought to repair or contribute to the Repair of ſome and what Part or Proportion of ſuch new Highway; for obviating which Doubts, and preventing Diſputes about the ſame, be it further enacted, That any Two or more Juſtices of the Peace for the ſaid County ſhall and may order and determine what Part or Parts of ſuch old Highways or Roads ſhall be unneceſſary and ſhall be diſcontinued as a Highway, and that the Inhabitants of every ſuch Townſhip or Place, and every Perſon or Perſons who was or were or ſhall be liable as aforeſaid to the Repair of any ſuch old Highway or Road which hath been or ſhall be ſo determined to be unneceſſary and to be diſcontinued as a Highway, ſhall reſpectively be and continue in the ſame Manner liable to the Repair of ſuch new Highway, or ſo much thereof as ſhall be equal to the Burthen and Expence of repairing ſuch old Highway or Road, from which he, ſhe, or they ſhall be exonerated by the ſame becoming unneceſſary to be continued as a Highway as aforeſaid; and that it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, to agree with the Perſon or Perſons liable to repair ſuch Highway for the Repair thereof, in ſuch Manner as they ſhall think fit, and to contribute ſo much to the Repair thereof out of the Tolls to be taken by virtue of this Act, or out of the Statute Duty or the Compoſition Money to be paid inſtead thereof, as they ſhall think juſt and reaſonable; and that if the ſeveral Perſons intereſted cannot agree therein, the ſame ſhall be viewed by Two Juſtices of the Peace acting within the Diſtrict where ſuch Road ſhall be, and ſettled, adjuſted, and determined by them in ſuch Manner as they ſhall think juſt and reaſonable.

Power for Truſtees to agree with Perſon liable to repair the Roads.

Surveyors may take Gravel, Sand, &c. filling up Pits,

LXII. And be it further enacted, That the ſaid Surveyor or Surveyors within their ſaid reſpective Diſtricts, and ſuch other Perſon and Perſons as ſhall be employed by him and them for that Purpoſe, is and are hereby empowered, but under the Reſtrictions in that Behalf contained in an Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, to get and take any Furze, Heath, Stone, Chalk, Flint, Gravel, Sand, or other Materials proper for the making or repairing of the ſaid Roads, or any of them, from any Waſte Grounds or Commons, Rivers or Brooks, in any Pariſh or Place wherein any Part of the ſaid Roads lies, or in any adjoining Pariſh or

or Place (except Stone from such Part or Parts of Quarries as is or are open and in working, and except Gravel, Sand, Stones, and other Materials within Fifty Yards Distance from the Foot of any Mill Dam or River, Lock or Locks), without paying any Thing for the same, such Surveyors or other Persons filling up the Pits and levelling the Ground whence such Materials shall be taken, or railing or fencing off such Pits so that the same may not be dangerous to Passengers or Cattle; and also by Order of the said respective Trustees, or any Five or more of them, but under such Restrictions as aforesaid, to take and carry away such Materials in, upon, and out of, from and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment for the Materials, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said respective Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the Owners or Occupiers of such private Lands or Grounds, and the said Trustees, touching the Payment for such Materials and Damages, the Justices of the Peace for the said County of *Lancaster*, at their General Quarter Sessions to be holden in and for the said County next after such Difference, shall and may assess, adjudge, and finally determine the same.

Notice to be given before Materials are taken.

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

Penalty on taking away Materials.

LXIV. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take away any Materials which shall have been dug or gathered in any Ground, River, or Brook, for the Purpose of making or repairing of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground for his private Use, and the Persons authorized by him to

get Materials therein for his proper Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds.

Annoyances. LXV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors within either of the ſaid Diſtricts, and ſuch Perſons as he or they ſhall appoint from Time to Time, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them), to remove and prevent all Annoyances on any Part of the ſaid Roads, by Erections, Buildings, Filth, Dung, Aſhes, (except in the Time of Froſt for the Purpoſe of preventing Accidents), Rubbiſh, Straw, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into, along, or out of the ſaid Roads to the Injury thereof, and to open, ſcour, cleanſe, widen, or make deeper any Watercourſes or Ditches adjoining thereto, and make the ſame as deep and as large as he or they ſhall think neceſſary, and to cut down, lop or top (at proper Seaſons in the Year) any Trees, Shrubs, or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall neglect to top or lop, cut down and remove, ſuch Shrubs, Trees, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Ten Days next after Notice in Writing given for that Purpoſe under the Hand or Hands of ſuch Surveyor or Surveyors, and that the Charges thereof (after being firſt ſettled by the ſaid reſpective Truſtees or any Five or more of them) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owner or Occupier, and be applied for the Purpoſes of this Act, and be recovered in ſuch Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and all Gates to be hereafter made and placed in any Fence adjoining the ſaid Roads ſhall be made and hung to open inwards into the adjoining Lands, and not outwards into the ſaid Roads.

Cauſeways LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors within the ſaid reſpective Diſtricts, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid reſpective Truſtees, or any Five or more of them), to make or cauſe to be made any Cauſeway or Cauſeways, or other Footway or Footways for the Uſe of Foot Paſſengers, along any Part of the ſaid Roads, in ſuch Manner as they ſhall ſee convenient, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair Bridges, Arches, Soughs, and Culverts upon the ſaid Roads, or acroſs any ſuch Ditches or Drains where neceſſary; and alſo to widen any of the narrow Parts of the ſaid Roads, by opening, clearing, or laying into the ſame any Grounds of any Perſon or Perſons lying contiguous thereto; and alſo to make or cauſe to be made a Road through the Grounds adjoining to any ruinous Part of the ſaid Roads (ſuch Grounds reſpectively not being the Grounds whereon any Houſe ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Grounds planted and ſet apart as a Nurſery for Trees), to be made Uſe of by all Paſſengers, Cattle, and Carriages as a publick Highway, whilſt ſuch ruinous Part of the ſaid Road ſhall be repairing or widening, and until it ſhall be

be convenient for Paſſengers and Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid reſpective Truſtees, or any Five or more of them, but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Moor or Waſte Ground; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid reſpective Truſtees, that then it ſhall be lawful for the ſaid Juſtices of the Peace, or the major Part of them, aſſembled at their next General Quarter Seſſions of the Peace for the ſaid County, or at their Second Quarter Seſſions of the Peace at fartheſt, to ſettle, adjudge, and finally determine what Recompence ſhall be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid, which Determination ſhall be final.

Penalty on riding and driving Cat on Footwa &c.

LXVII. And be it further enacted, That if any Perſon or Perſons ſhall ride upon any Cauſeway or Cauſeways, or other Way or Ways to be made upon either of the ſaid Diſtricts for the Uſe of Foot Paſſengers, or ſhall lead or drive any Horſe or Horſes, or Cattle or Swine, or any Cart or Carriage, upon any ſuch Cauſeway or Cauſeways, or ſhall cauſe any Injury or Damage to be done to the ſame, or if the Driver of any Waggon or other Carriage ſhall wilfully or careleſsly break or damage any of the Poſts or Stones erected for the Security of the ſaid Cauſeways, or drive the Wheel of his Carriage againſt the ſame, or on the Side or Sides of the ſaid Cauſeways, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Perſons dev ating from t Left Side o the Road, ſubject to a Penalty.

LXVIII. And be it further enacted, That if any Driver of any Waggon, Cart, or other Carriage of Burden, or any other Carriage whatſoever, ſhall wilfully, and without any adequate Cauſe, to be allowed of by the Juſtice, deviate from the Left Hand or near Side of the ſaid Roads (other than for the Purpoſe of paſſing any Carriage which may be proceeding before him in the ſame Track, or that may be placed therein), whereby the Paſſage of any Travellers or Carriages upon the ſaid Roads may be impeded or obſtructed, and who ſhall be convicted thereof before any Juſtice of the Peace for the County of *Lancaſter*, either by the Confeſſion of any ſuch Driver, or the Oath of One or more credible Witneſs or Witneſſes, then and in every ſuch Caſe the Owner of ſuch Waggon, Cart, or other Carriage ſhall forfeit and pay any Sum not exceeding Forty Shillings, with the Coſts and Charges attending the Proſecution and Conviction, over and beſides ſuch Damages and Puniſhments as ſuch Owner or Driver ſhall otherwiſe be liable to by Law for any Injury or Damage that may be ſuſtained by reaſon of ſuch Deviation; which ſaid Penalty and Coſts ſhall be recovered and applied in the ſame Manner as other Penalties and Forfeitures are herein directed to be recovered and applied.

Truſtees ma direct Proſe cutions at th Expence of t Tolls.

LXIX. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them, at a Meeting to be held purſuant to this Act, whereof Fourteen Days Notice in Writing, ſpecifying the Time and Place, and the Purpoſe for which ſuch Meeting is intended to be held, ſhall be affixed upon the ſaid Turnpike Gates within the reſpective Diſtricts, and inſerted in ſome one of the Newſpapers publiſhed in the ſaid County, at leaſt Fourteen 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 Tolls arising from the said Turnpike Gates, against the Inhabitants of all or any of the Townships or Places through which the said Roads pass, and against every Person or Persons liable by his, her, or their Tenure, or otherwise, to repair and make any Part of the said Turnpike Roads within the said Division or District respectively, who shall have neglected or refused to make or repair the same.

Penalty on Persons drawing Timber on the Roads.

LXX. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the Roads to be made and repaired under this Act, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages to drag upon any Part of such Roads, to the Injury thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons laying Straw, &c. on the Roads.

LXXI. And be it further enacted, That if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing in or upon any Part of the said Roads to be made into Manure, or shall scrape off any Gravel, Mud, Soil, or other Materials of or belonging to the said Roads, otherwise than by and under the Direction of the Trustees, or shall wilfully turn out any Horse or Horses, Beast or Beasts, or other Cattle or Pigs, for the Purpose of feeding or straying in, along, or upon the Side of the said Roads, or any Part thereof, or if any Person or Persons shall leave any Waggon, Cart, or other such Carriage in or upon the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, (except in Cases of Accident, and except also during such reasonable Times as such Waggon, Cart, or other Carriage shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be), or shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Dung, Manure, Earth, Soil, or other Matter or Thing whatsoever, in or upon any Part of the said Roads, or on the Side or Sides thereof, to the Injury of the said Roads, or to the Annoyance or Injury of any Person or Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings.

Trustees may contract for repairing the Roads.

LXXII. And be it further enacted, That the said Trustees, or any Five or more of them, within their respective Districts, may and they are hereby empowered to contract with any Person or Persons for making, repairing, widening, or altering the said Roads, or any Part thereof, and for erecting Mile Stones or Posts thereon, or for doing any other Work authorized to be done by this Act, in such Manner, and for such Sum or Sums of Money as the said respective Trustees, or any Five or more of them, shall from Time to Time think fit.

Contracts binding on the Parties.

LXXIII. And be it further enacted, That all Contracts in Writing entered into pursuant to any Order made at any Meeting by the said respective Trustees, or any Five or more of them, shall be binding on all Parties who shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages

Damages and Coſts recovered againſt the Parties failing in the Execution thereof; and that the Sum or Sums of Money ſtipulated to be paid to ſuch Contractor or Contractors ſhall be the Meaſure of the Damages to be recovered againſt ſuch Contractor making Default in fulfilling his Contract; any Law or Uſage to the contrary notwithſtanding.

The old Ro from Bridge End to the Altar to be diſcontinue

LXXIV. And be it further enacted, That from and after the Road to be made by Authority of this Act, from or from near the *Bridge End* aforeſaid to or near the Altar in *Tottington Lower End* aforeſaid, ſhall be completed and made fit for the Paſſage of Carts and Carriages, the old Highway or Road leading from or from near the *Bridge End* aforeſaid to or near the Altar in *Tottington Lower End* aforeſaid, ſhall ceaſe and from thenceforth be diſcontinued as a publick Highway or Road, but nevertheleſs ſhall for ever hereafter be, remain, and continue a private Way or Road, to be uſed and occupied by the ſeveral and reſpective Owners and Occupiers of the Meſſuages, Lands, and Tenements contiguous or near to the ſaid laſt-mentioned Way or Road, as an Occupation Way or Road to and from the ſaid Meſſuages, Lands, and Tenements reſpectively.

Penalty on aſſaulting Perſons in the Execution of this Act.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, the Collectors of the Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or Perſon or Perſons employed by him or them, or by the ſaid reſpective Truſtees, in the Execution of any Part of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Mile-Stones and Direction Poſts to be erected.

LXXVI. And be it further enacted, That the ſaid reſpective Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads within their reſpective Diſtricts to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid reſpective Truſtees ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any ſuch Poſt or Stone, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Penalty on damaging the ſame.

Collectors, &c. to detain Perſons guilty of Offences.

LXXVII. And whereas Perſons guilty of Offences againſt this Act may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Collectors, Surveyors, or other Officers reſpectively, to ſeize and detain any ſuch unknown Perſon or Perſons guilty of any Offence as aforeſaid, and to convey him, her, or them before One or more Juſtice or Juſtices of the Peace for the County or Place where any ſuch Offence or Offences ſhall be committed, for the Purpoſe of Conviction and Puniſhment according to Law.

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

Form of Conviction.

'BE it remembered, That on the Day of 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 or Liberty of [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal, the Day and Year first above written.'

Proceedings to be entered in a Book.

LXXIX. And be it further enacted, That all Orders and Proceedings of the said respective Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, when entered, shall be signed by all or the major Part of the respective Trustees present at the Meeting at which each respective Order or Proceeding shall be made or had, or by their Chairman or Clerk, and shall be deemed and taken to be the original Orders and Proceedings; and the same, or true Copies thereof, and all Entries, shall and may be produced and read in Evidence in all Cases of Appeal, Actions, Suits, and other Controversies, touching any Thing done in pursuance and by the Authority of this Act.

Proceedings not to be quashed for Want of Form.

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

Penalties how to be levied and applied.

LXXXI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said County of *Lancaster*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon the Information 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 Fee or Reward); and the Penalties and Forfeitures when recovered, shall be applied (if not otherwise directed to be applied by this Act) in amending the said Roads, rendering the Overplus (if any be), after the said Penalties and Forfeitures, together with the reasonable Charges of such Distress and Sale, are deducted thereout, when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold; and for Want of Distress, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding

ceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Perſons a grieved m appeal to Seſſions.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at their General Quarter Seſſions, to be holden for the ſaid County of *Lancaſter* next after ſuch Cauſe of Complaint ſhall ariſe, unleſs the ſame ſhall ariſe within Fourteen Days preceding ſuch Seſſions, in which Caſe ſuch Appeal may be brought at the Second Seſſions after ſuch Cauſe ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof, and to hear and determine ſuch Complaint or Complaints, and ſhall and may, if they ſee Cauſe, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and to levy by their Order or Warrant, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the Common Gaol of or for the ſaid County of *Lancaſter*, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid ſhall, and is and are hereby required to give Notice in Writing to the Clerk to the Truſtees of the reſpective Diſtrict, of ſuch his and their Intention of bringing or proſecuting any Appeal, Fourteen Days before the Quarter Seſſions, and ſhall, before ſuch Notice given, enter into a Recognizance before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, with Two ſufficient Sureties, in the Sum of Twenty Pounds, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal be determined againſt the Party or Parties ſo appealing.

Obliging S ſcribers to their Sub- ſcriptions.

LXXXIII. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money, for and towards making and repairing the ſaid Diſtricts of Road, ſhall and are hereby required to pay the Sum or Sums ſo ſubſcribed, or ſuch Parts or Proportions thereof, within ſuch Time and Times, and to ſuch Perſon or Perſons, as the ſaid reſpective Truſtees, or any Five or more of them, ſhall, by any Writing under their Hands, authorize to receive the ſame, ſo as the ſame be not directed to be paid before ſuch Time or Times as ſuch Perſon or Perſons reſpectively, prior to this Act, under their Hands, agree to advance the ſame; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame, or ſuch Parts or Proportions thereof as aforeſaid, it ſhall be lawful for the ſaid reſpective Truſtees, or any Five or more of them, to ſue for and recover the ſame, either in their own Names, or in the Name of the Clerk or Treaſurer to the ſaid reſpective Truſtees, in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

Limitation Actions.

LXXXIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance

ſuance of this Act, until Thirty Days Notice thereof ſhall be given to the Clerk or Clerks to the ſaid Truſtees reſpectively, or after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in the ſaid County of *Lancaſter*, and not elſewhere, and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Thirty Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, Place or Places, than where the Fact was committed, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any Caſe by Law.

Treble Coſts.

When and in what Manner the Second Diſtrict of Road is to be made.

LXXXV. And be it further enacted, That if the ſaid Truſtees for the ſaid Second Diſtrict of Road ſhall not make, amend, widen, and alter the ſame Diſtrict of Road, and complete the ſame before the Truſtees for the ſaid Firſt Diſtrict of Road ſhall have made, amended, widened, altered, completed, and opened ſuch Firſt Diſtrict, or ſhall not have made any Hill or ſteep Place upon the ſaid Second Diſtrict of Road as eaſy of Aſcent as the moſt ſteep Hill or Place upon the ſaid Firſt Diſtrict of Road ſhall be brought to, the Extent or Diſtance in Length of ſuch Hills or ſteep Places reſpectively being fairly aſcertained, then and in ſuch Caſe the ſaid Truſtees for the ſaid Firſt Diſtrict of Road, and their Succeſſors, to be elected in Manner aforeſaid, ſhall be and they are hereby appointed Truſtees for putting this Act into Execution, as well with regard to the ſaid Second Diſtrict of Road as the ſaid Firſt Diſtrict, and ſhall poſſeſs all and every the Powers and Authorities hereby given to the Truſtees of the ſaid Second Diſtrict of Road; and the ſaid Perſons, or their Succeſſors, herein-before firſt appointed for the ſaid Second Diſtrict, ſhall pay over all Monies in their Hands to the Truſtees of the ſaid Firſt Diſtrict of Road, and ſhall be no longer ſuch Truſtees; any Thing herein contained to the contrary thereof notwithſtanding.

Publick Act.

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

Term of Act.

LXXXVII. And be it further enacted, That this Act ſhall commence upon and have Continuance from the Day on which the ſame ſhall receive the Royal Aſſent, and ſhall continue in Force and Effect for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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