ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xiv.

An Act for repairing the Road from *Haslingden*, through *New Church* and *Bacup*, to *Todmorden*, and for making and maintaining several Branches therefrom, all in the County Palatine of *Lancaster*.

[23d *March* 1815.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled *An Act for amending, widening, turning, varying, altering, and keeping in Repair, the Road from a certain Dwelling House in* Bury, *now or late in the Occupation of* William Walker *Gentleman, to* Haslingden, *and from thence to the East End of* Salford Bridge, *in* Blackburn; *and also the Road from* Haslingden *aforesaid to the East End of* Cockshut Bridge, *in the Town of* Whalley; *and also the Road from* Haslingden *aforesaid, through* New Church *and* Bacup, *to* Todmorden; *and for making a Road from the said Road, between* Bury *and* Haslingden, *in the Township of* Walmersley, *to the River* Irwell; *and for building a Bridge over the said River; all in the County Palatine of* Lancaster: And whereas by the said Act the said Roads were divided into Two separate Districts, one of which comprized the Road from *Haslingden* aforesaid, through the Villages of *New Church* and *Bacup* aforesaid, to *Todmorden* aforesaid; and certain Trustees were thereby appointed, for amending, widening, turning, varying, altering, and keeping the same in Repair, and for otherwise putting the said Act in Execution, 29 G. 3. c. 107.

with regard to the ſaid laſt-mentioned Roads; which Roads are thereby declared to be the Second Diſtrict of Road by the ſaid Act intended to be amended, widened, turned, varied, altered, and kept in Repair; and ſeveral Tolls and Duties were thereby granted and made payable within the ſaid Second Diſtrict, and divers Powers and Authorities were given to the ſaid Truſtees for repairing the ſaid laſt-mentioned Roads: And whereas another Act was paſſed in the Fortieth Year of the Reign of His preſent
40 G. 3. c. 19. Majeſty, intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, the Term, and alter and enlarge the Powers of an Act made in the Twenty-ninth Year of the Reign of His preſent Majeſty, for amending, widening, turning, varying, altering, and keeping in Repair ſeveral Roads therein mentioned, in the County Palatine of* Lancaſter, *ſo far as the ſame relates to the Road from* Haſlingden *to* Todmorden, *being the Second Diſtrict of the ſaid Roads, and for making and maintaining a Branch therefrom, at or near a Place called* Fearns, *in* Wolfenden Booth, *to* Edgeſide *in the ſame Booth, and another Branch therefrom, at or near a Place called* Roberts Mill, *in* Bacup Booth, *into the* Rochdale *Turnpike Road, in the Pariſh of* Spotland, *all in the ſaid County Palatine of* Lancaſter; whereby the ſaid firſt-mentioned Act, ſo far as the ſame relates to the ſaid Road from *Haſlingden*, through *New Church* and *Bacup*, to *Todmorden*, was continued for a further Term, and ſome of the Proviſions, Powers, and Authorities of the ſame firſt-mentioned Act were thereby altered and enlarged, and additional Truſtees were appointed for putting both the ſaid Acts into Execution, for the Purpoſe of amending, widening, and keeping in Repair the ſaid Second Diſtrict of Road: And whereas great Progreſs hath been made in the Execution of the ſaid Act of the Twenty-ninth Year of the Reign of His preſent Majeſty, ſo far as the ſame relates to the ſaid Second Diſtrict of Road from *Haſlingden* to *Todmorden*, and alſo in the Execution of the ſaid Act of the Fortieth Year of the Reign of His preſent Majeſty, and conſiderable Sums of Money have been borrowed on the Credit of the Tolls thereby granted and ariſing on the ſaid Second Diſtrict of Road; which Sums of Money now remain due and owing, and cannot be paid off and diſcharged, neither can the ſaid Road from *Haſlingden* through *New Church* and *Bacup*, to *Todmorden*, be effectually kept in Repair unleſs the Term and Powers of the ſaid Acts, with reſpect to the ſaid Road, are enlarged, and the preſent Tolls increaſed: And whereas the Powers and Proviſions of the ſaid recited Acts have been found in ſome Reſpects defective and inſufficient for the Purpoſes intended, and it is expedient that the ſaid recited Act of the Twenty-ninth Year of the Reign of His preſent Majeſty, ſo far as the ſame relates to the ſaid Second Diſtrict of Road from *Haſlingden* to *Todmorden*, and the ſaid recited Act of the Fortieth Year of the Reign of His preſent Majeſty, ſhould be repealed, and further and more effectual Powers and Proviſions granted and made inſtead thereof in one Act of Parliament, for making, amending, widening, turning, varying, altering, and keeping in Repair the Road from *Haſlingden*, through Part of that Townſhip, and the ſeveral Booths or Diſtricts of *Oakenhead Wood, Rawtenſtall, New Church, Deadwen Clough, Wolfenden, Tunſtead*, and *Bacup*, and through the Villages of *Rawtenſtall, New Church*, and *Bacup*, all within the Foreſt of *Roſſendale*, and in the Pariſh of *Whalley* aforeſaid, and to *Todmorden*, in the ſame County, joining the Turnpike Road leading from *Halifax*, in the County of *York*, to *Littlebrough*, in the County Palatine of *Lancaſter*; and the Road leading from and out of

of the ſaid Road, at or near a certain Place called *Fearns*, in *Wolfenden Booth*, through Part of that Booth, to the Eaſt End of a Barn now or late the Property and in the Occupation of *Richard Ormerod* ſituate at *Edgeſide* in the ſame Booth, and in the Pariſh of *Whalley* in the ſaid County; and the Road leading from and out of the aforeſaid Road, at or near a certain Place called *Roberts Mill* within *Bacup Booth*, in the Pariſh of *Whalley*, into the Turnpike Road, leading from *Burnley* to *Rochdale*, in the ſaid County: And whereas it would be a great Accommodation to the Neighbourhood and the Public, if a new Road were made from the ſaid *Haſlingden* and *Todmorden* Road, at or near a Place called *Slate Pit Hill*, through or into the Townſhip of *Todmorden* and *Walſden*, in the Pariſh of *Rochdale* in the ſaid County of *Lancaſter*, and the Townſhip of *Cliviger*, in the Pariſh of *Whalley* aforeſaid, to communicate with the Turnpike Road leading from *Burnley* to *Rochdale*, both in the ſaid County, at or near *Deerplay Hill*, in the ſaid Townſhip of *Cliviger*; and alſo another new Road from the ſaid *Haſlingden* and *Todmorden* Road, at or near a Place called *Stackſteads*, through or into the ſeveral Booths or Diſtricts of *Tunſtead* and *Wolfenden Booth*, in the Foreſt of *Roſſendale*, in the Pariſh of *Whalley* aforeſaid, *Lenches* in the Pariſh of *Bury* aforeſaid, *Deadwen Clough*, *Rawtenſtall*, *Newhallhey*, and *Oakenhead Wood*, all in the Foreſt of *Roſſendale*, and in the Pariſh of *Whalley* aforeſaid, and through or into the Townſhip of *Haſlingden* aforeſaid, to communicate with the Turnpike Road leading from *Haſlingden* aforeſaid to *Bury* aforeſaid, at or near a Place called *Laneſide* at the Diſtance of Three Quarters of a Mile or thereabouts from the Town of *Haſlingden* aforeſaid; and alſo another new Road leading out of the ſaid laſt-mentioned Road, at or near a Place called *Waterfoot*, through or into the Booths or Diſtricts of *Wolfenden* and *Wolfenden Booth*, both in the Foreſt of *Roſſendale* aforeſaid, and in the Pariſh of *Whalley* aforeſaid, and through or into the Townſhip of *Cliviger* aforeſaid, to communicate with the ſaid Turnpike Road leading from *Burnley* aforeſaid to *Rochdale* aforeſaid, at or near a Place called *Hitchon Dams*, all in the ſaid County Palatine of *Lancaſter*: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Second *Wedneſday* in the Month next after the paſſing of this Act, the ſaid recited Act paſſed in the Twenty-ninth Year of the Reign of His preſent Majeſty, ſo far as relates to the ſaid Second Diſtrict of Road, and the ſaid recited Act paſſed in the Fortieth Year of the Reign of His preſent Majeſty, ſhall be and the ſame are hereby repealed, and declared to be null and void, to all Intents and Purpoſes; and that inſtead thereof this Act ſhall then commence and take Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of amending, turning, varying, altering, making, and keeping in Repair the ſaid Roads from *Haſlingden* to *Todmorden*, and from *Fearns* to *Edgeſide*, and from *Roberts Mill* into the *Burnley* and *Rochdale* Turnpike Road, and from *Slate Pit Hill* to *Deerplay Hill*, and from *Stackſteads* to *Laneſide*, and from *Waterfoot* to *Hitchon Dams*, reſpectively herein-before more particularly deſcribed: Provided always, that this Act and the Term and Tolls hereby granted, ſhall be and they are hereby made ſubject and liable to the Payment of all Monies which have been borrowed, or are now due and owing on the Credit

The ſaid ſeveral Acts repealed, and this Act to be executed inſtead thereof.

This Act made ſubject to the Payment of all Monies

borrowed on the Credit of former Acts.

Credit of the reſpective Tolls authorized to be taken by the ſaid recited Acts hereby repealed, ſo far as relates to the aforeſaid Second Diſtrict, or either of them, and of all Intereſt due and to grow due thereon reſpectively, as fully and effectually to all Intents and Purpoſes as if ſuch Monies had been borrowed or become due and owing on the Credit or on account of this Act; and that all and every Perſon and Perſons owing any Sum or Sums of Money to the Truſtees for executing the ſaid recited Acts hereby repealed, with reſpect to the aforeſaid Second Diſtrict, or either of them, ſhall be liable to the Payment thereof to the Truſtees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, ſo far as relates to the aforeſaid Second Diſtrict, entered into by any Perſon or Perſons to or with the Truſtees for executing the ſaid Acts of the Twenty-ninth and Fortieth Years of the Reign of His preſent Majeſty, hereby repealed, according to the Proviſions and Directions thereof, ſhall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the ſame are fully ſatiſfied and performed, on account and for the Benefit of the Roads under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, ſo far as relates to the ſaid Second Diſtrict, duly made or entered into by the ſaid Truſtees for executing the ſaid Acts hereby repealed reſpectively, ſhall, ſo far as the ſame are not altered or avoided by this Act, remain in full Force and Effect, and be obſerved and kept by the Truſtees under this Act, according to the Terms and Stipulations thereof reſpectively; ſuch Repeal, or any Law to the contrary notwithſtanding.

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

Truſtees appointed.

II. And be it further enacted, That *Joſeph Ablett* of *Llanbeder Hall*, *Robert Aſhworth* of *Hugh Mill*, *Richard Aſhworth* of *Cloughfold*, *John Aſhworth* of *Cloughfold*, *John Blackburn* of *Hale*, *Nathaniel Booth* of *Hareholme*, *John Croſsley* of *Scaitcliff*, *Thomas Clayton* of *Carr Hall*, *William Carr* of *Blackburn*, *Thomas Carr* of *Blackburn*, *John Dockray* of *Heightſide*, *Thomas Dockray* of *Heightſide*, *Edward Dearden* of *Watty*, *John Entwiſle* the younger of *Foxholes*, *John Earnſhaw* the younger of *Bacup*, *Richard Formley* of *Liverpool* Clerk, *Samuel Feilden* of *Todmorden*, *Webſter Fiſhwick* of *Burnley*, *John Grundy* of *Bury*, *John Greenwood* of *Burnley*, *Chriſtopher Grimſhaw* of *Burnley*, *Samuel Greenwood* of *Stones*, *Henry Hargreaves* of *New Church*, *George Hargreaves* of *New Church* (his Son), *James Hargreaves* of *Shenſtone* Clerk, *James Hargreaves* of *Burnley*, *John Hargreaves* of *Ormerod*, *Edmund Haworth* of *Horncliffe*, *George Haworth* of *Bacup*, *John Hoyle* the elder of *Haſlingden*, *John Hoyle* the younger of *Haſlingden*, *John Hoyle* of *Rawcliff Wood*, *James Hoyle* of *Lee*, *James Haworth* of *Crawſhaw Booth*, *James Holt* of *Stubby Lee*, *George Hodſon* of *Bury* Clerk, *George Haworth* of *New Church*, *John Heyworth* of *Bacup*, *Ormerod Heyworth* of *Liverpool*, *James Heyworth* of *Bacup*, *Lawrence Heyworth* of *Bacup*, *Thomas Hutchinſon* of *Bury*, *William Heap Hutchinſon* of *Bury*, *John Hutchinſon* of *Bury*, *John Hargreaves* of *Rawtenſtall*, *Timothy Hoyle* of *Cheeſewheel*, *George Haworth* of *Shaw Clough*, *Henry Hoyle* of *Cloughfold*, *John Holgate* of *Burnley*, *Lawrence Hitchon* of *Burnley*, *William Hargreaves* of *Burnley*, *Lawrence Halſtead* of *Burnley*, *Oliver Hargreave* of *Haſlingden*, *Robert Haworth* of *Warth*, *Thomas Johnſon* of *Mancheſter*, *William Ingham* of *Haugh*, *John Knowles* of *Todmorden*, *James King* of *Mytholme*, *Thomas Knowles* of *Todmorden*, *Thomas Kay* of *Burnley*, *James Lord* of *Tonge*, *James Law* of *Bridleway*, *Gilbert Lacey* of *Studley*, *Edmund Lord* of *Bacup*, *John Lord* of *Edgeſide*, *Henry Lord* of *Bankſide*, *John*

John Lord of *Todmorden*, *John Lord* of *Cawm*, *John Law* of *Rochdale*, *Richard Lord* of *Boothfold*, *James Maden* of *Greens*, *Joſeph Maſſey* of *Burnley*, *James Maſſey* of *Burnley*, *Thomas Nuttall* of *Edgeſidge*, *John Ormerod* of *Bankſide*, *Abraham Ormerod* of *Todmorden Edge*, *George Ormerod* of *Greens Nook*, *Lawrence Ormerod* of *Bankſide*, *George Ormerod* of *Bankſide*, *Peter Ormerod* of *Roſegrove*, Sir *Robert Peel* Baronet, *Jonathan Peel* of *Accrington Houſe*, *James Quartley* Clerk, *James Roberts* of *Bacup*, *James Royds* of *Failings*, *Richard Roberts* of *Bacup*, *William Roberts* of *Burnley*, *James Starky* of *Heywood*, *William Sutcliffe* of *Lower Laith*, *John Sutcliffe* of *Royde*, *Samuel Sutcliffe* of *Lower Laith*, *James Turner* of *Carter Place*, *James Taylor* of *Whitworth*, *Peregrine Edward Towneley* of *Towneley*, *Richard Teaſdale* of *Haſlingden*, *Thomas Vavaſour* of *Rochdale*, *Sagar Veevers* of *Coal Clough*, *Henry Unſworth* of *Bury* Clerk, *Thomas Dunham Whitaker* of *Holme* Clerk, *James Whitaker* the elder, of *Broadclough*, *James Whitaker* the younger of *Broadclough*, *John Walmſley* of *Rochdale*, and *Henry Wilkinſon* of *Haſlingden*, ſhall be, and they and their Succeſſors, to be elected in manner herein-after directed, are hereby appointed Truſtees for amending, turning, varying, altering, widening, making, and keeping in Repair, the ſaid Road, from *Haſlingden* to *Todmorden*, and the ſeveral Roads branching therefrom herein-before more particularly deſcribed, and for otherwiſe putting this Act in Execution.

Power to appoint additional Truſtees.

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

Power to chuſe new Truſtees.

IV. And be it further enacted, That in caſe any of the Truſtees named in or to be appointed by virtue of this Act ſhall die, or become bankrupt or inſolvent, or refuſe, decline, or become incapable to act, it ſhall be lawful for any Five or more of the ſurviving or remaining Truſtees, by Writing under their Hands (at any Meeting, whereof at leaſt Ten Days Notice ſhall be given upon all the Toll Gates which ſhall be then erected upon the ſaid Road, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting) to nominate and appoint ſome other Perſon or Perſons to be a Truſtee or Truſtees in the room of ſuch Truſtee or Truſtees ſo dying, becoming bankrupt or inſolvent, or refuſing, declining, or becoming incapable to act as aforeſaid; and every Perſon ſo nominated and appointed as aforeſaid (being qualified as by this Act is required), ſhall have the like Power and Authority to act as a Truſtee in the Execution of this Act, as the Perſon had in whoſe ſtead he ſhall be appointed.

Qualification of Truſtees.

V. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, in the ſaid County of *Lancaſter*, of the clear yearly Value of One hundred Pounds above Reprifes, or poſſeſſed of or entitled to a Perſonal Eſtate of the Amount or Value

Value of Two thouſand Pounds, or unleſs ſuch Perſon ſhall be Heir Apparent to a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments of the clear yearly Value of Three hundred Pounds in the ſaid County of *Lancaſter;* nor ſhall any ſuch Perſon be capable of acting as a Truſtee in the Execution of this Act (ſave and except in adminiſtering the Oath or Affirmation following to the other Truſtees), until he (except Heirs Apparent, who ſhall be exempt from ſwearing or affirming to a Qualification, but ſhall in like manner take and ſubſcribe that Part of the Oath or Affirmation which relates to the due Execution of this Act) ſhall have taken and ſubſcribed the Oath or (being one of the People called *Quakers*) Affirmation following, before any Two or more of the ſaid Truſtees, who are and each or either of them is hereby authorized to adminiſter the ſame; that is to ſay,

'I do ſwear, [*or*, ſolemnly affirm, *as the Caſe may be*]
'That I truly and *bonâ fide* am, in my own Right, or in the Right of
'my Wife, in the actual Poſſeſſion and Enjoyment, or Receipt, of the
'Rents and Profits of Lands, Tenements, or Hereditaments in Fee [*or*,
'being Freehold, Leaſehold, or Copyhold, *or*, being a Rectory *or* Vica-
'rage] in the County Palatine of *Lancaſter*, of the clear yearly Value of
'One hundred Pounds above Repriſes [*or*, am poſſeſſed of or entitled to
'a Perſonal Eſtate to the Amount or Value of Two thouſand Pounds];
'and that I will faithfully and impartially, and to the beſt of my Knowledge
'and Judgment, execute the Truſts and Powers repoſed in me by virtue
'of an Act, paſſed in the Fifty-fifth Year of the Reign of King *George*
'the Third, intituled *An Act* [*inſert the Title of this Act*].
'So help me GOD.'

No intereſted Truſtee, nor any Victualler to act.

Nor ſhall any Perſon be capable of acting as a Truſtee in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit, under this Act, or in any Caſe where he ſhall be (except as a Mortgagee or Creditor on the Tolls) perſonally intereſted; or who ſhall ſell any Wine, Cider, Ale, Beer, or Spirituous Liquors, by retail;

Penalty on acting if not qualified.

and if any Perſon, not qualified as aforeſaid, ſhall preſume to act in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Pro-

Acts of unqualified Truſtees before Conviction to be valid.

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

First Meeting of Truſtees.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the *Black Dog Inn*, in *New Church* aforeſaid, on the Second *Thurſday* in the Month next after the paſſing of this Act, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and ſhall then and there proceed to the Execution of

this Act; and ſhall or may adjourn, and from Time to Time afterwards meet there or at any other Place on or near the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and appoint, as often as it ſhall be neceſſary for carrying this Act into Execution: Provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at the Time and Place appointed for a Meeting of the Truſtees for carrying this Act into Execution, either to act or to adjourn, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing, to be affixed on all the Turnpikes and Toll Gates which ſhall then be erected upon the ſaid Roads, and to be inſerted in ſome Newſpaper which ſhall be then circulated in the ſaid County, at leaſt Seven Days before the next Meeting, to appoint a Meeting of the Truſtees at the ſame Place where the laſt Meeting was held, or was appointed to have been held, on ſuch future Day as ſhall be ſpecified in ſuch Notice, not exceeding Three Calendar Months after the Day on which ſuch Meeting was held or was to have been held as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after ſuch Refuſal, Neglect, or Prevention reſpectively as aforeſaid, by Notice in Writing under their Hands, to be affixed and inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome convenient Houſe on or near the ſaid Roads, upon ſome convenient Day within Four Weeks next after the Date of ſuch laſt mentioned Notice; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences.

Power to adjourn.

Truſtees at Meetings to defray their own Expences.

VII. And be it further enacted, That all the Orders and Determinations of the ſaid Truſtees ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein otherwiſe provided or mentioned); and no Order or Determination ſhall be made, unleſs Five Truſtees at the leaſt ſhall be preſent, nor unleſs the major Part of the Truſtees preſent at any Meeting ſhall concur therein; and all ſuch Truſtees as are or may be Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and in all Caſes in which any Juſtices of the Peace are required or authorized, in the Execution of this Act, to examine any Perſon or Perſons upon Oath, it ſhall be lawful for ſuch Juſtices of the Peace to adminiſter ſuch Oath.

Majority of Truſtees aſſembled, to concur in all Orders; and fixing the Quorum.

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

VIII. And be it further enacted, That no Order made by any Five or more of the ſaid Truſtees ſhall be revoked or altered, but at a Meeting to be held as herein-after mentioned; nor unleſs the Number of Truſtees preſent and revoking or altering the ſame ſhall exceed the Number of Truſtees by whom ſuch Order ſhall be made, and unleſs Twenty-one Days Notice ſhall be given by Five Truſtees to the Clerk of the ſaid Truſtees, of their Deſire to have a Meeting, at a Time and Place to be mentioned in ſuch Notice, for the Purpoſe of taking into Conſideration ſuch Order, with a view to revoke or alter the ſame, or that it will be propoſed to revoke or alter ſuch Order at the next adjourned Meeting; and in ſuch Caſe Notice ſhall be given by the Clerk Fourteen Days at the leaſt before ſuch Meeting,

How Orders of Truſtees may be revoked or altered.

to

to such Truſtees as were preſent when the Order was made, of the Intention to revoke or alter any ſuch Order.

Meetings on Emergencies.

IX. And be it further enacted, That if, after any Adjournment of the ſaid Truſtees, it ſhall upon any Emergency be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day to which any Meeting ſhall have been adjourned, the Clerk to the ſaid Truſtees, being authorized by an Order in Writing, ſigned by Two or more of the ſaid Truſtees, although not aſſembled at a Meeting, mentioning the Time and Place, and Purpoſe of ſuch earlier Meeting, ſhall forthwith give Notice thereof in Manner before directed in Caſes where no Adjournment ſhall take place, and of the Time and Place which ſhall be mentioned in the Order of ſuch Two Truſtees (ſuch Time not being leſs than Twenty Days after ſuch Notice); and all Proceedings of the Truſtees at ſuch earlier Meeting, whether relating to the particular Subject on which ſuch Meeting ſhall be called, or not, ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment; and ſuch Meeting ſhall and may be adjourned, or be appointed to be held, in ſuch Manner as other Meetings under this Act are herein-before directed to be adjourned or appointed to be held, notwithſtanding any former Adjournment to the contrary; and every ſuch Adjournment ſhall be conſidered as an Adjournment of the original Meeting under this Act.

Proceedings to be entered in a Book, and ſigned.

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

Truſtees may appoint Officers;

XI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, at their Firſt or any ſubſequent Meeting, as Occaſion ſhall require, may by Writing under their Hands elect and appoint a Clerk or Clerks, and a Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors, of ſuch Money as ſhall ariſe and may become due and payable by virtue of this Act; and alſo a Surveyor or Surveyors, and all ſuch other Officers as they the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary and proper to be employed in the Execution of the Powers of this Act; and alſo may remove from Time to Time all ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as the ſaid Truſtees, or any Five or more of them ſhall ſee Occaſion; but no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, ſhall be appointed to or be capable of holding any Place of Profit under this Act; and the

and remove them;

ſaid

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

Officers to account;

or be puniſhed.

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

Treaſurer to give Security.

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

Truſtees may appoint temporary Collectors.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted ſhall neglect to perform or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting of the ſaid Truſtees, appointed by virtue of this Act) may diſcharge ſuch Collector or Receiver ſo neglecting or being incapable of performing his Duty, or abſconding or abſenting himſelf; and in ſuch Caſe, and alſo in caſe any ſuch Collector or Receiver of the Tolls ſhall die, the ſaid Truſtees, or any Two or more of them, ſhall and may nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver who ſhall ſo die or be diſcharged; and ſuch Perſon, ſo nominated and appointed, ſhall have the like Power and Authority as the Perſon who ſhall ſo die or be diſcharged would have had, and ſhall be anſwerable and accountable in the ſame Manner in all Reſpects as ſuch Perſon would have been; and if any Collector or Receiver

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

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

XIV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Treaſurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them, at a Meeting held in purſuance of this Act; but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be the Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, that every ſuch Treaſurer or Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Proceedings, he ſhall pay, bear, expend, or be put unto or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Treaſurer or Clerk to be reimburſed their Expences.

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

XV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby authorized and empowered to continue or remove all or any of the Gates, Turnpikes, Bars, and Chains now ſtanding in, upon, or acroſs the ſaid Road or on the Sides thereof, and alſo to erect or cauſe to be erected any other Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon or acroſs any Part or Parts of the ſaid Road and the Branches therefrom, and upon the Sides thereof, acroſs any Lane or Way leading into or out of the ſame (ſuch Lane or Way not being a Turnpike Road); and alſo to continue, erect or provide a Toll Houſe with ſuitable Out-buildings and Conveniences at or near each Toll Gate, and that the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time afterwards remove, alter or diſcontinue ſuch Turnpikes, Toll Gates, Bars, Chains or Toll Houſes, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall think expedient; and alſo ſhall and may take in and incloſe from the Sides of the ſaid Roads convenient Garden Spots for the

Toll

Toll Houſes reſpectively, not exceeding One Eight Part of an Acre to each Toll Houſe: Provided nevertheleſs, that no Removal, Alteration, or Diſcontinuance of any ſuch Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, ſhall be made, nor ſhall any freſh Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains be erected or ſet up after the Firſt Meeting of the ſaid Truſtees, unleſs Notice of the Intention to make ſuch Removal, Alteration, or Diſcontinuance, or to erect or ſet up ſuch freſh Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, and of the Meeting to be holden for that Purpoſe, be given upon all the Toll Gates which ſhall then be ſtanding upon the ſaid Roads, at leaſt Twenty Days before ſuch Meeting; and the ſaid Truſtees ſhall and may cauſe Fences and Ditches to be made over ſuch Parts of any Waſtes and Commons on the Line of the ſaid Roads, or any of them, as they ſhall think neceſſary, in order to prevent Payment of Toll being evaded; and if any Perſon or Perſons ſhall pull down or in anywiſe diſplace, deſtroy or carry away any ſuch Fence, or any Part thereof, or ſhall fill up or injure any ſuch Ditch, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that no ancient Road or Highway running acroſs the ſaid Roads ſhall be ſtopped up, and that no ſuch Fence or Ditch to be made as aforeſaid ſhall extend more than Half a Mile from any Turnpike Gate erected or continued under or by virtue of this Act.

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

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

XVI. And be it further enacted, That the Right and Property of and in all the Turnpikes, Toll Gates, and Toll Houſes, and the ſeveral Conveniences and Appurtenances thereto belonging, erected or made, or to be erected or made upon or on the Sides of the ſaid Roads, or any of them, or any Part thereof, and all Materials for building and repairing the ſame, and for repairing the ſaid Roads, and all the Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof reſpectively, and all other Materials, Articles, and Things purchaſed, collected, or provided, or which ſhall be purchaſed, collected, or provided for the Purpoſes of the ſaid Roads or of this Act, ſhall be veſted in the ſaid Truſtees; and they or any Five or more of them are hereby empowered to ſell or diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or prefer or cauſe to be preferred and proſecuted any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall without Right keep Poſſeſſion of any ſuch Houſe or Appurtenances, or ſhall break down or damage, ſteal or take away any of ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniences, Appurtenances, Materials, Articles, or Things, or diſturb them the ſaid Truſtees or their Agents or Servants in the Poſſeſſion thereof.

Power to take Tolls.

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

Tolls.

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

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

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

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

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

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

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

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

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

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

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

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

Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence.

Commencement of Tolls.

Which ſaid ſeveral Tolls ſhall commence and take Effect at ſuch Time or reſpective Times as the ſaid Truſtees, or any Five or more of them, ſhall at their Firſt or any ſubſequent Meeting or Meetings think proper and direct; and that in the mean Time the ſame and the like Tolls ſhall be taken and continued at the ſeveral Gates, Bars, and Chains erected or ſet up, in, upon, or acroſs the ſaid Road, or any Part or Parts thereof, as ſhall be taken at the Time of paſſing this Act, any Thing herein contained to the contrary notwithſtanding; and the Collectors of the Tolls ſhall and are hereby required to deliver *gratis* to the Perſon or Perſons paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Notes or Tickets ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall clear, or which ought under the Proviſions of this Act to be paſſed free for One Payment of Toll.

Double Toll for paſſing through on Sundays.

XVIII. Provided always, and be it further enacted, That no Horſe, Beaſt, Cattle or Carriage, ſhall be permitted to paſs through any Turnpike or Toll Gate already erected, or hereafter to be erected upon the ſaid Roads, or any Part thereof, or upon the Side or Sides thereof upon the Lord's Day, commonly called *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night), without Payment of double the Tolls and Duties which may for the Time being be demanded and taken by virtue of this Act for the ſame reſpectively on any other Day of the Week.

Additional Toll for paſſing through the Toll Gate every 3d, 5th and 7th Time.

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

Tolls veſted in the Truſtees.

XX. And be it further enacted, That the reſpective Sums of Money hereby authoriſed to be taken as aforeſaid, ſhall be demanded and taken in the Name of or as Tolls, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein-after is directed; and if any Perſon ſubject or liable to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons authorized and appointed as aforeſaid, to collect ſuch Tolls by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Cattle or other Thing upon or in reſpect of which ſuch Toll is hereby impoſed, together with their reſpective Bridles, Saddles, Gears, Harneſs or Accoutrements (but not the Bridles or Reins ſeparate from the Horſe or other Beaſt), or any Carriage in reſpect of the Horſes

or

or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll or any Part thereof, so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Cattle, Carriages, or Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

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

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

Limitation of Tolls.

XXII. Provided always, and be it further enacted, That no more than Three full Tolls shall be demanded or taken for or in respect of any Horse, Beast, Cattle or Carriage, which shall in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night), pass through all the Turnpikes or Toll Gates already erected or hereafter to be erected upon or across the direct Line of Road leading from *Haslingden* aforesaid to *Todmorden* aforesaid; and that no more than One full Toll shall be so demanded or taken at all the Turnpikes or Toll Gates which shall be erected upon or across the said Road, from *Slate Pitt Hill* to *Deerplay Hill*; and that no more than Two full Tolls shall be so demanded or taken at all the Turnpikes or Toll Gates which shall be erected upon or across the said Road from *Stacksteads* to the Turnpike Road leading from *Haslingden* to *Bury*; and that no more than Two full Tolls shall be so demanded or taken at all the Turnpikes or Toll Gates which shall be erected upon or across the said Road, from *Waterfoot* to *Hitchon Dams*; and that no Toll shall be demanded or taken, or any Turnpike or Toll Gate erected or set up upon or across the said Roads, from *Fearns* to *Edgeside*, and from *Roberts Mill* to the *Rochdale* Turnpike Road, or either of them.

Penalty on avoiding Tolls.

XXIII. And be it further enacted, That if any Person or Persons shall ride, drive, go or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground or Place, lying by the Side of or near to any Part of the said Roads (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place, situate as aforesaid (the same not being a public Highway or Road to or from some Mill), shall knowingly or willingly permit or suffer any other Person or Persons (except as aforesaid) to go or pass with

with any Horſe, Beaſt, Cattle or Carriage, through or over ſuch Gate, private Paſſage, Land, Ground or Place, in order or with Intent thereby to evade the Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons ſhall take off, or ſuffer to be taken off, any Horſe or other Beaſt from any Carriage, either before or after having paſſed through any Toll Gate, or having paſſed through any Toll Gate, ſhall afterwards add or put any Horſe or Beaſt to any Carriage, for the Purpoſe of drawing the ſame upon any Part of the ſaid Roads, or ſhall leave upon or near any Part of the ſaid Roads, any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage, chargeable with the Payment of any of the ſaid Tolls, with Intent to avoid or evade Payment of any of the ſaid Tolls; or if any Perſon or Perſons ſhall forcibly or fraudulently paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle or Beaſt, without Payment of Toll; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid or evade the Payment of the ſaid Tolls, or any Part thereof, all and every ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when raiſed, ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

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

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

or Juſtices before whom the Information ſhall be laid, ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Diſputes concerning Tolls to be ſettled by a Juſtice.

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

Collectors of Tolls competent Witneſſes.

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

Exemptions from Toll.

XXVII. Provided always, and be it further enacted, That none of the Tolls hereby authorized to be taken, ſhall be demanded, taken, or received at any of the Toll Gates, Bars or Chains erected or to be erected upon the ſaid Roads, of or from any Perſon or Perſons, for any Horſe or Horſes, or other Beaſt, or Cattle, or for any Waggon, Wain, Cart or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the ſaid Roads, or any of the Roads within any Pariſh, Townſhip, Chapelry, Hamlet or Place, in which any Part of the ſaid Roads lies, or for rebuilding, building or repairing any preſent or any future Bridge or Bridges on the ſaid Roads; or with Seed for ſeeding the Ground; or Hay, Graſs, Sainfoin, Fodder, Ruſhes, Straw or Corn in the Straw only, Turnips, or Potatoes, for the Uſe of the Owner and not for Sale, or not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof, or for the Uſe of the Owners thereof; or for any Horſe, Beaſt or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, (unleſs laden alſo with ſome other Thing not hereby exempted from Toll), or any Mould, Dung, Soil, Marl, Manure or Compoſt (other than Lime) employed in Huſbandry,

Husbandry, for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, not beyond the Distance of Two Miles, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, Chapelry, Hamlet or Place, in which any Part of the said Roads lies; or from any Rector, Vicar, or Curate going to or returning from his Parish Church, or going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; nor for any Horse, Beast, Cattle, or Carriage, which shall cross the said Roads only, or shall not pass more than One hundred Yards thereon; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same, or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded or disabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him, in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County of *Lancaster*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin, or be concluded: And if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Penalty on Persons fraudulently taking Benefit of Exemptions.

XXVIII. And

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

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

Tolls may be leaſed.

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

Leſſees, or Perſons appointed by them, may collect Tolls.

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

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

XXXI. And be it further enacted, That if any Farmer, Renter, or Collector of the ſaid Tolls, ſhall demand and take, or cauſe to be demanded and taken, from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than authorized by or under this Act, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit and pay any Sum

Sum not exceeding Ten Pounds, and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees, or any Five or more of them, ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings; ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice, by or before whom the Matter of Complaint ſhall be heard, ſhall be of Opinion that the Offender had probable Grounds for ſuch Demand and Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit.

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

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

Power to reduce Tolls;

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, and they are hereby empowered, to leſſen or reduce all or any of the Tolls by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and from Time to Time afterwards to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the reſpective Tolls herein-before mentioned; and alſo from Time to Time to direct the Tolls hereby granted, or

ſo reduced as aforeſaid, to be collected in ſuch Parts or Proportions at the ſeveral Turnpike Gates erected or to be erected upon the ſaid Roads in purſuance of this Act, as they ſhall think proper; and that ſuch reduced Tolls, and alſo ſuch Parts or Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no ſuch Reduction ſhall be made without the Conſent of Two-thirds in Value of the Creditors on the ſaid Tolls, and that no Meeting ſhall be held for the Purpoſe of leſſening, reducing, or advancing all or any of the ſaid Tolls after the Firſt Meeting, unleſs Twenty Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which ſhall then be erected upon the ſaid Roads.

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

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

Tolls may be compounded for.

XXXV. And be it further enacted, That the ſaid Truſtees or any Five or more of them, duly aſſembled at any Meeting to be holden under or by virtue of this Act, at any Time or Times hereafter, may and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted, ſuch Sum or Sums of Money as they, or any Five or more of them, ſhall think neceſſary; and they are hereby alſo authorized and empowered, either at every ſuch Meeting or afterwards, by any Writing or Inſtrument, under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame; which Mortgages ſhall be made in the following Form of Words, or in ſome other Form of Words to the like Effect; (that is to ſay),

Power to borrow Money and to aſſign Tolls.

‘ BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*] We of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of to the Treaſurer of the ſaid Truſtees, in Hand paid, do grant, bargain, ſell and demiſe unto *A. B.* his [her, *or*, their] Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole of the Monies owing and ſecured on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of Pounds ‘ *per*

Form of Mortgage.

'*per Centum per Annum*, shall be sooner paid and satisfied. Given under
'our Hands and Seals, this Day of in
'the Year of our Lord .'

Copies of Mortgages to be entered in a Book.

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured (or to whom any Mortgage or Assignment may have been made under the said recited Acts or either of them, of Tolls taken on such of the said Roads as were comprised therein) may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before One credible Witness an Instrument, either indorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

Form of Transfer;

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

which must be entered with the Clerk.

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

Regulations respecting paying off Securities.

XXXVI. And be it further enacted, That in paying off the several Sums of Money borrowed or advanced or lent for the Purposes of the said recited Acts, with respect to the said Second District of Road, and to be borrowed or advanced or lent for the Purposes of this Act, the several Persons who have advanced or lent any such Sums on the Credit of the said recited Acts with respect to the said Second District of Road, shall be repaid the several Sums so advanced, with Interest, in Preference to any Person or Persons who have advanced or may hereafter advance any Money for or towards making the said new Branches of Road; and the said original Subscribers shall be Creditors on the said Tolls in equal Degree one with another; and the several new Subscribers shall, after the original Subscriptions and Mortgages are paid off and discharged, be Creditors on the said Tolls in equal Degree one with another.

XXXVII. And

Application of the Tolls and Money to be borrowed.

XXXVII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the ſaid recited Acts, with reſpect to or on account of the ſaid Second Diſtrict, or out of the Tolls, and all other Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees, or any Five or more of them, ſhall in the Firſt Place pay and diſcharge all Coſts and Expences relative to procuring and paſſing this Act, and the Remainder of all ſuch Monies ſhall from Time to Time be applied in repaying in Manner herein-before directed the Money borrowed, or now owing by virtue of the ſaid recited Acts or either of them, with reſpect to the ſaid Second Diſtrict, or to be borrowed in purſuance of this Act, and the Intereſt due and to grow due thereon reſpectively, and in making, repairing, widening, improving, and rendering commodious the ſaid Roads, and in otherwiſe putting this Act in Execution, and to or for no other Uſe or Purpoſe whatſoever.

For enforcing the Payment of Subſcriptions.

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

Power to make new Roads, &c.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to make and maintain the ſeveral and reſpective Roads herein-before mentioned or deſcribed, and to widen, divert, turn, ſhorten, vary, or alter (within the Limits herein-after mentioned) the Courſe or Path of any Part or Parts of the ſaid Roads, or any of them, through or over any Private Lands, Grounds or Hereditaments, under ſuch Terms, and making ſuch Satisfaction as are herein-after mentioned; and alſo through any Commons or Waſte Grounds without making Satisfaction for ſuch Commons or Waſte Grounds; and alſo that it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages or Cattle, from Time to Time to enter upon any

Private

Private Lands, Grounds, or Hereditaments through which or whereupon the ſaid Roads hereby authorized to be made, widened, turned, ſhortened, varied or altered, paſs, or are intended to paſs, and to ſtake out and make the ſame in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands, Grounds, and Hereditaments reſpectively, for any of the Purpoſes of this Act, making or tendering Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain: Provided always, that before any Meeting ſhall be held for the Purpoſe of ordering or directing any Part or Parts of the ſaid Roads to be made, diverted, turned or altered, Thirty Days Notice at the leaſt ſhall be previouſly given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing, upon all the Turnpike Gates then erected in or upon the ſaid Roads, and alſo by inſerting the ſame in ſome Newſpaper uſually circulated in the Neighbourhood of the ſaid Roads, of the Time and Place and Purpoſe of the ſaid Meeting.

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

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

XL. And whereas a Map or Plan deſcribing the Lines of the ſaid ſeveral new Roads, and the Lands, Hereditaments and Premiſes through or over which the ſame are to be made or carried, together with a Book of Reference, containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands and Premiſes, have been depoſited at the Office of the Clerk of the Peace for the ſaid County; be it therefore further enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at any ſeaſonable Time or Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying to the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid new Roads deſcribed in the ſaid Map or Plan, or any of them, ſhall not deviate more than One hundred Yards of Three Feet each from the Lines deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, through whoſe Lands or Premiſes ſuch Deviation or Deviations ſhall be made.

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

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

Truſtees reſtrained from pulling

XLII. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees to take or pull down any Dwel-

ling Houſe or other Building; or to take in or make uſe of any Orchard, Garden, Yard, Paddock, Park, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained, (other than and except ſuch Dwelling Houſes, Woods, and Plantations as are ſituate on the Lines deſcribed in the ſaid Map or Plan; *videlicet*, a certain Dwelling Houſe uſed as an Inn, ſituate in *Bacup* aforeſaid, and known by the Sign of the *George and Dragon*, belonging to *James Whitaker*, and in the Poſſeſſion of *William Roberts*; a certain other Dwelling Houſe uſed as an Inn, ſituate in *Bacup* aforeſaid, and known by the Sign of the *Green Man*, belonging to the Heirs of *James Stansfield*, deceaſed, and in the Poſſeſſion of *Mary Stansfield*; a certain other Dwelling Houſe ſituate in *Bacup* aforeſaid, belonging to *John Heyworth*, and in the Poſſeſſion of *John Hardman*; a certain Wood or Plantation, ſituate at *Hareholme* within *Deadwenclough* aforeſaid, belonging to Miſs *Frances Bury*, and in the Poſſeſſion of *James Law*; and a certain other Wood or Plantation belonging to *George Hargreaves*, and in the Poſſeſſion of *Simon Cunliffe*; or ſo much of ſuch Dwelling Houſes and Woods or Plantations as ſhall be neceſſary; and the ſaid Truſtees, or any Five or more of them, are hereby empowered and authorized to take and pull down the ſaid Dwelling Houſes, and to take in or make uſe of the ſaid Woods or Plantations, or ſo much thereof reſpectively as ſhall be neceſſary for diverting, widening, or turning the ſaid Road, or making the ſame in ſuch reſpective Places of the Breadth of Twelve Yards, making full Satisfaction for the ſame); any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

Pulling down Buildings, and from entering Plantations, &c. without the Conſent of the Owner.

XLIII. Provided alſo, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend or be conſtrued to extend to empower or authorize the ſaid Truſtees in making the ſaid Roads from *Stackſteads* to *Laneſide*, and from *Waterfoot* to *Hitchon Dams*, or either of ſuch Roads, to injure any Fall or Falls of Water, or the Lands or Premiſes adjoining thereto, of the Honourable *Richard William Penn Curzon*, ſo as to render the ſame leſs valuable for manufacturing or other Purpoſes; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

Certain Waterfalls not to be injured.

XLIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by making, widening, diverting, turning, ſhortening, varying or altering the ſaid Roads, or any or either of them, or any Part thereof, or the Courſe or Path thereof, or of any Part thereof, through or over ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politick, or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees or Committees, not only for and on the Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infants, Wards, Ceſtuique Truſts, Lunaticks, Idiots, Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert, who are or ſhall be ſeiſed or intereſted in their own Right, or entitled to Dower, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands or Hereditaments,

Truſtees may contract for the Purchaſe of Land.

taments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or ſell and convey unto them, or any Five or more of them, any ſuch Lands or Hereditaments, or any Part thereof, for any of the Purpoſes aforeſaid; and all Contracts, Sales, 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 Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

When Perſons neglect or refuſe to treat.

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

Damages to be ſettled by a Jury.

pear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon and return ſuch Number of Perſons accordingly; and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; and in default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, or any Five or more of the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear without ſufficient Excuſe, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury, and having been paid or tendered a reaſonable Sum for his, her and their Coſts, Charges, and Expences, ſhall refuſe or neglect to appear without ſufficient Excuſe, or appearing ſhall refuſe to be ſworn or examined, or give Evidence, ſo that no ſuch Fine be more than Twenty Pounds on any ſuch Sheriff, or his Deputy, nor more than Five Pounds on any other Perſon for One Offence.

How Expences of Jury ſhall be paid.

XLVI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, Clerk, Surveyor, or other known Agent, before the ſummoning and returning of the Jury, as a Recompence and Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of the Money to ariſe by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, Property, Loſs, or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid

County of *Lancaſter*, not intereſted in the Matter in Queſtion, who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons; and the Payment or Tender of the Remainder of ſuch Money, or on depoſiting the ſame in the Bank of *England*, as the Caſe may be, ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon ſhall by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, out of the Money to be raiſed or received under or by virtue of this Act.

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

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

Former Roads may be ſold.

Cuſtomary Tenure, being conveyed by the ſaid Truſtees, or any Five or more of them, by Surrender or other Conveyance according to the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

New Roads to be fenced within a limited Time.

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

Truſtees empowered to ſell overplus Grounds, &c.

XLIX. And whereas by reaſon of the Purchaſes which have been made for the Purpoſes of the ſaid Roads, or ſome of them, or which the ſaid Truſtees are empowered and required to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of ſome Piece or Pieces of Ground over and above what are or ſhall be neceſſary for effecting the Purpoſes of the ſaid Roads; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Truſtees, before they ſhall ſell and diſpoſe of any Piece or Pieces of Ground as aforeſaid, ſhall firſt offer the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, his, her, or their Heirs or Aſſigns, or where the ſame ſhall ariſe by reaſon of diverting any Part or Parts of the ſaid Roads, then to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree (except with reſpect to or on Account of the Price thereof, as herein-after mentioned), or ſhall refuſe (except with reſpect to or on Account of the Price thereof) to re-purchaſe or purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Lancaſter*, (who are hereby reſpectively empowered and required to take the ſame), by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by and on Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer was made, (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they and the ſaid Truſtees ſhall differ, and not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury, in manner in this Act directed with reſpect to diſputed Value of Premiſes, to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne

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

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

and paid in Manner herein-before directed, with reſpect to ſuch Purchaſes made by the ſaid Truſtees, *mutatis mutandis*, and the Money to ariſe by the Sale or Sales of ſuch Pieces or Parcels of Ground, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money, and the Conveyances of ſuch Piece or Pieces of Ground ſhall be made to the Purchaſer or reſpective Purchaſers thereof, and in ſuch Manner and Form as is herein-before directed with reſpect to the Conveyances to be made of the Land conſtituting any Part of the Roads herein-before directed to be ſold.

Application of Compenſation if amounting to 200 l.

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

entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo to be purchaſed in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200 l. and above 20 l.

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

Where under 20 l.

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

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

LIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed, under or by virtue of the Powers of this Act, for the Purpoſes aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of

of the Accountant General of the High Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

LIV. 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 or with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

LV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken or used under the Authority of this Act, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem

ſeem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to get Materials.

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

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

LVII. Provided nevertheleſs, and be it further enacted, That no Surveyor or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Roads, out of or from any incloſed Land, until Notice in Writing ſigned by the ſaid Surveyor ſhall have been firſt given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Owners or Occupier's uſual Place of Reſidence, to appear before any Two Juſtices of the Peace acting for the County of *Lancaſter*, to ſhew cauſe why ſuch Materials ſhall not be had therefrom; and in caſe ſuch Owner, Agent, or Occupier ſhall attend purſuant to ſuch Notice, and ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor or other Perſon to dig, get, gather, take and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or to

such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended; and the Order of such Justices shall be final and conclusive to and upon all Parties.

Penalty on taking away Materials raised by Surveyors.

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

Surveyor may remove Annoyances.

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

Penalty for erecting Encroachments on the Side of the Road.

LX. And be it further enacted, That if any Person shall from and after the passing of this Act, encroach by making or causing to be made any Dwelling House or other Building, Hedge, Ditch or other Fence, within the Distance of Fifteen Feet from the Middle or Centre of the said Roads (except Turnpike Houses erected by Order of the said Trustees), every Person so offending shall forfeit for every such Offence the Sum of Five

Pounds to ſuch Perſon as ſhall give Information of the ſame; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, by Order under their Hands, made at a public Meeting or ſome Adjournment thereof, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Hedges, Ditches, or other Fences, to be taken down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace, in and for the ſaid County, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down ſuch Dwelling Houſes, Buildings, Hedges and Fences, and filling up of the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

Power to make Cauſeways and Drains.

LXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make and keep in Repair, or cauſe to be made and kept in Repair, any Cauſeway or Cauſeways, for the Uſe of Foot Paſſengers, along any Part of the ſaid Roads, in ſuch Manner as they ſhall ſee convenient, and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto, and to erect, rebuild, and keep in repair Bridges and Arches upon the ſaid Roads, or acroſs any ſuch Ditches or Drains where neceſſary; and alſo to make or cauſe to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Roads, (ſuch Grounds not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), to be made uſe of by all Paſſengers, Cattle, and Carriages, as a public Highway, whilſt ſuch ruinous or narrow Part of the ſaid Roads be repairing or widening and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively, for the Damages, they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them, but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Heath, Moor, Common or Waſte Grounds; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall be lawful for any Two or more Juſtices of the Peace for the County or Place in which ſuch Premiſes ſhall lie, on Fourteen Days Notice in Writing being given by either Party to the other, to ſettle, adjudge, and finally determine what Recompence ſhall be made to ſuch Owners and Occupiers, for the Damages they ſhall have ſuſtained as aforeſaid.

Road to be meaſured and Mileſtones affixed.

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

LXIII. And

Statute Labour.

LXIII. And be it further enacted, That the Roads hereby authorized to be made, amended, widened, turned, varied and kept in Repair, ſhall be deemed and taken to be and ſhall be the King's Common Highways for ever, to all Intents and Purpoſes whatſoever; and that the Inhabitants of the ſeveral Townſhips, Booths, Diſtricts or Places, through which the ſaid Roads, or any of them, do or ſhall lead, paſs, and extend, ſhall reſpectively be and for ever continue ſubject and liable to the Repair thereof, except ſuch Part or Parts thereof as any Perſon or Perſons is or are liable to the Repairs thereof *ratione tenuræ* as is hereafter 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 Truſtees, or any Five or more of them, or by their Treaſurer, Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Townſhips, Booths, Diſtricts or Places, in which the ſame do or ſhall lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Booth, Diſtrict or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Townſhip, Booth, Diſtrict or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the Service of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Townſhip, Booth, Diſtrict or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions, as are or may be by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear 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 Haytime or Harveſt) and in ſuch Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from Time to Time order, direct and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof, as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given or left for him, her, or them, at his, her, or their uſual Place or Places of

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

Truſtees may compound for Statute Labour.

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

Truſtees may enter into Agreements with Land Owners for Payment of Annual Sums of Money in lieu of Repairs, ratione tenuræ.

LXV. And be it further enacted, That it ſhall be lawful for the Truſtees of the ſaid Roads, or any Five or more of them, and they, or any Five or more of them are hereby authorized and empowered to enter into Agreements with any Owner or Owners of Lands, Tenements or Hereditaments, liable by reaſon of the Tenure thereof to the Repair of any Part or Parts of the ſaid Roads, for the Payment of ſuch annual Sum or Sums of Money to the ſaid Truſtees, as they or any Five or more of them ſhall think proper, in lieu of Repairs to be done, *ratione tenuræ*, by ſuch Owner or Owners, or his or their Tenant or Tenants for the Time being, for any Term or Number of Years not exceeding the Term granted by this Act; and the ſaid Truſtees ſhall be ſubject and liable to keep ſuch Part

or Parts of the ſaid Road *ratione tenuræ* in good and ſufficient Repair, and ſhall indemnify the ſaid Owner or Owners, or their reſpective Tenants, from the Conſequences of any Indictment or Indictments which may be preferred on Account of any Part or Portion, Parts or Portions, of the ſaid Road, *ratione tenuræ*, being in inſufficient Repair during the Exiſtence of ſuch Agreements; but no ſuch Agreement ſhall extend, or be conſtrued to extend, to invalidate or in any Manner to prejudice or affect the Order or Determination made as herein-after mentioned by Two of His Majeſty's Juſtices of the Peace, longer or further than during the Exiſtence of ſuch Agreements.

Perſons liable to repair old Highways turned or ſtopped up, ſhall be liable to repair a Part of the new Highway equal to the Burthen of the old one;

LXVI. And whereas Parts of certain Highways have been diverted for the Purpoſes of the ſaid Roads, ſome or One of them, and others may be diverted in purſuance of this Act, to make the ſame ſhorter or more commodious to the Public; and Doubts have ariſen and may ariſe whether the Inhabitants of any Pariſh, Townſhip, Booth, Diſtrict or Place, or any particular Perſon or Perſons liable to repair the old Highway or Road, ſo deviated from, by Sta ute Duty, Tenure or otherwiſe, ought to repair or contribute to the Repair of the whole, or ſome, and what Part or Proportion of ſuch new Highway or Road; for obviating which Doubts, and preventing Diſputes about the ſame, be it further enacted, That the Inhabitants of every ſuch Pariſh, Townſhip, Booth, Diſtrict or Place, and Perſon or Perſons, who was, were, or ſhall be liable as aforeſaid, to the Repair of any ſuch old Highway or Road, which hath been or ſhall be ſo diverted and turned, ſhall reſpectively be and continue in the ſame Manner liable to the Repair of ſuch new Highway or Road, 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 turning the ſame as aforeſaid; and that if the ſeveral Parties 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; and from and after ſuch Determination of the Juſtices, the Inhabitants of the ſaid Pariſh, Townſhip, Booth, Diſtrict or Place, or the Perſon or Perſons liable to repair ſuch new Highway or Road as aforeſaid, ſhall bear all Charges and Expences of Indictments and Proſecutions for not repairing the ſame; and if it ſhall be found more convenient to fix a groſs Sum, or an annual Sum to be paid by any ſuch Inhabitants or Perſon or Perſons, towards the Repair of ſuch new Highway or Road, inſtead of fixing the Part or Proportion of ſuch new Highway or Road to be repaired by him, her, or them, the ſaid Juſtices may, with the Conſent of ſuch Perſon or Perſons, and alſo of the major Part of the Inhabitants intereſted therein, obtained at a Veſtry or public Meeting held for that Purpoſe, and alſo of the ſaid Truſtees reſpectively, or any Five or more of them, at a public Meeting, order and direct the ſame accordingly; which Order ſhall be, and for ever after continue, binding to all Perſons whomſoever: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend, to invalidate or in any Manner to affect the Order or Determination made as herein-after mentioned, by Two of His Majeſty's Juſtices of the Peace, in regard to certain Parts of the ſaid Road, in ſuch Order or Determination particularly deſcribed.

and if the Parties cannot agree, ſhall be viewed and ſettled by Two Juſtices of the Peace.

A groſs or annual Sum to be paid if the Parties agree thereto.

LXVII. And

For compelling Persons liable to repair new Highways made in lieu of others, to perform the Work.

LXVII. And whereas by the said Act of the Fortieth Year of the Reign of His present Majesty, after reciting that several Persons were liable by Tenure to the Repair of different Parts of the said Second District of Road, and that the Trustees for the same District and such Persons, could not agree as to the Quantity of Road to be so repaired by them; and also reciting that *James Whalley* Esquire, and the Reverend *John Hargreaves* Clerk, Two of His Majesty's Justices of the Peace acting in and for the said County, in pursuance of the Power vested in them in and by the said recited Act, having viewed as well the old Highway or Road which had been deviated from, as different Parts of the new Highway or Road, and having proceeded to settle, adjust and, determine, what Part or Proportion of such new Highway or Road the said several Persons should repair, or what annual Sums should be paid by them in lieu of such Repairs, did, by their Order under their respective Hands and Seals, bearing Date on or about the Thirteenth Day of *January*, which was in the Year of our Lord One thousand seven hundred and ninety-four, order and adjudge the same accordingly; and reciting, that the several Persons who were particularized in the said Order of the said Justices, neglected and refused to repair such Parts of the said Road as they were thereby directed to amend and keep in Repair; and that several other Persons named in the said Order neglected to pay the different Sums of Money which they consented and were thereby adjudged to pay, in lieu of repairing any Part of the said Road; it was by the said Act of the Fortieth Year of the Reign of His present Majesty enacted; be it therefore also hereby enacted, That if the Person or Persons who by the said Order of the said Two Justices are made liable to the Repair of different Parts of the said Road, or the present or future Occupiers of the Estates in respect of which they are so charged, shall neglect to repair or amend so much and such Parts thereof as are particularly set forth in the same Order, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the Trustees of the said Road to repair the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons so neglecting, shall forfeit any Sum not exceeding Ten Shillings, for every Seven Yards of such Roads so neglected to be repaired, and so in Proportion for any greater or less Quantity; which Forfeitures shall be recovered and levied in such and the same Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered and levied; and if the Person or Persons who by the same Order are made liable to the Payment of different annual Sums of Money in lieu of repairing Part of the said Road, or the present or future Occupiers of the Estates in respect of which they are so charged, shall neglect to pay the several Sums of Money so ordered to be paid by them to the Treasurer of the Trustees of the said Road, for the Time being, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the same Trustees to pay the same, it shall be lawful for the said Trustees to recover and levy such several Sums of Money by Distress and Sale of the Persons Goods and Chattels, in such and the same Manner as the Forfeitures and Penalties for Offences against this Act are herein-after directed to be recovered and levied.

LXVIII. Pro-

Appeal to the Quarter Seſſions from the Magiſtrates Order.

LXVIII. Provided nevertheleſs, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by the ſaid Order of the ſaid Juſtices, ſuch Perſon may appeal to the Juſtices of the Peace, at any General Quarter Seſſion of the Peace to be holden for the ſaid County of *Lancaſter*, within Four Calendar Months next after Notice ſhall have been given to him or her as aforeſaid, ſuch Appellant giving or cauſing to be given Notice in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof to the Clerk to the ſaid Truſtees, within Four Days after ſuch Perſon or Perſons ſhall have received ſuch firſt-mentioned Notice, and within Four Days then after entering into Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions, and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch reſpective Notices being given as aforeſaid, and of the entering into ſuch Recognizance ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever, and upon all Perſons whomſoever.

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

LXIX. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpike or Toll Gate, or in lieu of any ſuch Repairs for Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Lancaſter*, by Writing under his or their Hand and Seal or Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money, (Oath having been firſt made before ſuch Juſtice or Juſtices, that the ſame hath been demanded and remains due, which Oath ſuch Juſtice or Juſtices is or are hereby reſpectively empowered to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, or of the Surveyor or Surveyors of the Highways, ſo agreeing to make ſuch Compoſition in lieu of any ſuch Repairs for Statute Work as aforeſaid, as the Caſe may be, returning the Overplus (if any) upon Demand, after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the ſame.

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

LXXI. And

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

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

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

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

Keeper shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them, in leading or driving such Horse or Horses, Cattle or Swine to Pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on Persons damaging or obstructing the Roads, &c.

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

aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

LXXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause or promote to be assaulted, interrupted or hindered, any Collector of the Tolls, employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Recovery and Application of Penalties

LXXV. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall upon Proof of the Offences respectively, before One or more of His Majesty's Justices of the Peace for the said County of *Lancaster*, either by Confession of the Offender, or on the Oath of One or more credible Witness or Witnesses, (together with the Costs and Charges attending the Distress and Sale) be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice or Justices is and are hereby empowered and required to grant; and such Penalties and Forfeitures, when so levied, shall be paid the One Half to the Informer and the other Half to the Surveyor of the said Roads, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of the said Roads; and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice or Justices, and he and they is and are authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County or Place for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid.

For securing transient Offenders.

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

Form of Conviction.

LXXVII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices and Justice of the

the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words (as the Caſe ſhall happen) or in any other Form of Words to the ſame Effect;

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

Proceedings not to be quaſhed for want of Form.

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

Appeal to Quarter Seſſions.

LXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Mode of Relief hath been already appointed, ſuch Perſon or Perſons may, within Fourteen Days next after ſuch Cauſe of Complaint ſhall ariſe, appeal to the Juſtices of the Peace at their next General Quarter Seſſions which ſhall be holden for the ſaid County of *Lancaſter*, unleſs ſuch Complaint ſhall ariſe within Twenty-eight Days preceding ſuch Seſſion, in which Caſe ſuch Appeal may be brought at the Second Seſſion after ſuch Complaint ſhall ariſe; and the ſaid Juſtices are hereby authorized and required to take Cognizance thereof and to hear and determine ſuch Complaint or Complaints, and if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſion, mitigate at their Diſcretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the

the Party or Parties complaining, or vacate or ſet aſide the Conviction or Convictions, and ſet the Parties at Liberty, or otherwiſe may ratify or confirm the ſame, with ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy, by their Order or Warrant, ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs to commit ſuch Perſon or Perſons to the Common Gaol for the ſaid County, for any Time not exceeding Six Calendar Months, or until ſuch Payment of ſuch Coſts: Provided always, that the Perſon or Perſons ſo appealing as aforeſaid, ſhall and is and are hereby required to give Notice in Writing to the Clerk to the Truſtees of the ſaid Road, of ſuch his or their Intention of bringing and proſecuting an Appeal, Fourteen Days before the ſaid Quarter Seſſion, and ſhall before ſuch Notice given, enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace for the ſaid County, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Notice of appealing to be given.

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

Limitation of Actions.

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

Public Act.

The Commencement and Term of this Act.

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

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