ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

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better Communication than there is at present, between the Towns of *Oldham* and *Todmorden*, and the very populous and manufacturing Country in and near *Middleton*, *Oldham*, *Shaw Chapel*, and *Butterworth*, and the Towns and Places adjacent thereto, and between various other Parts of the Country, and would also be of great public Utility; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Edward Abbott*, *Jesse Ainsworth*, *Edward Ainsworth*, *Jonah Andrew*, *Thomas Barker*, *Henry Barlow*, *James Barnes*, *Samuel Barton*, *Robert Beswick*, *John Blomeley*, *George Booth*, *John Booth* of *Greenacres*, *Abraham Brierley*, *Richard Broom*, *Robert Buckley*, *John Buckley* of *Haugh*, *John Buckley* of *Upper Mill*, *James Buckley*, *Daniel Burton*, *William Butterworth*, *Charles Butterworth*, *James Butterworth*, *John Butterworth*, *Joshua Chadwick*, *Robert Chadwick*, *Edmund Cheetham*, *William Chippendale*, *Edward Clegg*, *John Clegg* of *Milnrow*, *James Clegg* of *High Crompton*, *William Clegg*, *Abraham Clegg*, *James Clegg*, *John Taylor Clegg*, *John Clegg* Timber Merchant, —— *Cooke* of *Manchester*, *James Cocker* of *Shaw*, *Abraham Cocker*, *James Cocker* of *New Bank*, *James Cooper*, *Abraham Crompton*, *Abel Crompton*, *Thomas Drake* Clerk, Doctor in Divinity, *John Duncuft*, *John Dunkerly*, *Edmund Else*, *John Entwisle*, *John Farrow*, *Thomas Fawcett* Clerk, *John Fenton*, *James Fenton*, *James Fielding*, *Benjamin Fitton*, *Henry Fletcher*, *James Fletcher*, *Samuel Gartside*, *John Greaves*, *Paul Greenwood*, *George Hadfield*, *James Hall*, *John Hamer*, *John Harrop* the younger, *Thomas Harrop*, *Henry Henshaw*, *Thomas Henshaw*, *Abraham Heathorne*, *William Heathorne*, *William Hibbert*, *James Holland*, *John Holt*, *Robert Gregge Hopwood*, *Joseph Hordern* Clerk, Sir *Watts Horton* Baronet, *Dauntesey Hulme*, *William Jackson*, *Jonathan Jones* the younger, *John Jones*, *Joseph Jones*, *William Jones*, *Joseph Jones*, the younger, *Robert Kershaw*, *Edmund Kershaw*, *Ottiwell Kershaw*, *James Kershaw* of *Shaw*, *James Kershaw* of *Haugh*, *William Kirkby*, *John Lees* of *Shaw*, *James Lees* of *Clarksfield*, *Joseph Lees*, *John Lees* of *Fairfield*, *John Lees* of *Church Lane*, *Edward Lees*, *Daniel Lees*, *John Lees* of *Bankside*, *Robert Lees*, *James Lees* of *Oldham Lane*, —— *Lingard* of *Stockfield*, *Joseph Lingard*, *Edmund Lord*, *James Mallalieu*, *Benjamin Marsland*, *Robert Mayall*, *Samuel Mayall*, *William Meadowcroft*, *James Mellor*, *William Midgely*, *John Milne* of *Bradley*, *Edmund Milne* of *Top of Hill*, *Joseph Milne* of *Top of Hill*, *Abraham Milne* of *Haugh*, *Joseph Milne*, *James Milne* of *Debfield* *James Milne* of *Lady House*, *Abraham Milne* of *Lady House*, *Abraham Milne* the younger, of *Lady House*, *Nathaniel Milne*, *Edmund Milne* of *Coulbeys*, *John Milne* of *Whitfield Hall*, *James Milne* of *High Crompton*, *James Milne* of *Park*, *Abraham Milne* of *Shaw*, *Edmund Milne* of *Greenfield Gate*, *Edmund Milne* of *Greenfield*, *Thomas Pomfret*, *John Newton*, *William Nield*, *Joseph Radcliffe*, *Robert Radcliffe*, *Jacob Radcliffe*, *Springfellow Radcliffe* Clerk, *John Roberts*, *John Rowbottom*, *William Rowbottom*, *William Rhodes*, *James Sedgwick*, *John Schofield* of *Old Lane*, *John Schofield* of *Moor House*, *Theophilus Smith*, *James Stanky*, *Edmund Steele*, *John Steel*, *James Steel*, *Abraham Sutcliffe*, *John Sutcliffe*, *John Taylor* of *Shaw*, *John Taylor* of *Greenacres Moor*, *Samuel Taylor* of *Mellon*, *Edmund Taylor* of *Ogden*, *James Taylor* of *Ogden*, —— *Thornhill* of *Pixby*, *Richard Greaves Townley*, *John Travis*, *John Townlow*, *James Whitaker*, *Robert Whitaker*, *John Whitaker* of *New Road*,

Trustees.

Road, John Whittaker of *Greaves Street, Thomas Whittaker, William Whitehead, Edmund Whitehead, Thomas Whittles, John Whitworth, David Wilde, Henry Wilde, John Wilde* of *Cowlishaw, James Wilde* of *Cowlishaw, Joseph Wild* of *Cowlishaw, James Wilde* of *Roses, John Wilde* of *Shaw, James Wilde* of *Mount Pleasant, William Winter* Clerk, *John Winterbottom, Henry Wood, Edmund Wood, Isaac Worthington, George Worthington, James Worthington, Jonathan Worthington*, and *John Wright*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees, for making, maintaining, altering, repairing, and improving the said Roads, and for otherwise putting this Act in Execution.

On the Death of Trustees others to be chosen.

II. And be it further enacted, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person to be a Trustee in the Room of such Trustee so deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks 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 publick Newspaper printed or circulated in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of One thousand Pounds, nor (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath in the Words or to the Effect following; that is to say,

Oath.

'I *A. B.* do swear, 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, of the clear yearly Value of Fifty Pounds above Reprizes, or am Heir Apparent of a Person seised of such an Estate of the clear yearly Value or One hundred Pounds, or possessed of a Personal Estate of the Amount of One thousand Pounds, and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee by virtue of an Act, passed in the Forty-fifth Year of the Reign of King *George* the Third, intituled, [*here insert the Title of this Act*] according to the best of my Skill and Judgement, and without Favour or Affection to any Person or Persons whomsoever. 'So help me GOD.'

Penalty on Persons acting, not being qualified.

And if any Person, not being so qualified, shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person

ſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Common Pleas, held in and for the ſaid County Palatine of *Lancaſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act.

Truſtees holding Places of Profit not to act.

Mortgagees may act.

IV. Provided always, and be it further enacted, That any Mortgagee, or Aſſignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall not, on that Account, be deemed unqualified, or be defeated from acting as a Truſtee in the Execution of this Act: Provided alſo, that all ſuch Truſtees as are Juſtices of the Peace for the ſaid County Palatine of *Lancaſter*, may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees being Juſtices may act as ſuch.

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

V. 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 or Names of their Clerk or Clerks 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 or Names of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Clerks, nor by the Act of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk or Clerks for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Caſe may be, in every ſuch Action.

Clerks to be reimburſed their Expences.

VI. Provided always, That every ſuch Clerk or Clerks, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully reimburſed and paid, out of the Money to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event or in conſequence of any ſuch Action or Proceedings he or they ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his or their being ſo made Plaintiff or Plaintiffs, Defendant or Defendants, as aforeſaid.

Time of Meeting.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Angel* Inn in *Oldham* aforeſaid, on the Second *Wedneſday* next after the Day on which this Act ſhall receive the Royal Aſſent, or as ſoon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet at, and again adjourn to ſuch Place near to the ſaid Roads, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and if at any ſuch Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or

Clerks to call Meetings in caſe a ſufficient Num-

to adjourn to another Day (Two Truſtees being hereby declared and deemed ſufficient for the Purpoſes of Adjournment only) or in caſe the Truſtees at any Time aſſembled, ſhall omit or neglect to adjourn themſelves the Clerk or Clerks to the ſaid Truſtees ſhall from Time to Time in either of ſuch Caſes, by Notice in Writing to be affixed and inſerted in Manner aforeſaid, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was held, or was appointed to have been held, on ſuch Days as ſhall be ſpecified in ſuch Notice, not exceeding Six Weeks nor leſs than Three Weeks after the Day on which ſuch laſt Meeting was held, or was appointed to have been held; and in caſe the Clerk or Clerks to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Five or more of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after the Space of Ten Days after ſuch Refuſal, Neglect, or Prevention of ſuch Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe near to the ſaid Roads, upon the Day Fortnight next after the Date of ſuch laſt-mentioned Notice; but no Buſineſs ſhall be done or proceeded upon by the ſaid Truſtees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment ſhall be made to, or any Meeting appointed to be held at any Time later than Four of the Clock in the Afternoon of the Day on which ſuch Meeting ſhall be appointed to be held; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein particularly mentioned); and no Order or Determination ſhall be made, unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, or unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order, ſhall give Notice thereof in Writing to the Clerk or Clerks to the ſaid Truſtees, and for want of ſuch Clerk or Clerks, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed and inſerted in Manner herein-before mentioned, at leaſt Ten Days previous to any Meeting.

Number of Truſtees do not attend or omit to adjourn.

If Clerks omit to give Notice, Truſtees may.

Hours of Meeting.

Truſtees to pay their own Expences, make Orders, &c.

Orders not to be revoked unleſs Nine Truſtees preſent, or Notice given.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the ſaid Truſtees, it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the acting Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment.

Meeting on Emergencies.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may at their firſt or any ſubſequent Meeting, by Writing

Truſtees to appoint Officers.

Writing under their Hands, elect and appoint a Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, and ſhall take ſuch Security from ſuch Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and ſhall alſo elect and appoint a Surveyor or Surveyors, and ſuch other Officers, as the ſaid Truſtees, or any Five or more of them, ſhall think proper, and alſo may from Time to Time remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees, or any Five or more of them, ſhall ſee Occaſion, and appoint others in the Room of ſuch of them, as ſhall be ſo removed, or ſhall die, reſign, or become incapable of performing their Duty; and the ſaid Truſtees, or any Five or more of them, ſhall and may, out of the Money to be raiſed and received by virtue of this Act, give ſuch Salaries, or make ſuch Allowances to the Clerks, Treaſurers, Receivers, Collectors, Surveyors, or other Officers ſo appointed, for and in Conſideration of the Care and Pains reſpectively taken in the Execution of their reſpective Offices, and to ſuch other Perſons who 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

Officers to account.

ſeem proper; and all ſuch Officers and other Perſons ſhall upon their reſpective Oaths, if thereunto required by the ſaid Truſtees, or any Five or more of them (which Oaths the ſaid Truſtees, or any One or more of them, are and is hereby empowered to adminiſter) from Time to Time, and as often as they ſhall be called upon for that Purpoſe, produce and give up to ſuch Truſtees, full, true, and perfect Accounts in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, received, or collected, and how, to whom, and for what Purpoſes ſuch Monies and every Part thereof ſhall have been paid, diſpoſed of, or applied, together with proper Receipts and Vouchers for ſuch Payments, and ſhall and are hereby reſpectively required to pay all ſuch Monies as ſhall appear to be in their reſpective Hands, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or for ſuch Uſes and Purpoſes, as they ſhall direct and appoint; and if ſuch Officer or

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

Perſon (being required ſo to do) ſhall refuſe or neglect to render and give up, or verify upon Oath, ſuch Account or Accounts as aforeſaid, or to produce or deliver up to the ſaid Truſtees, or any Five or more of them, the Receipts and Vouchers relating to the ſame, or to pay as aforeſaid any Sum or Sums of Money which ſhall appear to remain in his or their Hands, or ſhall not deliver to the ſaid Truſtees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of ſuch Truſtees, all the Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, then and in any of the ſaid Caſes any One or more of the Juſtices of the Peace for the County, Borough, City, Town, or Place, wherein ſuch Officer or Perſon ſhall be and reſide, ſhall (upon Complaint of any Five or more of the ſaid Truſtees) make Enquiry concerning ſuch Default, either by Confeſſion of the Party, or by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward; and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall and may commit ſuch Officer or other Perſon ſo convicted to the Common Gaol for ſuch County, Borough, City, Town, or Place, there to remain, without Bail or Mainprize, until ſuch Officer or

Perſon

Perſon ſhall give and make a true and perfect Account, and verify the ſame as aforeſaid, and make ſuch Payment as aforeſaid, or until he ſhall have compounded with the ſaid Truſtees, or any Five or more of them, for the ſame, and ſhall have paid ſuch Compoſition Money to the ſaid Truſtees, or their Treaſurer or Treaſurers (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby empowered to make) or until ſuch Officer or Perſon ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

Truſtees empowered to compound with Officers.

X. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls ſhall die, neglect, or be incapable of performing his Duty, or ſhall abſcond or abſent himſelf, it ſhall be lawful for any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting of the ſaid Truſtees to be appointed by virtue of this Act, to diſcharge ſuch Collector or Receiver ſo neglecting or incapable of performing his Duty, or abſconding or abſenting himſelf, and nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls (to continue until the then next Meeting of the ſaid Truſtees) in the ſtead of ſuch Collector or Receiver as ſhall ſo die or be diſcharged, and ſuch Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon or Perſons, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up on the ſaid Roads, for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees (although not aſſembled at any Meeting) or by their Clerk or Clerks, Treaſurer or Treaſurers, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County or Place in which ſuch Toll Houſe or Building ſhall be ſituate, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County or Place, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or ſuch new appointed Collector or Receiver into the Poſſeſſion thereof.

Truſtees may appoint temporary Collectors.

and remove thoſe diſcharged.

Collectors refuſing to deliver up Toll Houſes.

Juſtices empowered to grant Warrant, and Conſtable to enter and remove ſuch Collectors.

XI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time cauſe to be erected and ſet up ſuch and ſo many Turnpikes or Toll Gates in, upon, acroſs, or on the Side or Sides of any Part or Parts of the ſaid Roads, and acroſs any Lane or Way leading into, from, or out of the ſame, and alſo a Toll-Houſe to each Gate or Turnpike, with ſuitable Outbuildings thereto; and alſo may incloſe from the ſaid Roads convenient Garden Spots to the ſaid Toll Houſes, as they, or any Five or more of them, may judge proper; and may cauſe any ſuch Turnpikes, Toll Gates, Toll Houſes, or other Buildings, from Time to Time to be taken down, removed, or altered, as they, or any Five or more of them, ſhall judge proper; and that the Tolls

Truſtees may erect Toll Houſes, &c.

and take Tolls.

Tolls following shall and may be demanded and taken before any Horse, Cattle, or Carriage, shall be permitted to pass through any such Turnpikes or Toll Gates respectively; that is to say,

Tolls.

For every Coach, Berlin, Laudau, Chariot, Chaise, Chair, Calash, Hearse, or other such like Carriage with more than Two Wheels, drawn by Six Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses or Beasts or Draught, the Sum of Two Shillings and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or Beast of Draught the Sum of One Shilling:

For every Curricle, Chaise, Chair, Calash, Hearse, or other such like Carriage, with Two Wheels, drawn by Two or more Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or Beast of Draught, the Sum of One Shilling:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Five Shillings and Four-pence; and drawn by Five or Six Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by Four or fewer than Four Horses or Beasts of Draught, the Sum of Three Shillings:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, drawn by Five or Six Horses or Beasts of Draught, the Sum of Five Shillings; and drawn by Four or by fewer than Four Horses or Beasts of Draught, the Sum of Four Shillings:

For every Waggon or other such like Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, and drawn by Five or Six Horses, the Sum of Six Shillings; and drawn by Four or by fewer Horses than Four, the Sum of Four Shillings and Sixpence:

For every Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Five Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Houses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or Beast of Draught, the Sum of One Shilling:

For every Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, drawn by Four Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or Beast of Draught, the Sum of One Shilling:

For every Cart or other such like Two-wheeled Carriage, with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, drawn by Three Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or Beast of Draught, the Sum of One Shilling:

For

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and ſo in proportion for any greater or leſs Number: And,

For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Ten-pence *per* Score, and ſo in proportion any greater or leſs Number:

Double Tolls on a *Sunday*.

And that on each and every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at the ſaid Turnpikes or Toll Gates reſpectively, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, before any Horſe, Cattle, or Carriage ſhall be permitted to paſs through the ſame on a *Sunday*, double the Tolls above mentioned, to be reſpectively demanded and taken for every Horſe or other Cattle, Coach, Waggon, Cart, or other Carriage (except ſuch Horſes, Carts, or Carriages as ſhall be uſed or employed for carrying Milk only, the ſame being liable to the Payment of the ſame Tolls as are due and payable on any other Day of the Week, and no more) paſſing through any of the ſaid Turnpikes or Toll Gates, on any other Day of the Week; which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, whether immediately on the ſame becoming due or at any Time after, neglect or refuſe to pay the ſame or any Part thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, by himſelf, herſelf, or themſelves, or taking ſuch Aſſiſtance as he, ſhe, or they ſhall think neceſſary (and which Aſſiſtance all Perſons are hereby required to give, if called upon by the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls) to ſeize and diſtrain any Horſe, Beaſt, or other Cattle, upon which any ſuch Toll is by this Act impoſed, and alſo any Carriage which ſuch Horſe, Beaſt, or other Cattle may be drawing, together with their Saddles, Bridles, Gears, Harneſs, or Accoutrements, or any other of the Goods or Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, or Carriage ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted and paid; and that all the Tolls to be collected or levied by virtue of this Act, ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and ſhall be applied and may be aſſigned in ſuch Manner as herein-after mentioned.

except for Milk.

Tolls veſted in Truſtees

Tolls to be paid only once for paſſing and repaſſing.

XII. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike or Toll Gate to be erected by virtue of this Act, ſhall be ſubject or liable to any Toll for returning through ſuch Turnpike or Toll Gate, before Twelve of the Clock of the Night of the ſame Day, with the ſame Horſes, Cattle, or Carriage, in reſpect of which he ſhall have paid ſuch Toll, or with the ſame Horſes or other Cattle which ſhall have drawn any Coach, Waggon, or other Carriage, for which the Toll has been paid at ſuch Gate that Day, if returning with another Carriage of the ſame Deſcription as that for which

which the Toll has been paid, but ſhall return Toll-free, on producing a Note or Ticket to the Collector of the Tolls at ſuch reſpective Turnpike, denoting Payment of ſuch Toll, which Note or Ticket the Collector of the ſaid Tolls is hereby required to deliver *gratis* on Receipt of ſuch Toll, if demanded; but nothing in this Clauſe contained ſhall extend, or be conſtrued to extend, to exempt any ſuch Horſes, Cattle, or Carriage, from Payment of the Toll for paſſing a Third Time through ſuch Turnpike on the ſame Day, but the ſaid Toll ſhall be demanded and paid for each paſſing through ſuch Turnpike Gate, the ſame Way as ſuch Horſes, Cattle, or Carriage, went the firſt Time that Day.

For ſettling Diſputes concerning Tolls, &c.

XIII. And be it further enacted, That if any Diſpute ſhall happen about the Amount of the Tolls due, or the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector, or Perſon ſo diſtraining, to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, (as the Caſe may happen) till the Amount of the Tolls due, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen) be aſcertained by ſome Juſtice of the Peace for the County or Diſtrict in which the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe ſhall examine the Matter on the Oath of the Parties, or other Witneſs or Witneſſes, and ſhall determine the Amount of the Tolls due, and alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector, before he ſhall be obliged to return the ſaid Diſtreſs, or the Overplus after Sale thereof, or any Part thereof.

Toll Bar Keepers competent Witneſſes.

XIV. 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 be and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being ſo appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Toll Houſes veſted in Truſtees.

XV. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and other Buildings to be erected or provided in or upon the ſaid Roads, and of the Stone and Materials for building or repairing the ſame, and alſo of all Stone and Materials got or collected for repairing the ſaid Roads, ſhall be and are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, are hereby empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments againſt any Perſon or Perſons who ſhall injure the ſame, or diſturb them in the Poſſeſſion thereof.

Truſtees may make Fences on Commons to prevent Tolls being evaded.

XVI. And whereas ſeveral Parts of the ſaid Roads will lead over Waſte Lands, Commons, or uncultivated Grounds, and the Tolls by this Act granted may, by reaſon of the great Width and Extent of ſuch Waſte Lands, Commons, or uncultivated Grounds, be eaſily evaded; be it therefore further enacted, That the ſaid Truſtees, or any Five or more of them, may,

may, and they are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Copse, Walls, and Fences, by the Sides of the said Roads, or upon, over, or across the said Wastes, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls may not be avoided; and if any Person or Persons shall pull down, or anyways damage, displace, or carry away any such Fence, or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on persons making private Passages or evading Tolls.

XVII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments, lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act, (the same not being a publick Highway); or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off, or cause to be taken off, any Horse, Beast, or other Cattle, from any Carriage, or having passed through any Turnpike or Toll Gate to be erected by virtue of this Act, shall afterwards add or put an additional Horse or Beast to such Carriage with an Intent to evade the Payment of the said Tolls; or shall leave or cause to be left upon or near any Part of the said Roads, any Carriage, Horse, Cattle, or other Beast, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or shall with such Intent unload any Goods from or out of any Carriage, or in any other Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings.

Tolls may be varied.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied, for the Purposes of this Act, in such Manner as the said respective Tolls are herein-before directed to be collected, levied, and applied: but no such Reduction shall be made, unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall be then owing upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; nor shall any such Reduction be made, unless Thirty Days Notice

tice at leaſt, of the Meeting to be held for the Purpoſe of making ſuch Reduction, ſhall be given in Writing, to be affixed upon all the Turnpike or Toll Gates which ſhall be then erected by virtue of this Act, and inſerted in ſome publick Newſpaper circulating in the Neighbourhood through which the ſaid Roads are intended to paſs.

Truſtees empowered to compound for the Tolls.

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

Truſtees may leaſe Tolls.

XX. 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, by Writing under their Hands, or under the Hand or Hands of their Clerk or Clerks, Treaſurer or Treaſurers, for the Time being, by their Order to be made for that Purpoſe, to let or leaſe the Tolls ariſing by virtue of this Act, or any Part or Parts of ſuch Tolls, unto any Perſon or Perſons, for any Time not exceeding Three Years at one Time, for the beſt Rent that can or may be got for the ſame, payable at ſuch Times, and under ſuch Covenants, and unto ſuch Perſon or Perſons, as the ſaid Truſtees, or any Five or more of them, ſhall direct or appoint, of which letting Fourteen Days Notice at leaſt ſhall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which ſhall then be erected by virtue of this Act upon the ſaid Roads, and by inſerting the ſame in ſome publick Newſpaper circulating in the Neighbourhood through which the ſaid Roads ſhall paſs; and the Monies ariſing thereby, ſhall be applied in ſuch Manner as the Tolls ſo let or leaſed are directed to be applied.

Exemption from Tolls.

XXI. And be it further enacted, That no Toll ſhall be demanded or taken for the Paſſage of any Horſe, Cattle, Beaſt, or Carriage which ſhall be going unladen or empty for, or that ſhall be uſed only in conveying, or that ſhall be returning unladen or empty after having been uſed only in conveying Stones, Brick, Lime, Gravel, or other Materials for repairing the ſaid Roads, or any Bridges or Culverts belonging to the ſaid Roads, or for repairing any publick Road or Highway within any of the Townſhips, Hamlets, or Places wherein any Part of the ſaid Roads lies, or for Dung, Lime, Marl, Soil, Mould, Compoſt, or other Manure, of whatever Nature or Kind ſoever, to be uſed in manuring and cultivating of Lands in any ſuch Townſhip, Hamlet, or Place, or for Hay, Graſs, Sainfoin, or other Fodder, Corn in the Straw, or Straw to be laid up in the Buildings or Premiſes of the Owners or Proprietors thereof (other than and except Lime or Manure, and Hay, Corn, or Straw, ſold or for Sale); nor ſhall any Toll be demanded or taken for or in reſpect of any Ploughs, Harrows, or other Implements of Huſbandry; nor ſhall any Toll be taken for any Horſes or Cattle going to or returning from Stable, Water, or Paſture; nor for any Cattle which ſhall be going to or returning after having been ſhoed or farried; or for any Horſes or Carriages, of whatſoever Deſcription, employed or to be employed in carrying the Mails of Letters and Expreſſes under the Authority of His Ma-

jesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresse, or returning back therefrom; or for the Horses of any Officers or Soldiers on their March or on Duty, or for any Carriages attending them laden with their Arms or Baggage, or returning empty after having been so employed; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for any Coach, Berlin, Landau, Chariot, Calash, Chaise, Curricle, or Chair, or Horses drawing the same, or Persons on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine of *Lancaster*, on the Day or Days of any such Election, or on the Day before or Day after such Election shall begin or be concluded; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or other Place of Divine Worship on a *Sunday*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated; or going to visit or returning from visiting his sick Parishioners; or from any Person or Persons residing in any of the said Townships or Places, for passing through any of the said Turnpikes or Toll Gates to or from their respective Church, Chapel, or other Place of Religious Worship on *Sundays*, or on other Days on which Divine Worship is ordered by Authority to be celebrated; or for any Cattle or Carriage conveying the Corpse, or going to or attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Roads lie; or for any Cattle or Carriage going to or returning from any Corn Mill or Malt Kiln, situate in any of the said Townships or Places, with or for any Corn, Grain, Malt, Meal, or Flour to be ground, made, or smelted, or when so done for the Owner's own Use and Consumption, and not for Sale; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid (not being entitled to the same) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

No Toll for crossing the Road only.

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

Trustees may borrow Money.

XXIII. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers, to be affixed on all the Turnpikes or Toll Gates then erected and set up by virtue of this Act, and inserted in some Publick Newspaper circulating in the Neighbourhood through which the said Roads are intended to pass, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses, Turnpike Gates, and Appurtenances thereunto belonging (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any

Sum or Sums of Money to be borrowed by the ſaid Truſtees upon the Credit of ſuch Tolls, to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, or his, her, or their Truſtee or Truſtees who ſhall advance or lend the ſame, to ſecure the Repayment thereof, with ſuch legal Intereſt as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of in ſuch Manner as the Tolls to ariſe or be collected at the ſaid Turnpikes, are hereby directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, may be in the Form following, or ſuch other Form as the Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of Mortgage.

'BY virtue and in purſuance of an Act, paſſed in the Forty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of this Act*] in Conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act in Execution, having been this Day paid by *C. D.* of we whoſe Names are hereunto ſubſcribed and Seals affixed, being Seven of the ſaid Truſtees, Do grant and aſſign unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the Roads in the ſaid Act mentioned, and of the Turnpikes and Toll Houſes for collecting the ſame Tolls, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit of the ſame Tolls, or charged thereupon for the Term of the ſaid Act, to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, for the Reſidue and Remainder now to come of the Term of Twenty-one Years, for which the ſaid Tolls are granted by the ſaid Act, ſubject to the Proviſo following; (that is to ſay) Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *C. D.* his Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame after the Rate of *per Centum per Annum*, without any Deduction whatſoever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full force. In Witneſs whereof we have hereunto ſet our Hands and Seals, this Day of One thouſand eight hundred and

Copies to be entered.

Copies of all which Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; and all and every Perſon or Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, or the Money thereby ſecured, is and are hereby empowered from Time to Time, by Aſſignment under his, her, or their Hand and Seal, or Hands and Seals, to be indorſed upon the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before One credible Witneſs, to aſſign over or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured, to any Perſon or Perſons whomſoever, in the following Words, or Words to the like Effect; (that is to ſay)

'I DO

Form of Transfer.

'I DO hereby transfer and assign this Mortgage [*or*, a certain Mort-
'gage, *&c. as the Case may be*] with all my Right and Title to the
'Principal Money thereby secured, and all Interest now due on the same,
'unto Executors, Administrators, and Assigns.
'In Witness whereof I have hereunto set and put my Hand and Seal, the
'Day of in the Year of our Lord
'One thousand eight hundred and

All which Assignments and Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, within Sixty Days after the Date thereof, who shall cause an Entry to be made of such Assignments or Transfers, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Five Shillings and no more; and which said Book or Books shall and may, at all reasonable Times, be perused and inspected without any Fee or Reward; and after such Entry made and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned and transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgages.

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

Application of the Tolls and Money borrowed.

XXV. And be it further enacted, That out of the first Money arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first Place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and in making, repairing, widening, diverting, and amending the said Roads, and paying the Principal and Interest of the Monies to be borrowed on the Credit of the Tolls hereby granted, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Power to enter Lands and make Roads.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Roads, hereby authorized to be made, are intended to pass, and

and to ſtake out and make the ſame of ſuch Width and in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands and Grounds for the Damages that ſhall be done to the Land or Ground on the Sides of the ſaid Roads, whilſt the ſame ſhall be making; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying or making any ſuch Roads, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings nor leſs than Twenty Shillings.

Surveyor to get Gravel, &c.

XXVII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and ſuch other Perſon or Perſons as ſhall be employed by ſuch Surveyor or Surveyors, or by the ſaid Truſtees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Aſhlar Stone, Coping Stone, Wall Stone, or other Stone, and alſo any Furze, Heath, Gravel, Sand, or other Materials, proper for the making and repairing of the ſaid Roads, and the Bridges, Culverts, Walls, and Fences, in or upon the ſame, in, upon, out of, or from any Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, in any Pariſh, Townſhip, or Place, in which any Part of the ſaid Roads lies, or in any neighbouring Pariſh, Townſhip, or Place, to be uſed in the making and repairing the ſaid Roads, without paying any Thing for the ſame, and to cart and carry the ſame over the Lands and Grounds of any Perſon or Perſons, making Satisfaction as herein-after mentioned, ſuch Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits, and levelling the Ground from which ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and if ſuch Quantities of Aſhlar Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials, proper and ſufficient for that Purpoſe, cannot be had or found in or upon ſuch Waſte Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, contiguous to that Part of the ſaid Roads therewith to be made and repaired, then and in ſuch Caſe the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may, by Order of the ſaid Truſtees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any ſuch Stone and Materials as aforeſaid, in, upon, or out of, from, and over the Lands, or Grounds of any Perſon or Perſons not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees) paying or tendering Payment to the reſpective Owners or Occupiers of ſuch Lands or Grounds for ſuch Damages, for the cutting, digging, gathering, taking, and carrying away the ſaid Aſhlar Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the ſame, or the Materials gotten in any Waſte Ground, Commons, or uncultivated Lands, Rivers, or Brooks, as aforeſaid, over their Lands or Grounds, as the ſaid Truſtees, or any Five or more of them, ſhall think reaſonable; and in caſe of any Difference between the ſaid Truſtees, or any of them, or their Surveyor or Surveyors, or other Perſon or Perſons by them appointed or employed as aforeſaid, and the ſaid Owners or Occupiers, or any

Juſtices to determine Differences.

any or either of them, concerning the said Damages, the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Sessions of the Peace to be held in and for the same County or Place, next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors, to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

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

XXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away Stone or other Materials for making or repairing the said Roads, Bridges, Culverts, Walls, and Fences, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons, to dig, gather, take, and carry away such Stone and Materials, at such Time or Times as to such Trustees, or any Five or more of them, or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, before the said Trustees, or such Justices as aforesaid, then and in such Case the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended: Provided also, that no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away, within the Distance of Thirty Yards of any Bridge, Mill, Mill Weir or Dam, on any Account or Pretence whatsoever.

No Materials to be gotten near any Bridge, &c.

XXIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such other 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 Causeways in and upon the said Roads, and also to make any Ditches or Drains in and upon the said Roads, and in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Roads, not being the Ground whereon any House or Outbuilding stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees; and also by Order of any Five or more of the said Trustees, to build, erect, or repair, and keep in repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Canal, Stream, River, Brook, Water, Ditch, or Drain therein or contiguous thereto, making such Recompence to the Owners

Surveyors may make Causeways, Bridges, &c.

and Occupiers of the 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; and in case of any Difference concerning such Damages, the Justices of the Peace for the County or Place wherein such Grounds shall lie, at the General Quarter Sessions of the Peace next after such Difference shall arise, and on such Notice to be given as last mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing and performing any of the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

Penalty on taking away Materials got by Surveyors.

XXX. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials which shall have been dug, gotten, or gathered for the Purpose of making, completing, altering, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Surveyors may remove Annoyances.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, 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 large as he or they shall think necessary, and to cut down, lop, or top 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 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 Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, 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 and applied in such Manner as the Penalties and Forfeitures imposed by this Act, are herein directed to be recovered and applied;

applied; and if after Removal of any of the ſaid Annoyances, any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

For preventing Carriages remaining on the Road.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the ſaid Roads, with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any 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 or Annoyance thereof, or of Perſons travelling thereon, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings.

Penalty for obſtructing Collectors or ſurveyors.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall ſtop, interrupt, or hinder, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Twenty Shillings.

Truſtees may make and divert the Road.

XXXIV. 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 fully authorized and empowered to make and repair, and from Time to Time to widen, divert, ſhorten, vary, and alter the Courſe or Path of any Part or Parts of the ſaid Roads through any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame, and alſo through any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein, for the Damages they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads, through ſuch Lands and Hereditaments; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Huſbands, Guardians, Truſtees or Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their Ceſtuique Truſts, whether Femes Covert, Infants, or Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons whomſoever, and to and for all Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of and intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be

be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or other Matter to the contrary in anywiſe notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons intereſted neglect or refuſe to treat;

XXXV. And be it further enacted, That if any ſuch Body Politick, Corporate, or Collegiate, Corporation aggregate or ſole, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Dwelling Houſes, Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporation aggregate or ſole, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments through which any Part of the ſaid Roads is intended to be made, widened, diverted, turned, or altered, ſhall, for the Space of Thirty Days next after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſuch Damage, Value, or Recompence, to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the County or Place wherein ſuch Lands or Hereditaments do lie; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath all and every Perſon and Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter), and ſuch Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, 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 the ſaid Lands and Hereditaments, according to the Verdict or Inquiſition of ſuch Jury; which ſaid Verdict, or Inquiſition and Judgement, Order and Determination thereon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever claiming or to claim any Eſtate in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunaticks, Idiots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations aggregate or ſole, as well as all and every other Perſon and Perſons whomſoever; and for ſummoning and returning ſuch Juries the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies

the Damages and Recompence to be ſettled by a Jury.

Verdict of the Jury to be final.

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

puties, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any Five or more of them, ſhall and they are hereby empowered and required to ſwear or cauſe to be ſworn Twelve Men, who ſhall be a Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and examined, or to give Evidence, ſo that no one Fine be more than Five Pounds nor leſs than Forty Shillings on any one Perſon for one Offence.

Jury may be challenged.

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

Fines.

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

XXXVI. And be it further enacted, That in caſe any Jury or Juries to be ſummoned and ſworn, purſuant to the Authority of this Act, ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch 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, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or for any Loſs or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and all other Expences attending the hearing and determining of ſuch Difference, ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money which ſhall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid, ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to and offered by the ſaid Truſtees, or any Five or more of them, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences as aforeſaid, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the County or Place wherein the Cauſe of Diſpute ſhall ariſe, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of

ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or 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, may be recovered by the Clerk or Clerks to the ſaid Truſtees, by the Ways and Means hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, in Manner aforeſaid.

Money allowed for Lands, how to be charged and tendered.

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof to the Party or Parties reſpectively entitled thereto, or to their Agents; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, or the Parties not being to be met with, upon leaving the ſame in the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons reſpectively, and after Four Days Notice thereof given to ſuch Parties or Perſons, or their Agents, or left at their reſpective uſual Places of Abode, or with the Tenant or Tenants in Poſſeſſion of ſuch Lands or Hereditaments, then ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, and ſhall be by them, or by ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall, to all Intents and Purpoſes whatſoever, become and be, and be deemed and taken to be a common Highway, and be from thenceforth Part of the ſaid Roads for ever thereafter, and ſhall be repaired and kept in Repair in ſuch Manner, and by the ſame Ways and Means, as the Roads hereby authorized to be made and repaired are hereby directed to be made and repaired, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and in caſe of the turning or altering the Courſe of any Part or Parts of the ſaid Roads after ſuch new Roads ſhall be completed, the Lands conſtituting ſuch former Roads, or any Part thereof, unleſs leading over ſome Moor, Common, uncultivated Land or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road or Roads doth not or do not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, in the Manner hereinafter mentioned, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and all Conveyances being executed by the ſaid Truſtees, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County wherein ſuch Roads ſhall happen to be, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever.

Truſtees not to take down Houſes, *&c.* without Conſent of Owners.

XXXVIII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the ſaid Truſtees, ſhall not extend to the taking down of any Dwelling Houſe or other Building, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation or Nurſery of Trees, without the Conſent in Writing

Writing of the Owners or Proprietors thereof, and other Perſons intereſted therein, firſt had and obtained.

Truſtees empowered to ſell Ground, not wanted for the Purpoſes of this Act.

XXXIX. And whereas by reaſon of the Purchaſes 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, and of ſome Piece or Parcel of old Roads over and above what ſhall be neceſſary for effecting the Purpoſe of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of Ground, or Piece or Pieces of old Roads, either together or in Parcels, as they ſhall find moſt convenient and advantageous to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Perſons whoſe Lands adjoin to have the Preference.

XL. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, before they ſhall ſell and diſpoſe of any Piece or Pieces of old Roads, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and that the ſaid Truſtees, or any Five or more of them, before they ſhall ſell or diſpoſe of the ſaid Piece or Pieces of overplus Ground, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Piece or Pieces of Ground; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall be, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, or any Five or more of them, 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 or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, or any Five or more of them, ſhall differ, and not agree with reſpect to the Price thereof, in ſuch Caſe, the Price or Prices thereof ſhall be aſcertained by a Jury, in Manner herein-before directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſe of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation when exceeding 100*l.*

XLI. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes of this Act, of any Body Corporate, Eccleſiaſtical, or Civil, Corporation aggregate or ſole, Feoffees in Truſt,

Guardians, Committees, or other Truſtees, or from any Femes or Femé Covert, or other incapacitated Perſon or Perſons, 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, or any Five or more of them, 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 or Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and invelted, under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when Money does not amount to 200*l.*, and ſhall exceed 20*l.*

XLII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, 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 the ſaid Truſtees, or

any

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

Application where the Money is less than 20*l.*

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

In case of not making out Titles;

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

Where any Question shall arise touching the Title to Money to be paid, the Person who

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

shall be in Poſſeſſion of the Lands, *etc.* at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

or Intereſt in any Lands or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands 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 or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or 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 Landsor Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XLVI. 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 or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

To compel the Truſtees to make Stone Fences.

XLVII. And be it further enacted, That in all Caſes where the ſaid Roads ſhall be made, diverted, or turned through any incloſed Lands or Grounds being private Property, and where Stone Walls or Stone Fences are uſually made for the common Incloſure or Fence of ſuch Lands or Grounds, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required, out of the Money to be raiſed, collected, and received by virtue of this Act, to erect or cauſe to be erected on each Side of the ſaid Roads, where the ſame ſhall be made, diverted, or turned through any ſuch incloſed Lands or Grounds as aforeſaid, a Stone Wall or Stone Fence of the Breadth of Two Feet at the Bottom, and to be reduced in Breadth gradually to One Foot and Three Inches at the Top, and to be of the Height of Four Feet and Six Inches at the leaſt.

Power to divert the common Highway in front of Chadderton Hall as ſoon as the Branch from or near Dry Clough ſhall be finiſhed.

XLVIII. And be it further enacted, That ſo ſoon as the ſaid Branch of Road from *Middleton* aforeſaid, on the northerly Side of *Chadderton Hall*, to *Royton* aforeſaid, ſhall be completed and finiſhed, and ſhall be declared to be open for the Paſſage of Horſes, Carts, and Carriages, by an Order to be made and ſigned by the ſaid Truſtees, or any Five or more of them, at any adjourned Meeting to be held for the Purpoſes of this Act, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby directed and required, from the Time of the making and ſigning of ſuch Order, to divert and turn the preſent common Highway, leading in Front or on the ſoutherly Side of *Chadderton Hall* aforeſaid, at a certain

a certain Place called the *Nook of the Lane*, within *Chadderton* aforesaid, into the said Branch of Road from *Middleton* to *Royton* aforesaid, by this Act authorized to be made, and to block up and destroy, or cause and procure to be blocked up and destroyed, so much of the said common Highway as now lies between the said Place called the *Nook of the Lane*, (where such Diversion is hereby authorized to be made) and a House in the Occupation of *Edward O'Connor*, containing in Length One thousand three hundred and eight Yards, or thereabout; and that the said Trustees, or any Five or more of them, may lawfully grant and convey such Part of the said common Highway as aforesaid, unto Sir *Watts Horton* Baronet, his Heirs and Assigns, or to such Person or Persons as shall be entitled to the Freehold Reversion and Inheritance of the *Chadderton* Estate, in lieu and exchange, and as a fair Compensation for a like Quantity of Land belonging to him or them, to be had and taken by the said Trustees in the making of such Branch of Road as aforesaid; any Law, Usage, or Custom to the contrary notwithstanding.

Not to block up the Highway leading from Hunt Lane Smithy to Chadderton Fold.

XLIX. Provided always, and be it further enacted, That nothing in the said last-mentioned Clause contained shall extend, or be construed or understood to extend, to authorize the blocking up or destroying any Part of the present Highway leading from *Hunt Lane Smithy* to *Chadderton Fold*.

Mines reserved to the Owners of Lands.

L. Provided also, and be it further enacted, That all Mines of Coal and other Minerals whatsoever, which shall be discovered or found in or under any Lands to be appropriated for the said Roads, by virtue of this Act, shall be, and is and are hereby reserved to the Person or Persons, Bodies Politick, Corporate, or Collegiate, who is, are, or shall be entitled to such Coal or other Minerals, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind, in the County or Place where such Mine or other Mineral shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, by virtue of this Act, so that in the Working of such Mines no Damage shall be done to the said Roads.

Persons liable to repair Roads, &c. to continue so.

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

Parish Surveyors to deliver in Lists of Statute Work.

LII. And be it further enacted, That the respective Surveyors of the Highways for the several Parishes, Townships, Hamlets, Districts, or Places in which any Part of the said Roads shall lie, shall Twice in every

every Year, within Four Days after Demand made to them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account or List in Writing under their Hands, of the Christian and Surname of every Person who within their respective Parishes, Townships, Hamlets, Districts, and Places, are liable to do Statute Work, and shall distinguish in such Account or List what Statute Work each of the said Persons is liable to do and perform, and the Statute Work shall be done by all such Persons on such Parts of the said Roads hereby intended to be made, completed, and repaired, as are within the said respective Parishes, Townships, Hamlets, Districts, and Places, in such Manner and at such Times as any Two Justices of the Peace for the said County Palatine of *Lancaster*, upon Application made to them by the said Trustees, or any Two or more of them, or by their Clerk, or Surveyor or Surveyors, shall direct, so that no more than Three Days Work shall be done by any one Person, or with any Team, Plough, or Draught, on the said Roads, in any one Year; and the said Surveyors of the Highways for such Parishes, Townships, Hamlets, Districts, and Places respectively, within Ten Days after Notice shall be given to him, her, or them by such Clerk, or Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor for any such Parish, Township, Hamlet, District, or Place, shall neglect or refuse to deliver in such Account or List to such Turnpike Surveyor or Surveyors, or shall be guilty of any Fraud therein, or shall refuse or neglect to summon such Persons to do their Statute Work as aforesaid, every such Surveyor shall, for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on not performing Statute Work,

LIII. And be it further enacted, That every Person who shall neglect or refuse to do such Work, at such Times and Places, and in such Manner as shall be appointed by the said Trustees, or any Five or more of them, or by such Clerk, or Turnpike Surveyor or Surveyors, every such Person shall forfeit and pay the respective Sums hereinafter mentioned, (that is to say), every Person who shall keep a Team, Draught, or Plough, or by virtue of any Act of Parliament shall be deemed to keep a Team, Draught, or Plough, for every Day's Default of each Team, Draught, or Plough any Sum not exceeding Forty Shillings nor less than Ten Shillings; and every other Inhabitant or Person not keeping, or not being by Law deemed to keep a Team, Draught, or Plough, for every Day's Default any Sum not exceeding Ten Shillings nor less than Two Shillings; and every Person who shall, according to such Notice as aforesaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the said Roads, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team, Draught, or Plough, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Day's

Day's Work on the Roads aforesaid, shall not be liable to do any other Statute Work thereon.

Justices to determine Statute Work.

LIV. And, for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being, of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads hereby directed to be made, completed, and repaired, shall lead, touching what Part of the Statute Work in any such Parish, Township, Hamlet, District, or Place, ought to be done on the said Roads; be it further enacted; That it shall be lawful for any Two or more of the Justices of the Peace, at any Special Session to be holden for the Division or Hundred, Divisions or Hundreds, wherein such Part or Parts of the said Roads shall lie; upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute Work shall be done on the said Roads, by and in each and every of the Parishes, Townships, Hamlets, Districts, or Places as aforesaid.

Trustees may compound for Statute Work.

LV. 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 Repair of any Part of the said Roads, within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work therein; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, Districts, or Places, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets, Districts, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads, all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing Highways.

Trustees may contract for Repairs.

LVI. 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, are hereby empowered to contract with any Person or Persons for making, altering, widening, or repairing the said Roads, or any Part thereof, and for erecting Mile and Direction Stones or other Posts thereon, or for doing any other Works 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 and Agreements in Writing, entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk or Clerks, Treasurer or Treasurers,

Contracts to be binding.

ſurers, Surveyor or Surveyors, 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, and their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or any One 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 Perſon, Parties or Perſons, failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum 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 any ſuch Party or Perſon, Parties 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.

Perſons who may be Proſecutors and Perſons proſecuted indemnified.

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

Mile Stones to be ſet up.

Penalty on defacing them.

Riding on Footpaths, &c.

Dragging Timber or Stone.

Suffering Pigs to root up the Roads.

LVIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of one Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any of ſuch Stones or Poſts, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon; or if any Perſon ſhall ride upon any Footway adjoining to the ſaid Roads, or ſhall drive any Horſe or other Cattle, or any Swine, or any Cart or other Carriage thereon, or ſhall cauſe any Damage to be done to ſuch Footway; or if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon Wheel Carriages, to drag upon any Part of the ſaid Roads to the Prejudice thereof reſpectively; or if any Perſon driving any Pigs or Swine upon the ſaid Roads, ſhall ſuffer the ſame to root up and damage the ſame or any Part thereof, or the Fences, Hedge-backings, or Copſe, on either

Side thereof; or if any Perſon driving any Coach, Chaiſe, Waggon, Cart, or other Carriage, upon the ſaid Roads, and meeting another Coach, Chaiſe, Waggon, Cart, or other Carriage, ſhall not keep his Carriage on the left Side of the ſaid Roads; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him or them upon the ſaid Roads, or the Coach, Chaiſe, Waggon, Cart, or other Carriage under his Care; or if any Perſon ſhall make or aſſiſt in making any Fire or Fires, commonly called *Bonfires*, or ſhall ſet fire to, or let off or throw any Squib, Rocket, Serpent, or Firework, whatſoever, on any Part or Parts of the ſaid Roads; or if any Perſon ſhall leave any Coach, Chaiſe, Waggon, Wain, Cart, or other Carriage, longer than may be neceſſary for loading or unloading the ſame, in, upon, or on the Side of any Part of the ſaid Roads, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto, or ſhall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Perſons travelling thereon, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings.

Drivers of Carriages not keeping on the left Side the Roads, &c.

Making Bonfires or letting off Fireworks.

Leaving Carriages or Timber, &c. on the Roads.

LIX. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, if the Manner of levying and recovering thereof is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any One Juſtice of the Peace for the County or Place wherein the Offence ſhall have been committed, or any One Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice (which Warrant or Warrants ſuch Juſtice is hereby empowered to grant for thoſe Purpoſes;) and the Overplus after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, ſhall be, if not otherwiſe directed to be applied by this Act, from Time to Time paid, Half to the Informer, and Half to any Five or more of the ſaid Truſtees, or to their Clerk or Clerks, Treaſurer or Treaſurers, and applied in the Repair of the ſaid Roads; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any One Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County or Place wherein the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, nor leſs than Twenty-one Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Penalties how to be levied and applied.

LX. And

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*or*, County of *as the Caſe may be*] [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be.*]

'Given under my Hand and Seal, the Day and Year firſt above written.'

Proceedings not to be quaſhed for want of Form.

LXI. And be it further enacted, That no Proceedings of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or any of them reſpectively, touching or concerning, or in Execution of any Power or Authority veſted in ſuch Truſtees, or Juſtice or Juſtices reſpectively, by this Act, ſhall be quaſhed or vacated for want of Form, or be removed by *Certiorari*, or any Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary notwithſtanding.

Diſtreſs not to be deemed unlawful for want of Form, nor the Party diſtraining be deemed a Treſpaſſer ab initio.

LXII. Provided always, and be it further enacted, That 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 other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Limitation of Actions.

LXIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Fourteen Days Notice thereof in Writing ſhall have been given to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, or after a ſufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in the County of *Lancaſter*, as the Caſe may be, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and

General Iſſue.

may plead, at his, her, or their Election, ſpecially, or 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 the ſame ſhall appear to have been ſo done, or

if

if ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall have been thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought elſewhere than in the ſaid County of *Lancaſter*, then the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited or diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law. Treble Coſts.

LXIV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be made and entered in a Book or Books to be kept for that Purpoſe, and ſigned by a competent Number of the Truſtees, or by their Clerk or Clerks, which ſaid Book or Books, and all other Book and Books directed to be kept for regiſtering the ſaid Mortgages, Aſſignments, and Transfers as aforeſaid, ſhall and may be produced and read in Evidence in all Courts whatever. Orders and Proceedings of Truſtees to be entered in a Book.

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

Perſons aggrieved may appeal to the Quarter Seſſions.

LXVI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, 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 Palatine of *Lancaſter*, within Six Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty-one Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, and within Four Days after ſuch Notice entering into a 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 Seſſion; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice 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 award ſuch Coſts to the Parties appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſion ſhall be final, binding, and concluſive to all Intents and Purpoſes; and the ſaid Juſtices at ſuch Seſſion may alſo, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame; and for want of ſufficient Diſtreſs, commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction of or for the County or Place wherein ſuch Quarter Seſſion ſhall be held, as the Caſe may be, for any Time not exceeding Three Calendar Months, or until Payment of ſuch Coſts.

For compelling Subſcribers to pay their Subſcriptions.

LXVII. And be it further enacted, That the ſeveral and reſpective Perſons who have ſubſcribed Money for and towards the making of the ſaid Roads, ſhall and they are hereby required to pay the Sum or Sums of Money ſo ſubſcribed, within ſuch Time and Times, and in ſuch Parts and Proportions, as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct, and the ſame ſhall be paid to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them ſhall, by any Writing under their Hands, authorize to receive the ſame; and if any Perſon or Perſons ſhall neglect or refuſe to pay the ſame or any Part thereof as aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſue for and recover the ſame in the Name of the ſaid Truſtees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information wherein no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

Publick Act.

LXVIII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

LXIX. And

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

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