ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 57.

An Act for more effectually repairing, widening, improving, and amending the Road from *Liverpool* to *Preston* in the County Palatine of *Lancaster*.

[18th *April* 1810.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from* Liverpool *to* Preston *in the County of* Lancaster, which Act has Continuance only until about the Month of *June* One thousand eight hundred and fourteen, and from thence until the End of the then next Session of Parliament: And whereas great Progress hath been made in the Execution of the said Act, and a considerable Sum of Money hath been borrowed and is now due and owing upon the Credit of the Tolls by the said Act granted, which Money cannot be paid off, nor can the said Road be effectually amended, widened, altered, improved, and kept in repair, unless the Term of the said Act be further continued, and the Powers thereof altered and varied, and further and other Powers for those Purposes be given, and the Tolls increased: And whereas it is expedient that the several Provisions necessary for repairing, altering, widening, improving, and amending the said Road, and increasing the Tolls, should be contained in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-third Day of *June* next after the passing of this Act the said

26 G. 3. c. 126.

Recited Act repealed;

and this Act to take effect instead thereof.

said Act passed in the Twenty-sixth Year of the Reign of His said present Majesty shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that instead thereof this Act shall commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, making, improving, and keeping in repair the Road before mentioned and described.

Trustees, and their Qualification.

II. And be it further enacted, That every Person who shall be in the actual Possession or Enjoyment and Receipt of the Rents and Profits of an Estate of Freehold or Copyhold in Lands, Tenements, or Hereditaments within the several Hundreds of *West Derby*, *Leyland*, and *Amounderness*, or any of them, within the County of *Lancaster*, of the yearly Value of One hundred Pounds above Reprizes, and who shall be of the Age of Twenty-one Years, shall be and is hereby appointed a Trustee for amending, widening, and keeping in repair the Road leading from a Place called *Patrick's Cross*, within the Town of *Liverpool*, to the Bridge at the South End of *Aughton Street* within the Town of *Ormskirk*, and also the Road leading from the House now or late of *Edward Smith*, situate near the North End of *Burscough Street* in *Ormskirk* aforesaid, to a Place called the *Fishergate* Toll Bars, within the Town of *Preston* in the said County of *Lancaster*, and for putting this Act in execution.

Trustees to take an Oath.

III. Provided always, That no Person shall be capable to act as a Trustee in any Case in the Execution of this Act (except at the First Meeting after passing this Act, in administering the Oath herein-after mentioned), until he shall have taken and subscribed, at some Meeting of the said Trustees to be held pursuant to this Act, at which not less than Three Trustees qualified shall be present, 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 the actual Possession or Enjoyment and Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, and Hereditaments, within the several Hundreds of *West Derby*, *Leyland*, and *Amounderness*, or some of them, in the County of *Lancaster*, of the yearly Value of One hundred Pounds above Reprizes. So help me GOD.'

Penalty on acting, not being qualified.

Which Oath any One of the said Trustees, or their Clerk in their Presence, at any such Meeting is hereby empowered to administer; and if any Person shall presume to act as a Trustee in the Execution of this Act, not being qualified as aforesaid, or without having taken and subscribed such Oath in manner aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or in the County Palatine of *Lancaster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed, in which Action it shall be sufficient for the Plaintiff to prove that such Person hath acted as a Trustee in the Execution of this Act, which Proof shall entitle the Plaintiff to a Verdict, unless the Defendant shall prove that he was duly qualified.

IV. Pro-

Trustees not to act where interested.

IV. Provided always, and be it further enacted, That no Person being entitled to any of the Money due or to become due upon the Credit of the said Tolls shall act as a Trustee in the Execution of this Act, at any Meeting where any Order shall be made for erecting any Turnpike at the Sides of the said Roads; and that no Person shall be capable of acting as a Trustee in the Execution of this Act, at any Meeting to be held relative to the erecting of any Turnpike, which may concern his Interest, or the Interest of any Person for whom he shall act as Agent or Trustee, or during the Time he shall hold any Place of Profit under this Act, or be employed in executing or performing any Contract or Engagement under the said Trustees; but all such Trustees as are or shall be Justices of the Peace may act as such in the Execution of this Act, in all Cases except where they shall be personally interested.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees or any Five or more of them shall meet at the Town Hall in *Ormskirk*, on the said Twenty-third Day of *June*, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves and meet at the same Place, or at such other convenient Place near to some Part of the said Roads as they shall think proper, for putting this Act into Execution; and if at the First or at any other of their Meetings the Trustees present shall omit or neglect to adjourn, or if at any Meeting there shall not appear a sufficient Number of Trustees to adjourn (Two Trustees being always to be deemed sufficient for that Purpose), then and in every such Case every such Meeting shall be and is hereby adjourned for Four Weeks, to be held in the same Place where the last Meeting was appointed to be held, and so from Time to Time till a sufficient Number of the said Trustees do or shall meet and adjourn; and Notice of every such Adjournment, not made by the said Trustees, shall be given by the Clerk to the Trustees, by inserting the same Twice in One of the *Liverpool* Newspapers, and by affixing the same on all the Turnpikes which shall be then standing across the said Roads, Fourteen Days at least before every such Meeting; and the said Trustees shall at all their Meetings defray their own Expences.

Meetings on Emergencies.

VI. And be it further enacted, That if after any Adjournment of the said Trustees it shall be thought necessary by any Three or more of the Trustees that there shall be an earlier Day of Meeting than the Day appointed by such Adjournment, in that Case the Clerk of the said Trustees, by 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 by Writing affixed on all the Toll Gates then erected by virtue of the said Act and this Act, or by Advertisement in One of the *Liverpool* Newspapers, of the Time, Place, and Purpose of such Meeting 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 Proceedings of the Trustees at all such Meetings shall be as valid and effectual as if such Meetings had been held in pursuance of Adjournments.

Trustees may appoint Officers.

VII. And be it further enacted, That upon the Death, Resignation, or Removal of the present or any other Clerk, Treasurer, Surveyor, or any Collector or Collectors, the said Trustees or any Five or more of them, who for the Year next preceding such Death, Resignation, or Removal of

of any such Officer or Officers shall have attended One or more Meeting or Meetings which during that Period shall have been held under the said recited Act or this Act, by any Writing or Writings under their Hands, shall and may appoint One or more Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the said Tolls, and Surveyor or Surveyors of the said Roads, and all such other Officer or Officers, or Persons, as the said Trustees, or such Five or more of them who shall have so attended such Meeting or Meetings as aforesaid, shall think necessary to employ in the Execution of this Act; and shall and may from Time to Time remove such Clerks, Treasurers, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees, or such Five or more of them who shall have so attended such Meeting or Meetings as aforesaid, shall see Occasion, and appoint new ones in the Room of such of the said Officers respectively as shall be removed, or shall die or resign; and out of the Monies to arise by virtue of this Act may pay such Salaries and make such Allowances to all and every such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as to the said Trustees, or such Five or more of them who shall have so attended such Meeting or Meetings as aforesaid, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail.

Trustees to take Security from Officers.

Treasurer to print his Account yearly.

VIII. And be it further enacted, That the said Trustees appointing such Officers as aforesaid shall and they are hereby required to take such sufficient Security as they or such Five or more of them shall think proper, from the Treasurer or Treasurers and other Officers to be appointed for the Purposes of this Act, for the due Execution of their respective Offices; and the Treasurer for the Time being of the said Roads shall yearly, within One Calendar Month next following the auditing and passing his Accounts, as herein-after mentioned, cause to be printed for the Use of the said Trustees and Creditors a State of the preceding Year's Account.

Officers and Collectors to continue till removed.

IX. Provided nevertheless, and be it further enacted, That the Clerk and Treasurer to the said Trustees, and all Officers, Collectors, and Persons appointed and authorized under the said recited Act, for the Execution thereof, and the Collection of the Tolls arising upon the said Roads, shall be and are hereby continued and authorized to carry this Act into Execution, and to collect and receive the Tolls by this Act granted, until they shall be removed by the said Trustees, or any Five or more of them as aforesaid, in pursuance of this Act.

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

X. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk, and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue or on account of the said recited Act or this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the Trustees at large, but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall

always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the event of any such Proceedings he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant.

Trustees to hold a General Annual Meeting for settling Accounts.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall hold a General Annual Meeting at the *Wheat Sheaf Inn*, or some other public Inn in *Ormskirk* aforesaid, on the Second *Monday* after the Twenty-fourth Day of *June* in every Year, of which Ten Days Notice shall be given by the Clerk to the said Trustees in some One or more of the *Liverpool* Newspapers; and at every such Meeting the said Trustees or any Five or more of them shall audit the Annual and other Accounts of the Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, Surveyors of Townships or Places through which the said Roads lead, and all other Persons who have received or shall receive any Money to be laid out in the Repair of any Part of the said Roads, or who shall have the Direction or Management thereof, and may examine any such Clerk, Treasurer, Surveyor, Receiver, Collector, and other Officer and Persons aforesaid, relating to his Accounts, and the Accounts of any other Officers, upon Oath, if required by the said Trustees or any Five or more of them, (which Oath the said Trustees or any Two or more of them are hereby empowered to administer); and the said Trustees or any Five or more of them may then and there pass such Accounts, or such of them and so much thereof respectively as they shall think proper, and may adjourn such Meeting and auditing the said Accounts or any of them, as they shall find it expedient or necessary, to any further Time, causing like Notice as aforesaid to be given of such adjourned Meeting; and every such Account so passed shall be final and conclusive, and not afterwards be disputed or called in question.

Officers to account.

XII. And be it further enacted, That all such Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers, and also all Persons appointed by Justices of the Peace to be Surveyors of the Roads in any Townships or Places through which the said Roads lead, and all other Persons who have received or shall receive any Money to be laid out in repair of any Part of the said Roads, or who shall have Direction or Management of such Repairs, shall at every such General Annual Meeting to be holden as aforesaid, and also as often as required by the said Trustees or any Five or more of them, render and give to the said Trustees or any Five or more of them, or to whom they shall appoint, a true, exact, and perfect Account in Writing under their respective Hands of all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid, or disbursed by virtue of this Act, or by reason of their respective Offices or otherwise, and shall also produce proper Vouchers for all their Payments and Disbursements, and shall verify all such Accounts upon Oath, if thereunto required by the said Trustees or any Five or more of them (which Oath the said Trustees or any Two or more of them, or any Justice of the Peace, is and are hereby required and empowered to administer), and in case any Money so received shall remain in his or their Hands, the same shall be paid to the said Trustees or any Five or more of them, or to such Person or Persons as they shall appoint; and in case any such Clerk, Treasurer, Collector,

Receiver, or Surveyor, or other Officer or Person, shall not give in and verify such Account, and make such Payment as aforesaid, or shall not deliver up the Vouchers for the same, or shall not deliver to the said Trustees, or to whom they or any Five or more of them shall appoint, within Twenty Days after being thereto required by any Five or more of the said Trustees, all the Books, Papers, Writings, Tools, Matters, and Things in their Hands, Custody, or Power, relating to the Execution of this Act, or which they shall have disposed of without the Consent and Approbation of the said Trustees or any Five or more of them, that then any Justice of the Peace for the County where such Officer shall dwell shall make Enquiry of and concerning such Default as aforesaid in a summary Way; and if any such Clerk, Treasurer, Collector, Receiver, or other Officer or Person shall be convicted before such Justice of any of the Offences aforesaid, either upon his own Confession or by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered and required to administer,) such Justice may commit the Party to the Common Gaol of the County wherein such Offender shall then reside, there to remain without Bail or Mainprize until he or they shall have made a perfect Account, verified as aforesaid, and Payment of what shall appear to be due thereon, or until he or they shall have compounded and agreed with the said Trustees or any Five or more of them, and have paid such Composition Money, (which Composition the said Trustees or any Five or more of them are hereby authorized and empowered to make and receive,) and shall also have rendered and given up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall direct, all Books, Papers, Writings, Tools, Matters, and Things aforesaid, or made Compensation for the same to the Satisfaction of Five or more of the said Trustees (which Compensation the said Trustees or any Five or more of them shall and may receive and accept.)

The present Gates and Side Gates continued, and new Side ones may be erected.

XIII. And be it further enacted, That the several Gates, Turnpikes, and Toll Houses erected and now standing across and on the Sides of the said Roads, and the Side Gate near the Boat House in *Penwortham*, called the *Penwortham Boat House Gate*, shall remain and be continued; and that such other Side Toll Gates, together with Toll Houses, shall be erected and made near to the Sides of the said Roads, as the said Trustees or any Five or more of them, at any Meeting or Meetings to be holden under this Act, shall deem necessary for preventing the Evasion of Payment of the Tolls herein-after granted; and that such Side Gates shall from Time to Time be removed and placed elsewhere, for the Purposes aforesaid, as the said Trustees or any Five or more of them shall at any such Meeting or Meetings direct; and that such Tolls shall be collected and levied at such respective Side Gates as are by this Act made payable upon the said Roads, so as that the same do not extend to a Double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid for passing through any of the Turnpikes or Turnpike Gates herein-before authorized to be erected and continued across and on the Sides of the said Roads hereby directed to be repaired.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, at any Time during the Continuance of this Act, to erect any Toll or Side Gate on that Part of the said Road from

Liverpool to *Preston* which lies between *Liverpool* aforesaid and the Scite of the present Turnpike Gate at *Walton*.

Power to erect Toll Houses and Weighing Machine Houses.

XV. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them to cause Toll Houses and Weighing Machine Houses to be erected adjoining to any Gate or Turnpike and Weighing Machine, and to inclose such Part of the said Roads, or of any Waste Land adjoining thereto, as they shall think proper, not exceeding Fifteen Perches, to be used as a Garden to any such Toll House and Weighing Machine House, and also to contract and agree for the Purchase of any private House or inclosed Lands, as may be convenient and proper for those Purposes; and in case the Owners, Proprietors, or Occupiers thereof shall decline or refuse to contract and agree, then and in such Case such inclosed Lands shall and may be had and taken in Manner and under and according to the Regulations and Restrictions herein-after prescribed for the taking of inclosed Lands for the Purpose of diverting and widening the said Roads.

Tolls to be taken after 23d Day of June next.

XVI. And be it further enacted, That from and after the Twenty-third Day of *June* next after the passing of this Act, the respective Tolls following shall be demanded and taken at all and every such Gates or Turnpikes as are or shall be erected and continued upon, across, and on the Sides of the said Roads as aforesaid, before any Horses, Mules, Asses, Cattle or Carriages shall be permitted to pass through the same; (that is to say,)

Tolls.

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

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

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

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

And for every Waggon or such like Carriage with Four Wheels, having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, drawn by not more than Four Horses or other Beasts, the Sum of Four Shillings; and drawn by Five or more Horses or other Beasts, the Sum of Seven Shillings; and having the Soles or Bottoms of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by not more than Four Horses or other Beasts, the Sum of Nine Shillings; and drawn by Five or more Horses or other Beasts, the Sum of Twelve Shillings:

For every Wain, Cart, or other such like Carriage with Two Wheels, having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards, drawn by One Horse or other Beast, the Sum of Four-pence; and drawn by Two Horses or other Beasts, the Sum of Eight-pence; and drawn by Three Horses

or

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

For every Waggon or Timber Carriage with fore and hind Wheels of different Breadths, the Toll shall be taken in respect of the Wheels of the less Breadth.

Additional Half Toll on Sundays.

And that on each and every *Sunday* during the Continuance of this Act, there shall be demanded and taken, in addition to the Tolls before mentioned, at each of the said Turnpikes or Toll Gates aforesaid, before any Horse, Cattle, or Carriage shall be permitted to pass through the same respectively, One Half the several Tolls herein-before directed to be taken on any other Day of the Week.

To prevent the Practice of entrusting several Carts to the Care of One Driver.

XVII. And whereas the Practice of entrusting several Carts or Carriages to the Care and Direction of One Person hath been very common upon the said Roads, to the great Peril and Nuisance of Persons travelling thereon, and it is expedient that so dangerous a Practice should be repressed by summary and effectual Means: And whereas it is likely that no Means will be so effectual to that End, as the subjecting the Owners of Carts in such Cases to additional Tolls; be it therefore further enacted, That from and after the said Twenty-third Day of *June* there shall be demanded and taken at each and every of the Gates then standing or being, or thereafter to be erected, across or at the Sides of the said Roads, through which any Number of Carts or Carriages drawn by One or more Horses shall pass, not having One Driver to each Cart or Carriage, over and above the Tolls herein-before mentioned, and notwithstanding any Exemption from Tolls to which such Carts or Carriages, not being on His Majesty's Service, may otherwise be entitled, the following additional Tolls; (that is to say,)

Tolls.

For each Cart or Carriage where the Number of such Carts or Carriages shall be in proportion of Two to One Driver, the Toll of Sixpence:

For each Cart or Carriage where the Number shall be in the proportion of Three to One Driver, the Toll of One Shilling:

For each Cart or Carriage where the Number shall be in the proportion of Four to One Driver, the Toll of One Shilling and Sixpence:

And for each additional Cart or Carriage above the Number of Four to One Driver, the Toll of Two Shillings.

Which said several additional Tolls shall be due and payable, and demanded and taken, each Time such Carts or Carriages shall have occasion to pass, and before passing through any of the said Gates, whether going or returning empty or loaded, and shall be collected and recovered by the same Means and in the same Manner, and applied to the same Purposes as the other Tolls by this Act appointed to be taken and paid: Provided always, that before any of the said additional Tolls shall be collected and taken as aforesaid, the Clause of this Act imposing the same shall be Twice published by the Clerk of the said Trustees in Two of the *Liverpool* News-

Newspapers, and shall be printed and put up in some conspicuous Place upon or near each of the said Gates, there to remain for the due Information and Caution of all Persons having Occasion to use the said Roads with Carts and Carriages.

Persons taking Charge of Carts, &c. not being the actual Drivers, liable to additional Tolls.

XVIII. And be it further enacted and declared, That no Person or Persons taking Charge or Care of any such Carts or Carriages merely whilst coming near to, passing through, and going from any of the Toll Gates erected or to be erected on the said Roads, and not travelling the whole Length of Journey on the said Roads, or for certain Stage or Stages thereof, with such Carts or Carriages, shall be deemed and considered the *bonâ fide* Driver or Drivers thereof, so as to be exempt from the said last-mentioned additional Tolls.

Tolls may be reduced, and again advanced.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees or any Nine or more of them, and they are hereby empowered, at the First Meeting to be held under this Act, or at any Adjournment thereof, and afterwards at any other Meeting or Meetings to be held for that Purpose, by and with the Consent of the Person or Persons who is, are, or shall be entitled to Five Sixth Parts of the Money which is now or shall be owing upon the Credit of the Tolls granted by the said recited Act or by this Act, to lessen or reduce all or any of the Tolls by this Act granted and made payable, except the Tolls made payable in Cases where more than One Cart or Carriage shall be under the Care of One Person, and for such Time and Times as they the said Trustees or any Nine or more of them, with the Consent aforesaid, shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned; and also from Time to Time, by and with the Consent aforesaid, to direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts or Proportions at the said Turnpikes or Toll Gates upon the said Roads as they shall think proper, and that such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the said Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, after the First Meeting or some Adjournment thereof to be held under this Act, unless Twenty-one Days previous Notice at the least shall have been given thereof, in Writing or Print, to be affixed upon all the Turnpikes then erected upon the said Roads, and also Twice inserted in some one or more of the *Liverpool* Newspapers.

Directions how often Tolls shall be taken in a Day.

XX. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected by virtue of this Act shall be subject to any Toll for returning through such Turnpike the same Day before Twelve of the Clock at Night, with the same Horse or other Beast, Horses or other Beasts, Coach, Chaise, Waggon, Cart, or other Carriage, but shall return Toll-free (except such Horse or other Beast, Coach, Chaise, or other Carriage shall be used and employed in carrying Passengers for Hire to and from different Places, and shall upon such Return be loaded with or carry fresh Passengers, or such Waggon, Cart, or other such like Carriage shall

return the same Day laden with any fresh Loading of the Weight of more than One hundred and twelve Pounds, in which Cases the Toll and Duty shall be payable and paid on such Return, and as often as such Carriages or any of them shall pass and repass on the same Day through the said Turnpikes and every of them respectively, in like Manner and on the like Terms and Conditions as they are originally liable to pay Toll by virtue of this Act, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket such Collector is hereby required to deliver *gratis* on Receipt of such Toll.

Exemptions from the Tolls for Dung.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend to charge with the Payment of any of the Tolls hereby granted, any Waggon, Wain, or Cart, or other such like Carriage, laden with any Materials to be used as Manure or Compost only for the Improvement of Lands; and in case any Person shall have paid Toll for any Carriage having no other Lading than sufficient Baiting for the Horses or other Beasts drawing such Carriage for the Space of One Day, and passing through any of the said Turnpikes, and shall with the same Carriage return the same Day (to be computed as aforesaid) through the same Turnpike laden only with such Materials as aforesaid for the Improvement of Lands, and shall produce a Note or Ticket denoting such Payment, the Collector of the Tolls shall and is hereby required to return to such Person the Toll so paid by him; and if such Collector shall refuse so to do, he shall forfeit and pay to such Person any Sum not exceeding Ten Shillings.

Further Exemptions.

XXII. Provided also, and be it further enacted and declared, That no Toll shall be demanded or taken for any Horse, Mare, Gelding, or other Cattle, drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the said Roads, or any of the Highways or public Roads in the Townships or Places in which the Roads hereby intended to be repaired and improved, or any Part thereof, do lie, or to which such Townships or Places are contiguous or adjoin; nor shall any Toll be taken, demanded, or received for any Carriage or Cattle going for the Purpose of or returning from ploughing, sowing, tilling, or cultivating any Land or Ground; or going for or returning unladen or only laden with any Hay, Straw, or Corn in the Straw, not sold or disposed of, or carrying to be sold or disposed of, or Pulse, Potatoes, or other Roots, unsold or not for Sale, but passing to be laid up or placed in or on any of the Houses, Outhouses, Yards, or Lands of the Owners thereof; or for any Ploughs, Harrows, or other Implements of Husbandry belonging to or employed by the Inhabitants of any of the said Townships or Places, in order for the repairing thereof or using the same in Husbandry, or any Gates, Posts, or Rails, for the fencing of Lands in any such Townships or Places; or carrying or conveying, or going for or returning after having carried or conveyed, any Corn or Grain to or from any Mill within the Township or Place wherein the Owner of such Corn or Grain shall then reside, or where he or she is or may be bound or obliged to grind; or for any Horse or other Cattle going to or returning from Water or Pasture, or going to be or returning from being shoed or farried; or for any Horses, Cattle, or Carriages employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General,

General, either when employed in conveying or guarding the same, or in returning back unladen or only laden with the Rider or Driver from conveying or guarding the same; or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers, or returning back unladen from conveying the same; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or in returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or returning unladen from so doing; nor shall any of the Tolls hereby granted be demanded or taken from any Inhabitant of any Township or Parish through which any Part of the said Roads doth pass, who shall pass through any of the said Turnpikes to or from his, her, or their respective Parish Church, Chapel, or other Place of Religious Worship tolerated by Law, on *Sundays*, or on *Christmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person dying and to be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon any other his Parochial or Ministerial Duty on a *Sunday*, or on *Christmas Day* or *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor shall any Toll be demanded or taken for or in respect of any Horse, Cattle, or other Beast conveying any Passenger, or drawing any Coach, Landau, Landaulet, Chariot, Gig, or other Carriage, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded.

Exemption for Tarleton Inhabitants to convey Building Materials and Turves within that Township.

XXIII. Provided also, and be it further enacted, That no Toll shall be demanded or taken for any Stone, Slate, Flag, Brick, Timber, or other Materials for Building, conveyed or to be conveyed from and to any Place or Places within the Township of *Tarleton*, for the Purpose of erecting, altering, or repairing any Houses, Barns, or other Buildings standing, erected, or hereafter to be erected within the said Township, for the Use of Persons residing or occupying Lands therein, or for any Turves conveyed or to be conveyed within the said Township, for the sole Use of Persons residing or occupying Lands therein, and not sold or for sale.

Inhabitants of Penwortham, Farrington, and Leyland Lane, to pay Half Toll only at the

XXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to subject or charge any of the Housekeepers or other resident Inhabitants, or Owners or Occupiers of Estates within the Townships of *Penwortham* and *Farrington*, and in that Part of the Township of *Leyland* called *Leyland Lane*, in the said County, with the Payment of more than One Half of any of the Tolls hereby granted

Boathouse Gate.

granted and made payable (except the Tolls made payable in Cases where more than One Cart or Carriage shall be under the Care of One Driver) for or in respect of any Cattle or Carriage passing through the Turnpike erected near the Boathouse in *Penwortham*, called the *Penwortham* Boathouse Gate, which shall be passing only to or from their respective Houses or Lands in those several Places.

Penalty for claiming Exemptions, not being entitled.

XXV. Provided always, and be it further enacted, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever whereby the Payment of the Tolls granted by this Act or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; whereof one Moiety shall be applied towards repairing or amending the said Roads, and the other Moiety thereof shall be paid to the Use of the Informer or Informers; and in all Cases the Proof of Exemption shall be upon the Person or Persons claiming the same.

Owners or Drivers of Waggons in His Majesty's Service not subject to Penalties for Overweight, &c.

XXVI. Provided always, and be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or other Cattle.

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

XXVII. Provided also, and be it further enacted, That all Waggons and other Four-wheel Carriages, the Wheels or Axletrees whereof shall be so constructed as to be capable of rolling Two Surfaces, shall be permitted to carry Weight according to the Width of the Fellies of the narrowest of the Wheels thereof only; and all Waggons or other Four-wheeled Carriages subject and liable to the Payment of Tolls by virtue of this Act, which shall have the Fellies of the Wheels thereof of different Breadths, shall be liable to pay Toll and have Allowance of Weight according to the Breadth of the narrowest of such Wheels: Provided always, that the said Regulations and Restrictions shall not apply to Waggons or other Four-wheeled Carriages, the Wheels whereof shall be of the Breadth of Nine Inches, rolling a Surface of Sixteen Inches.

For erecting Weighing Machines.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting (if they shall think proper), to continue or discontinue the Weighing Machine already made on the said Roads in the Township of *Walton*, and to order and cause to be built upon any Part or Parts of the said Roads, as to them shall seem most eligible and expedient, within the Distance of Five hundred Yards from any of the said Toll Gates, any Cranes, Machines, or Engines, with suitable Buildings thereto, proper for the weighing of Carts, Waggons, or Carriages conveying any Goods, Wares, Merchandize, or other Things whatsoever, and to order all and every or any such Carriage or Carriages subject and liable to the Payment of Tolls by virtue of this Act, which shall come upon any Part of the said Roads (whether the same shall have passed through any Toll Gate or Toll Bar or not),

to

to be weighed, together with the Loading thereof; and that all Clauses, Powers, Privileges, Exemptions, Restrictions, Penalties, and Forfeitures contained in the General Turnpike Act, or any other General Act now in force, or hereafter to be made and passed, applicable to Weighing Machines, shall in all Cases extend to and operate upon all Cranes, Machines, and Engines whatsoever which now are or hereafter may be erected upon the said Roads, any thing herein contained to the contrary notwithstanding.

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

XXIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, at any Meeting, whereof Twenty-one Days Notice shall have been given in Writing affixed upon all the Toll Gates or Turnpikes then erected upon or across the said Roads, and by Advertisement inserted in some one of the *Liverpool* Newspapers, from Time to Time to let and demise, or agree to let and demise, either with or without the Tolls by this Act authorized to be taken, or any Part thereof, the Weighing Cranes, Machines, and Engines which is, are, or may be erected by virtue of the said General Turnpike Act and this Act, and the additional Tolls or Duties granted and made payable thereat for any Carriage which, with its Loading, shall weigh more than the Weight allowed by Law; provided that the said additional Tolls be let in the same Manner as the Tolls arising at the Toll Gates or Turnpikes are by this Act directed or prescribed to be let.

For letting Weighing Machines.

XXX. And be it further enacted, That the said respective Tolls hereinbefore granted shall be and are hereby vested in the said Trustees, and shall be applied in such Manner as herein-after mentioned; and it shall be lawful for such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time authorize, nominate, and appoint, to demand, collect, and take the Tolls hereby granted and made payable; and if any Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for any Person or Persons, authorized or appointed as aforesaid to collect the said Tolls, to seize and distrain the Cattle or Carriage upon which such Toll is by this Act imposed, or any other of the Goods or Chattels, and in any Place, of the Person so neglecting or refusing; and if such Toll, and the reasonable Charges of seizing and distraining and keeping the said Distress (which it shall be lawful to do), shall not be paid within the Space of Four Days, the Person or Persons so seizing and distraining shall and may sell the Cattle, Carriages, or Goods so seized and distrained, returning the Overplus (if any), upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted.

Tolls vested in Trustees.

Recovery of Tolls.

XXXI. And be it further enacted, That if any Person owning, renting, or occupying any Lands, Tenements, or Hereditaments near or adjoining to the said Roads, shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place, or Way, in order or with Intent to evade the Payment of any of the Tolls hereby granted, or shall knowingly or wittingly permit or suffer any other Person to go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or

Penalty on Persons evading Tolls.

or Hereditaments, in order or with Intent that the Payment of the said Tolls or any Part thereof should be evaded; or if any Person shall go or pass with any Cattle or Carriage through or over any such Lands, Tenements, or Hereditaments, or through any Gate, Passage, Inclosure, Place, or Way, in order or with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person shall knowingly and with Intent to evade the Payment of any of the said Tolls give to or receive from any Person, other than the Collector of the said Tolls, any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forge, counterfeit, or alter any such Note or Ticket, or make use of any such forged, counterfeited, or altered Note or Ticket, knowing the same to have been forged, counterfeited, or altered, whereby the Payment of the said Tolls or any Part thereof shall be evaded; or if any Person shall forcibly pass through any of the Turnpikes to be continued or erected as aforesaid, with any Cattle or Carriage, without Payment of the Tolls due for the same; or shall take off or cause to be taken off any Horse or other Cattle from any Carriage, with Intent to evade the Payment of the said Tolls or any Part thereof, when justly due; every Person offending in any of the Cases aforesaid shall for such Offence forfeit any Sum not exceeding Five Pounds, of which Penalty One Moiety shall go to the Informer, and the other Moiety thereof to the Treasurer for the Time being of the said Roads, for the Use thereof.

Trustees may compound for Tolls.

XXXII. And be it further enacted, That the said Trustees or any Five or more of them shall and may from Time to Time, as often as they shall think fit, compound with any Person or Persons (except Persons carrying Goods or other Things for Hire) who usually reside within One Mile of any Turnpike continued or to be erected by virtue of this Act, for passing through all or any of the said Turnpikes with any Carriage or Cattle, by the Year or otherwise, for any Sum of Money, for or in lieu of the Payment of the Tolls hereby granted; which Composition Money shall always be paid One Calendar Month or more in advance to the Treasurer of the said Roads, or in default thereof every such Composition Agreement to be void.

Tolls may be let.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, by Writing under their Hands and Seals, to let to farm all or any of the said Tolls, for any Term not exceeding Three Years at any One Time, for the best Rent that can be gotten for the same, unto any Person or Persons who shall give good and satisfactory Security for Payment of the Rent, at such Times, and Performance of such Covenants as the said Trustees or any Five or more of them shall think fit; and the Person or Persons to whom such Tolls shall be let shall have full Right to demand and collect the same, and upon Nonpayment thereof, after Demand, to levy and distrain for the same as herein-before mentioned, without any further or other Authority or Warrant from the said Trustees.

Power for Trustees to levy Rents by Distress, and declare Contracts for letting void,

XXXIV. And be it further enacted and declared, That if on or after any Letting or Agreement for letting the said Tolls, or any Part thereof, any Default shall be made in Payment of the Rent agreed to be paid for the same, on the Days and Times appointed for Payment thereof, the said Trustees or any Five or more of them, or their Treasurer by their

Order, shall and may from Time to Time proceed to levy and recover all Rent and Arrears due and owing by Distress and Sale of the Goods and Chattels of the Person or Persons to whom the said Tolls shall be let, in the like Manner as Rent reserved on common Demises or Leases of Lands let to Tenants at Rack Rent is by Law recoverable; and also that on any such Default as aforesaid the said Trustees, or any Five or more of them, shall and hereby have Power, at any Meeting to be held after Ten Days Notice shall be given to such Defaulter, to declare any Demise, Letting, or Agreement for letting the said Tolls, or any Part thereof, void, and the same shall be thereupon void to all Intents and Purposes from the Time of such Declaration; but in such Case the said Trustees, or any Five or more of them, shall nevertheless have full Power and Authority, by the Ways and Means aforesaid, to levy and recover all Rents and Arrears of Rent then due and owing, or so much thereof as can be so recovered from such Defaulter. in certain Cases of Default.

XXXV. And be it further enacted, That where it shall be necessary to distrain any Horses or other Cattle, or any Goods or Chattels, to recover the Tolls directed to be taken by this Act of any Person or Persons liable to pay the same, who shall neglect or refuse to pay the same after Demand made thereof, such Distress shall and may be made or taken by any Lessee or Lessees or Renters of such Tolls, or by the Person or Persons appointed to collect the Tolls, or by any Surveyor or Surveyors of the said Roads, or by any other Person or Persons who shall be for that Purpose appointed by the said Trustees or any Five or more of them; and that in case any Dispute, Litigation, or Suit shall arise or be had or prosecuted touching or concerning such Distress or Distresses, or the Prosecution thereof, or concerning the Nonpayment of the said Tolls or any Part thereof, the Person or Persons appointed to collect the said Tolls shall not be incompetent by reason of his or their being a Toll Gatherer or Toll Gatherers to prove the Legality of the Distress, the Nonpayment of such Tolls, or to give any other Proof, Testimony, or Evidence which shall be requisite. Toll Keeper to be a competent Witness.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest such Sum or Sums of Money as they shall from Time to Time think fit, upon the Credit of the said Tolls, so that there shall not be at any one Time a greater Debt upon the said Tolls than the Sum of Twenty thousand Pounds, and by Writing under their Hands and Seals to assign over or mortgage the said Tolls, or any Part or Parts thereof (the Charges of such Assignments or Mortgages to be paid out of such Tolls), to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the several Sums that shall be borrowed, with the Interest thereof; which Assignments or Mortgages, and also any new Assignments or Mortgages that may be given in lieu of any of the Assignments or Mortgages already given for the Money due and owing upon the Credit of the said former Act as aforesaid, (which the said Trustees or any Five or more of them are hereby authorized and empowered to give, at the Expence of the Persons entitled thereto, in case such Persons shall be desirous of changing their present Securities,) shall be in the Words or to the Effect following; (that is to say,) Power to borrow Money.

‘ BY

Form of Mortgage.

'BY virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act, &c.* [*here insert the Title of this Act*], We, Five of the Trustees for putting the said Act in Execution, in consideration of the Sum of to the Treasurer for the said Roads in hand paid by do hereby grant and assign unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum now due and owing, or to be advanced on the Credit thereof; to be had and holden from the Day of in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of for One hundred Pounds by the Year, shall be sooner repaid and satisfied. Witness our Hands and Seals this Day of in the Year of our Lord .'

Copies to be made.

And Copies of all such Assignments or Mortgages as shall be granted by virtue of this Act, and also of such of the Assignments or Mortgages already granted as aforesaid as shall be produced for that Purpose within one Year next after the passing of this Act, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, who shall examine and compare the same with the Original, and attest the same at the Foot of every such Copy; and all Assignments or Mortgages which shall be made in the Form and Manner aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes; and all and every Person and Persons to whom any Assignments or Mortgages have already been or shall be made as aforesaid, or who now is, are, or shall be entitled to the Money thereby respectively secured, may from Time to Time, by Writing under his, her, or their Hand or Hands, transfer his, her, or their Right, Title, and Interest in and to the Principal and Interest thereby secured, to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I being entitled to the Sum of secured to Executors, Administrators, and Assigns, by virtue of an Assignment or Mortgage bearing Date the Day of under the Hands and Seals of of the Trustees acting in the Execution of a certain Act passed in the Fiftieth Year of His Majesty King *George* the Third, intituled *An Act, &c.* [*here insert the Title of the Act under which the Mortgage was made*], made of the Tolls arising on the said Roads, do hereby transfer all my Right and Title in and to the said Sum of and all Interest now due for the same, unto his Executors, Administrators, and Assigns. Dated the Day of .'

Memorial of such Transfer to be registered.

Which said Transfer shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sums of Money thereby transferred, in the said Book or Books to be kept for entering the said original Assignments or Mortgages, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; which said Book or Books

Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and after such Entry made, but not till then, every such Transfer shall entitle such Assignee, his, her, or their Executors and Administrators, to the Benefit thereof and Payment thereon, and every Assignee may in like Manner transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Transfer to make void, release, or discharge the same, or any Monies due thereon, or any Part thereof; and all Persons to whom any such Assignments or Mortgages have been or shall be made as aforesaid, and their respective Assigns and Representatives, shall be, in proportion to the Sums therein mentioned respectively, Creditors on the said Tolls in equal degree one with another, and shall have no Preference in respect to the Priority of advancing such Monies, or the Dates of such Assignments (except as after mentioned): Provided always, that the Trustees appointed by virtue of this Act, or the Trustees who acted in the Execution of the said former Acts or any of them, shall not be subject to or charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Assignment or Mortgage made or to be made as aforesaid.

Creditors to have no Preference.

Trustees not to be personally liable for Money borrowed on Mortgages.

XXXVII. And whereas by the said recited Act it is provided, that the Trustees for carrying the Act therein mentioned into Execution had, in pursuance thereof, secured to *Peter Legh* Esquire, upon the Credit of the Tolls granted by the said Act, the Payment of the Sum of One thousand one hundred and fifty Pounds, and Interest, as the Consideration or Purchase Money of a certain Road branching from the Highway or Lane leading from *Sollam* to *Hesketh Bank*, in the Township of *Tarleton*, to a certain Bridge over the River *Douglass*, called *Tarleton Bridge*, and also for the said Bridge (which Road and Bridge were the Property of the said *Peter Legh*), and likewise for so much Land belonging to the said *Peter Legh*, within the Township of *Bretherton*, as should be necessary for making a Road Thirty Feet wide from the said Bridge to *Carrhouse Grounds*, or over *Bank Marsh*, at the Option of the said Trustees, which said Bridge and Road so purchased as aforesaid were by the said recited Act vested in the said Trustees; and it is by the said Act enacted, that the said Principal Sum should remain secured upon the Tolls by that Act granted, until all other Assignments or Mortgages then already made and granted, or to be made and granted as therein aforesaid, should be paid off and redeemed, unless the said *Peter Legh*, his Heirs or Assigns, should, by Writing under his or their Hand or Hands, to be delivered to the Clerk or Treasurer to the Trustees for carrying that Act into Execution, require the said Principal Sum to be sooner paid, in which case the Security granted to the said *Peter Legh* as aforesaid should be paid off and redeemed prior to any Assignment or Mortgage of the said Tolls which should be then in force, any thing therein-before contained to the contrary thereof in anywise notwithstanding: And whereas it is expedient that the said Principal Sum should be secured upon the Tolls by this Act granted, and that the said Road and Bridge so purchased as aforesaid should be vested in the Trustees by this Act appointed; be it therefore enacted, That the said Principal Sum of One thousand one hundred and fifty Pounds shall be and remain secured upon the Tolls by this Act granted, until all the other Assignments or Mortgages already made and granted, or to be made and granted as aforesaid, shall be paid

Preference given in Payment of the Money secured to Peter Legh, Esq.

off and redeemed, unless the Assignee or Assignees of the said *Peter Legh* shall, by Writing under his, her, or their Hand or Hands, to be delivered to the Clerk or Treasurer to the Trustees for carrying this Act into Execution, require the said Principal Sum to be sooner paid, in which case the Security granted to the said *Peter Legh* as aforesaid shall be paid off and redeemed prior to any other Assignment or Mortgage of the said Tolls which shall be then in force, any thing herein-before contained to the contrary hereof notwithstanding; and that the said Road and Bridge so purchased as aforesaid shall be and the same are hereby vested in the Trustees by this Act appointed.

Application of the Tolls.

XXXVIII. And be it further enacted, That out of the Money now in the Hands of the said Trustees or their Treasurer, or out of the first Money arising by the Tolls that shall be collected by virtue of this Act, or out of the first Money that shall be borrowed upon the Credit thereof, the said Trustees or any Five or more of them shall, in the first place, pay and discharge all the Charges and Expences incident to and attending the obtaining and passing this Act (the same having been first settled and allowed at a Meeting of the said Trustees); and after Payment, Satisfaction, and Discharge thereof, the Tolls and other Monies to arise by virtue of this Act shall be and the same are hereby declared to be a Security for the Repayment of all Sums of Money now due and owing, or which may hereafter be due and owing, as well on the Credit of the Tolls granted by the said recited Act, as on any other Security given on account of and to secure the Repayment of Money heretofore lent or raised, or hereafter to be raised, for the Use of the said Roads, and all other Money owing on account of the said Roads, and also for all Debts, Contracts, Orders, and Engagements incurred, made, and entered into by the Trustees who have acted under the said former Acts, or any Person employed by them, with any other Person or Persons, for the Purposes of the said former Acts, and all Interest due and to become due and owing for the same respectively; and subject and liable to the Payment and Discharge thereof, all the Money which shall come to the Hands, Custody, or Power of the said Trustees by virtue of this Act, or any Person acting under their Authority, shall from Time to Time be applied in erecting and maintaining Turnpikes and Toll Houses, Weighing Machines and Machine Houses, and in amending, widening, turning, altering, and repairing the said Roads, and in defraying the necessary Costs, Charges, and Expences attending the same and the Execution of this Act, and to no other Use or Purpose whatsoever.

Toll Houses, &c. vested in Trustees.

XXXIX. And be it further enacted, That the present Turnpikes and Toll Houses erected by virtue of the said former Acts, and all Turnpikes, Toll Houses, Erections, and Buildings which shall be erected by virtue of this Act, with their respective Appurtenances, and the Materials of which the same do or shall consist, and the Materials which have been or shall be provided 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 authorized and empowered, at any of their Meetings, to dispose of the same as they shall think fit for the Purposes of this Act; and if any Person or Persons, other than those employed by the said Trustees, or their Surveyor, for that Purpose, shall break down, pull up, injure, or take away any Causeway, Bridge, Arch, Posts, or Rails, erected or to be erected on any

Part of the said Roads, or shall take, carry away, or destroy any Stone, Gravel, or other Materials provided for the Repair of the said Roads, or shall take or carry away any of the Drift, Sand, or Mire from the said Roads, without Leave in Writing under the Hands of the said Trustees or any Five or more of them, specifying the Quantity to be taken, and the Time for taking the same, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Farmers of Tolls refusing to quit Toll Houses at the End of Term, to be removed.

XL. And be it further enacted, That if any Farmer or Renter, Farmers or Renters of any of the Tolls hereby granted, or any Person or Persons claiming under him or them, shall for the Space of Two Days after the Expiration of the Term for which such Tolls shall be leased, or after the Demise shall be declared void as aforesaid, refuse to deliver up the Possession of the House, Buildings, Premises, and Appurtenances which shall have been demised to such Farmer or Renter, Farmers or Renters, along with the Tolls so leased, it shall be lawful for any Justice of the Peace for the said County of *Lancaster*, by Warrant under his Hand and Seal, to order the Sheriff, Constables, or other Peace Officers or other Persons, with proper Assistants, to enter such House and Premises in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such House, and to put any Person whom the said Trustees or any Five or more of them shall appoint into Possession.

Trustees may widen, alter, and divert the Road.

XLI. And be it further enacted, That the said Trustees or any Five or more of them are hereby fully empowered from Time to Time, at their Discretion, to widen, vary, and divert the Course or Path of the present Roads, and to set out and make the same of any Width not exceeding Fifteen Yards, exclusive of Ditches, (unless the Proprietors of the Lands adjacent shall consent to a greater Width,) through any Common Grounds, without making any Satisfaction for the same, and also through any waste, private, or inclosed Lands or Hereditaments lying contiguous or near to any Part of the said Roads, and to take and lay any Parts of such Lands and Hereditaments to the said Roads, making Satisfaction to the Owners thereof and Persons interested therein for the Damage they may sustain, and for that Purpose 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 interested may sustain, by making, widening, diverting, or changing the Course or Path of any Part or Parts of the said Roads through such Lands and Hereditaments; and it shall and may be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees or any Five or more of them for the Sale of such Lands or Hereditaments or any Part thereof, or for their Interests therein, for the Purposes of this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise not-

notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Where the Owners, &c. of Land refuse to treat.

XLII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to any Part of the said Roads, or through which the said Roads are to be diverted or varied, shall, for the Space of Ten 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 or any such Case the said Trustees or any Five or more of them shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Lancaster*, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer,) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested, for or on account of the taking of such Lands or Hereditaments into the said Roads, or of widening, diverting, or changing the said Roads through the same; and in order thereunto the said Trustees or any Five or more of them are hereby empowered and required from Time to Time to summon before the said 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 Two or more of the said Trustees are hereby empowered to administer); and they the said 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 better Information in the Premises; and after the said Jury shall have so inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees or any Five or more of them shall adjudge, order, and direct the Sum or Sums of Money, which shall be so assessed by the said Jury, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgment or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Aggregate or Sole, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and all and every Person and Persons in anywise interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, excluded and divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same.

Witnesses to be examined.

XLIII. And

By Trustees Warrant Sheriff to impannel a Jury.

XLIII. And be it further enacted, That the said Trustees or any Five or more of them are hereby empowered, when there shall be occasion for a Jury, by reason of the Circumstances aforesaid or any other, to issue out their Warrant or Warrants to the Sheriff of the said County of *Lancaster*, thereby commanding him to impannel, summon, and return a Jury of Twenty-four indifferent Men, to appear before the said Trustees or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and the said Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return Twenty-four such Persons as aforesaid; and out of the Persons so impannelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, 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.

Jurors may be challenged.

Sheriff and Jury fined for Default.

XLIV. Provided always, and be it further enacted, That the said Trustees and all Persons interested shall have their lawful Challenges against any of the said Jurymen, and that 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 on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who being summoned and returned on such Jury shall not appear, or shall refuse to be sworn on the said Jury, or, being sworn, shall refuse and not give his or their Verdict, or in any other Manner wilfully neglect his or 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 touching the Premises, shall refuse or neglect to appear, or shall refuse to be examined and give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and disposed of, so as that no such Fine exceed the Sum of Ten Pounds upon any one Person for any one Offence.

How Jury and Witnesses are to be paid.

XLV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authorities of this Act shall give in and deliver a Verdict and Assessment 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 such Loss or Damage, for more Monies than what shall have been agreed to or offered by the said Trustees, or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any such Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Property, or Interest, or the Loss and Damage as aforesaid, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Monies to arise by virtue of this Act, or out of the Money to be borrowed upon the Credit thereof; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to

and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Property, or Interest in any such Lands or Hereditaments, then the Costs and Expences of summoning and maintaining such Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence and Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in manner aforesaid.

Trustees not to pull down Houses, &c.

XLVI. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the taking down any Dwelling House or other Buildings, or taking in the Scite of any Dwelling House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to a House, other than and except so much and such Part and Parts of a Garden belonging to and in the Possession of *James Almond* and *Paul Almond* in the Township of *Maghull*, of an Outbuilding and Garden in the Occupation of *William Yates* in the Township of *Lydiate*, of a Pigstye and Garden in the Occupation of *Richard Fazakerley*, of a Pigstye and Garden in the Possession of *Michael Heathcote*, of a Garden in the Occupation of *Thomas Blackledge* in the Township of *Aughton*, and of a Smithy in the Occupation of *Evan Nelson* in the Township of *Rufford*, as the said Trustees or any Five or more of them shall deem necessary for making the said Roads in such respective Places wider, more convenient and commodious for travelling, not exceeding the Breadth of Twelve Yards, exclusive of Ditches; any thing herein contained to the contrary in anywise notwithstanding.

Money allowed for Lands, &c. how to be tendered.

XLVII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed upon the Credit of such Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, and capable and willing to receive the same, or to their Agents; and upon Payment or Tender thereof to such Persons respectively or their Agents, or upon Payment thereof into the Bank of *England* in manner by this Act directed, as the Case may be, it shall be lawful for the said Trustees or any Five or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Lands, Tenements or Hereditaments, and to take for or add to the said Roads, and to lay out and make, widen, divert, and turn such Road or Roads in and upon, through, and over such Lands, Tenements, and Hereditaments as the said Trustees or any Five or more of them shall think proper; and the said Lands, Tenements, and Hereditaments so added to, taken for, or made Part of the said Roads, shall be fenced from the adjoining private Lands, Tenements, or Hereditaments by the said Trustees or any Five or more of them, and shall be deemed and taken to be Part of the said Road hereby directed to be repaired for ever thereafter, and shall to all Intents and Purposes be a public and common Highway, and shall be repaired and kept in repair by such Ways and Means as the Roads hereby appointed to be repaired are by this Act to be repaired; and after such new Roads shall be completed, the Lands and Grounds constituting the old or former

Roads (unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Roads do not lead) shall be vested in the said Trustees, and shall and may be exchanged or sold and conveyed by them or any Five or more of them for the best Equivalent or Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and a Conveyance of the said old Roads, being executed by the said Trustees or any Five or more of them, shall be good and effectual.

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

XLVIII. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road, they may happen to be seised of some Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom they shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereunto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County Palatine, (who are hereby empowered to take the same,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be 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 re-purchasing the same, and he, she, or they and the said Trustees 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 in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the said Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Roads for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges, to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, shall be good and effectual in Law to all Intents and Purposes whatsoever.

Persons whose Lands adjoin to have the Preference.

XLIX. And

Application of Compensation Money exceeding 200*l.*

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

Application of Compensation Money if less than 200*l.*

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person

Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation if less than 20*l.*

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

In case of Refusal to accept, or of not making out Title, Money to be paid into the Bank.

LII. 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 be lawful for the said Trustees, or any Five or more them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividend thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give

a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, the Person in Possession to be deemed the Owner.

LIII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the said Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court of Chancery that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LIV. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, to be paid by the said Trustees or any Five or more of them out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons and Places now liable to Repair of Roads to continue so.

LV. And be it further enacted, That all and every Person and Persons, Bodies Politic and Corporate, Corporations Aggregate and Sole, County, Hundred, Division, Parishes, Townships, Hamlets, and Places, and the Inhabitants thereof, and all Lands, Tenements, or Hereditaments, and the Rents, Issues, and Profits arising out of any Lands, Tenements, or Hereditaments, which before the making of this Act was or were liable to and chargeable with the making, Improvement, or Repairs of any Bridges, Platts, Soughs, Trunks, Tunnels, or Drains, or of any Part or Parts of the said Roads, or hath or have used, or of right ought by reason of the Tenure of any such Lands, Tenements, or Hereditaments, or on any other Account or Accounts, to repair any Bridges, Platts, Soughs, Trunks, Tunnels, or Drains, or any Part or Parts of the said Roads, shall, notwithstanding this Act, be subject and liable to and charged and chargeable with making, improving, repairing, and keeping

keeping in repair the same Bridges, Platts, Soughs, Trunks, Tunnels, or Drains, and the same Parts of the said Roads, in such and the like Manner as if this Act had not been made.

Trustees may direct Prosecutions at the Expence of the Tolls.

LVI. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting or Meetings to be held pursuant to this Act, may and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments or Presentments to be preferred and prosecuted, at the Expence of the Revenues to arise under this Act, against the Inhabitants of the County, or any Hundred or Division, or against the Inhabitants of all or of any of the Parishes or Townships through which the said Roads pass, and against every Body or Corporation, Person or Persons liable by reason of his, her, or their Tenure, or otherwise, to repair and make any Bridges, Platts, Soughs, Trunks, Tunnels, or Drains, or any Part or Parts of the said Turnpike Roads, who shall neglect or omit or refuse to repair the same.

Trustees not to pave Streets in any Town.

LVII. Provided always, and be it enacted, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied to the paving or repairing any Pavements or Causeways in any Town or Street through which any Part of the Road by this Act intended to be widened and repaired shall lead.

Persons chargeable to Statute Work to continue so.

LVIII. Provided always, and be it further enacted, That all Persons, Bodies Politic and Corporate, who by Law are liable to do Statute Work, or chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the County Palatine of *Lancaster*, and they are hereby required and empowered, upon Application made to him or them by the said Trustees, or by their Clerk or Surveyor, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads do lie, and also what Proportion of the Money received and to be received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as Composition or Contribution as or for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justice or Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justice or Justices, at some Place to be expressed in such Summons (within Ten Days after serving of such Summons), of the Names of the several Persons who, within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition or Contribution as or for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draught, or otherwise, and also the Amount of the respective Sums to be so paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repairs of the public

public Highways; and out of such Lists the said Justice or Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justice or Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the Surveyor or Surveyors of every such Parish, Township, or Place, for the Time being, within Two Days next after Notice shall be given to him or them in Writing by the said Trustees or any Five or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid he or they would have to do their respective Statute Work so directed and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give Notice thereof to the said several Persons so chargeable as aforesaid; and the said Justice or Justices shall and may also order and direct the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to pay such Proportion of the Money by him or them received and to be received of and from the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition and Contribution as and for Statute Work as aforesaid, as the said Justice or Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justice or Justices shall direct, and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Surveyors making Default in Payment thereof as aforesaid; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, or by any Surveyor or Surveyors of the Parish, Township, or Place, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains and Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, or by the Surveyor or Surveyors of any Parish, Township, or Place, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Labourer, Team, or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or neglect to give such Summonses and Notices as aforesaid, or refuse or neglect to pay over the Composition Money aforesaid, every such Surveyor or Surveyors

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

Declaring who shall be Team Owners.

LIX. Provided also, and it is hereby further declared and enacted, That every Person or Persons, Bodies Politic and Corporate, who shall rent, hire, or occupy any Lands, Tenements, or Hereditaments of the yearly Value of Fifty Pounds, shall be deemed and taken as a Teamholder, and shall do and perform such Work in and towards the repairing the Highways within their respective Parishes, Townships, Hamlets, and Places in which they respectively live, or hold or occupy such Lands, Tenements, or Hereditaments, as Persons keeping Teams are obliged to do.

Trustees may compound for Statute Work.

LX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants, Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes, Townships, or Places in which the said Roads shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Township, or Place, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees, in advance, on or before the First Day of *January* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Trustees may contract for repairing the Roads.

LXI. And be it further enacted, That the said Trustees, or any Five or more or them, shall and may, and they are hereby authorized and empowered at any of their Meetings, by Writing under their Hands, to contract and agree with any Person or Persons who shall be willing to undertake the same, for repairing, supporting, and maintaining any Part or Parts of the said Roads hereby directed and intended to be repaired, for and during any Time not exceeding Three Years, and at and after such Rate and Price for every Mile thereof, in Length or otherwise, as to the said Trustees, or any Five or more of them, shall seem reasonable, so as Fourteen Days Notice in Writing for that Purpose, under the Hand of the Clerk to the said Trustees, be affixed upon the several Turnpikes which shall be then standing across the said Roads.

Roads to be measured and Milestones set up.

LXII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered and required to cause the said Roads to be measured when occasion shall require, and Stones or Posts to be continued or set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with such Inscriptions thereon, denoting the Distances of Places, as they shall direct; and also to erect Guide or Direction Posts, with such Inscriptions thereon as they shall think fit and necessary; and if any Person or Persons shall wilfully break, obliterate, deface, or pull up any of the said Posts or Stones, he shall

forfeit and pay the Sum of Forty Shillings, whereof one Moiety shall be paid to the Informer.

Surveyors may take away Rubbish or Refuse Stones of any Quarry.

LXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors appointed and to be appointed under the Authority and Provisions of this Act, and such Person or Persons as the said Surveyors shall respectively appoint, from Time to Time to take and carry away, and cause to be taken and carried away, so much of the Rubbish and Refuse Stones of any Quarry or Quarries lying and being in any of the Parishes, Townships, or Places where the said Highways or any of them lie, as such Surveyors shall respectively think necessary for the Amendment of the said Highways or any of them; and also that it shall and may be lawful for every such Surveyor, for the Use aforesaid, in any Common or Waste Lands, River or Brook, Sea Strand, Beach, or Shore, within any of the said Parishes, Townships, or Places, or any adjacent Parish, Township, or Place, wherein Gravel, Sand, Stone, or other Materials are likely to be found, to search for, dig, get, and carry away the same; and if sufficient Gravel, Stones, or Materials cannot conveniently be had within such Commons or Waste Lands, River, Brook, Sea Strand, Beach, or Shore, it shall be lawful for all and every the said Surveyors, for the Use aforesaid, to search for, dig, and get Sand, Gravel, Stone, and other Materials in any of the Lands of any Person or Persons, Body or Bodies Politic or Corporate whatsoever, within the said Parishes, Townships, or Places, or any adjacent Parish, Township, or Place, and to take and carry away so much of the said respective Materials as in the Discretion of the said Surveyors shall be thought necessary to be employed in the Amendment of the said Highways, the said respective Surveyors making such Recompence for the same, and for the Damage to be done to such Lands by the getting and carrying away the same, as shall be agreed on between him or them and the Owner or Occupier, or other Person or Persons interested therein, with the Approbation of the said Trustees or any Five or more of them; and in case they cannot agree then such Recompence shall be settled and ascertained, and shall be paid by such Persons, and in such Manner, as is herein-before directed in respect to Lands or Grounds taken for widening the said Roads, any thing in this or any other Act of Parliament to the contrary hereof notwithstanding; provided that no such Materials shall be taken from any Shore or Sea Beach without the Consent of the Lord or Lords of the Manor, or Owner of the Soil of the Waste.

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

LXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, and carry away any Materials for making or repairing the said Roads 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 or their 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 where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier 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 Surveyors or other Person or Persons to dig, gather, take, and carry away such Materials, at

such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees or such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, or his or her Agent, had attended.

Penalty on taking away Materials, &c. got by Order of the Surveyors.

LXV. And be it further enacted, That if any Person or Persons shall take away any Materials which have been dug or gathered in any Lands, Fields, Wastes, or Grounds, River or Brook, Sea Strand, Beach, or Shore, for the Purpose of making or amending the said Roads, or shall dig, get, or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or other Workmen shall have discontinued working therein for the Space of Twenty-one Days, except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Owners to get Materials therein, for his, her, or their own private Use only, and not for Sale, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Annoyances to be removed.

LXVI. And be it further enacted, That if any Person or Persons shall lay any Hay, Straw, Weeds, or Rubbish, or any other Matter or Thing, upon any Part or on the Sides of the said Roads, to be made into Manure, or for any other Purpose, or shall scrape off the same, or use any Iron Crow, Rake, or other Instrument with a sharp Point, to the Injury of the said Roads or any Part thereof; or if any Person or Persons shall leave any Waggon, Cart, or other Carriage in, upon, or on the Sides of any Part of the said Roads (except a reasonable Time for the loading and unloading thereof), either with or without any Horse or other Beast 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, or make any Inclosure, Erection, or Building in any Part of the said Roads or on the Side or Sides thereof, within Ten Yards, or any Mill or Mills within One hundred Yards of the Centre of the Main or Carriage Road or Pavement; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Roads any Tree or Piece of Timber or Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the said Roads to the Injury thereof; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in or upon any Part of the said Roads, or hew or saw any Piece of Stone or Timber, or bind, make, or repair (except in Cases of Accident) the Wheel of any Carriage; or (except in Cases of Accident) shoe, bleed, or farry any Horse or other Beast in or upon any Part of the said Roads, and be convicted thereof by Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before any One or more Justice, or Justices of the Peace for the said County (which Oath such Justice or Justices is and are hereby empowered and required to administer), or upon the View of any such Justice or Justices, it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and such Person or Persons as he or they shall appoint, by Order of the said Justice or Justices, for that Purpose, to take down and remove such Inclosure, Erection, Building, Mill or Mills as aforesaid, leaving the Materials in some convenient Place for the Use of the Owner or Owners, and with or without such Order as aforesaid to seize

seize upon such Waggon, Cart, or other Carriage, Timber, Stone, Hay, Straw, Dung, Manure, or Soil, and convey the same to some Place or Places near any of the Toll Houses now erected or to be erected on the said Roads, giving Notice of the Place to which such Materials shall be so removed to the Owner or Owners thereof, or leaving such Notice at his, her, or their Dwelling House or Houses, or at the Turnpike or Toll House nearest to the Place where such Seizure shall be made; and if, within Five Days next after such Notice given or delivered as aforesaid, such Articles, Materials, and Things shall not be taken or carried away by the Owner or Owners thereof, or by some Person or Persons on his, her, or their Behalf, the same shall and may be sold, and the Money arising by such Sale shall, after Payment of the Penalty, and the Costs and Charges of such Distress and Sale, be returned, upon Demand, to the Owner or Owners of such Articles, Materials, and Things; and any Person so offending shall forfeit any Sum not exceeding Five Pounds, and all Costs and Charges incident to and attending such Conviction, to be levied by Distress and Sale of the Goods and Chattels of such Offender, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress cannot be found it shall be lawful for any Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the House of Correction, there to remain for any Time not exceeding One Calendar Month, or until the Expiration of the said Time, or until he or she shall have paid the Sum adjudged by the said Justice or Justices to have been so forfeited.

Surveyor to make Drains, &c.

LXVII. And be it further enacted, That any Surveyor appointed or to be appointed as aforesaid may cause to be made any Causeways, and also may fill up or make all such Watercourses, Ditches, or Drains, in, upon, or on the Sides of the said Roads, or any Common, Waste, or inclosed Ground adjoining thereto, as shall be necessary to be filled up or made for the better keeping the said Roads in repair, or for the Safety or Convenience of travelling, and to build or cause to be built or made any Bridges, Arches, Plats, Trunks, or Tunnels, in, upon, across, or under the said Roads, or such Ditches, Drains, or Watercourses; and that where any Watercourses, Ditches, Drains, or Gutters, which usually have been made, or which by Law are obliged to be made, scoured, cleansed, widened, and deepened by the Owners or Occupiers of the adjoining Lands, shall not be sufficient to drain and carry off the Water from the said Roads, or where it shall be necessary for that Purpose to make any new Ditch within any inclosed Land, it shall be lawful for any such Surveyor, by Order of the said Trustees or any Five or more of them, to cut and make new Ditches, Soughs, and Drains, in and through the Lands and Grounds adjoining and lying near to the said Roads or any of them, or any other Lands or Grounds, whenever it shall be necessary, for the more easy and effectual draining such Roads, and to keep such Ditches, Soughs, and Drains scoured, cleansed, and opened; and every such Surveyor and Workman are hereby authorized to go upon any such Lands for the Purposes aforesaid; provided such Surveyor shall without Delay make other Watercourses, Ditches, and Drains in such Lands, and proper Bridges, Arches, Plats, Trunks, and Tunnels over such Ditches and Drains, where the same shall be necessary, for the convenient Use and Enjoyment of the Lands through which the same shall be made; and the same shall from Time to Time be kept in repair by such Surveyor; and the said Surveyor shall also make

such

such reasonable Satisfaction to the Owner or Occupier of the Lands, for the Damage which shall be sustained thereby, as shall be agreed on between him or them and such Surveyor, with the Approbation of the said Trustees or any Five or more of them; and in case they cannot agree, then such Satisfaction shall be settled and ascertained by the Justices assembled at the Quarter Sessions to be holden for the District wherein such Lands shall lie, within Six Calendar Months next after any Damage shall be done as aforesaid.

For cutting Hedges and Trees and cleansing of Ditches.

LXVIII. And be it further enacted, That if any Person or Persons, being Owner or Owners, or Occupier or Occupiers of any Lands, Tenements, or other Premises near the said Roads, shall neglect or refuse by the Space of Six Days next after Personal Notice given to him, her, or them, or Notice in Writing left at his, her, or their usual Place of Abode, under the Hand of any one of the said Trustees or of any Surveyor to be appointed by them as aforesaid, effectually to make, scour, cleanse, open, deepen, or widen any Watercourses, Ditches, Drains, or Gutters adjoining or near to the said Roads, and which ought to drain or carry off the Water from the same, or shall neglect or refuse, for the Space of Six Days after the like Notice, to lay, make, or amend any Bridges, Arches, Plats, Trunks, or Tunnels in such Manner as to be sufficient to carry away such Water, or shall neglect or refuse, by the Space of Fourteen Days after the like Notice, at proper Seasons of the Year, to lop or cut down any Trees, Bushes, Shrubs, or Hedges growing in the said Roads, or in the Hedges or Banks adjoining thereto, and within Ten Yards of the Centre thereof, then and in every such Case it shall be lawful for the Surveyor or Surveyors, appointed or to be appointed as aforesaid, to cause to be made, scoured, cleansed, opened, deepened, and widened all such Watercourses, Ditches, Drains, or Gutters, and to cause to be laid, made, and amended all such Bridges, Arches, Plats, Trunks, or Tunnels, and to be lopped, plashed, or cut down all such Trees, Shrubs, Bushes, or Hedges; and the Person or Persons so neglecting, and who ought to make, scour, cleanse, deepen, and widen such Watercourses, Ditches, Drains, or Gutters, and to cut, lop, and plash such Hedges, and cut down such Trees within the Time aforesaid, shall forfeit for every Foot in Length, which shall be so neglected, the Sum of One Penny, and for every such Tree the Sum of Two Shillings; and the Surveyor shall be reimbursed his Charges attending the doing what shall after such Notice be so neglected to be done by the Party so neglecting, and the same shall be recovered and levied in such Manner as the Penalties and Forfeitures are by this Act directed to be recovered and levied.

Penalty on obstructing Surveyors, &c. and the Collectors, &c.

LXIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, any of the Collectors of the Tolls in the Execution of this Act, or any Surveyor or Surveyors, or 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 cutting, digging, taking, or carrying off any Furze, Heath, Sand, Gravel, Stones, or other Materials, which such Surveyor or other Person or Persons is or are by this Act enabled to take or make use of for the altering, widening, or repairing the Roads by this Act intended to be repaired, or in topping, lopping, cutting down, or carrying off any Tree, Tree-top, Lop, or Overhangings, or in opening, scouring, cleansing, widening,

ing, or deepening such Ditches, Drains, or Watercourses as aforesaid, or doing any other Act in or for the repairing, widening, or altering, varying, turning, shortening, or amending the said Roads by virtue of the Powers of this Act given, or any of them, or in doing any other Matter or Thing in the Execution of this Act, such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons deviating from the Left Side of the Road subject to a Penalty.

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

For preserving Footpaths.

LXXI. And be it further enacted, That the said Trustees may order the Footpaths upon the Sides of the said Roads, or any Part thereof, to be from Time to Time supported and kept in repair, and others to be made and maintained where necessary and proper; and if any Person or Persons shall ride or drive any Horse, Cattle, or Carriage upon the said Footpaths, every Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in the same Manner as other Penalties in this Act are directed to be recovered and applied.

Penalty on Persons riding on or in covered Carts.

LXXII. And be it further enacted, That any Driver or other Person having the Care of any covered Cart, not being on His Majesty's Service, travelling upon the said Roads, who shall ride on or within the said covered Cart upon any Part of the said Roads, without some reasonable Excuse, to be allowed by any Justice of the Peace before whom Complaint shall be made touching the said Offence, shall for every such Offence forfeit and pay, over and above any other Penalty to which he may be liable by virtue of any other Statute, any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in the same Manner as other Penalties are by this Act directed to be recovered, levied, and applied.

For Detection of Offenders.

LXXIII. And for the more easy Detection of Offenders against this Act, be it further enacted, That it shall be lawful for any of the Surveyors, Collectors of the Tolls, or other Persons engaged in the Execution of this Act, or for any other Person or Persons who shall be upon or near the said Roads, to demand and require the Name and Place of Abode of any Person or Persons who shall be seen by the said Surveyors or others respectively committing any Offence against this Act; and in case

the Person or Persons so offending shall refuse to make known his or their Name or Names, Place or Places of Abode, or shall deliver a false Account thereof, it shall be lawful for the said Surveyor or other Person in whose Presence such Offence shall have been committed, and for any other Person or Persons in aid of such Surveyor or other Person, without any Warrant for that Purpose, to apprehend the Person or Persons so offending, and to cause him or them to be carried before some Justice of the Peace within the said County, for the Purpose of Conviction and Punishment according to Law.

Recovery of Penalties.

LXXIV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed or inflicted (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall, upon Proof of the Offences respectively before any one of the Justices of the Peace for the said County of *Lancaster*, or for the County wherein such Offender shall dwell, either by the View of such Justice, the Confession of the Party or Parties, or the Oath of one credible Witness (which Oath such Justice is hereby empowered and required to administer), be levied and recovered 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 of the Peace (which Warrant or Warrants such Justice is hereby empowered to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are received and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels, and the Penalties and Forfeitures shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer, and shall be applied, if not otherwise directed by this Act, for and towards amending the said Roads and the other Purposes of this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice of the Peace, 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 wherein such Offender shall dwell, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; provided, that it shall be lawful for such Justice before whom any Person shall be convicted for any of the Offences against this Act, where he shall see Cause, to mitigate and lessen any of the specific Penalties or Forfeitures hereby imposed, so that not more than one Moiety thereof shall be remitted, and every such Mitigation shall be a sufficient Discharge to the Offender or Offenders for so much of the said Penalty or Forfeiture as shall be remitted.

LXXV. And 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, or to the like Effect; (that is to say,)

Form of Conviction.

‘ County of Lancaster } BE it remembered, That on the
‘ to wit. } Day of in the Year of
‘ the Reign of His Majesty *A. B.* is convicted
‘ before me *C. D.* one of His Majesty’s Justices of the Peace for the
‘ said County, by virtue of an Act passed in the Fiftieth Year of the
‘ Reign

'Reign of His Majesty King *George* the Third, intituled [*here set forth* 'the Title of this Act, and specify the Offence and 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 aforesaid.'

Appeal.

LXXVI. And be it further enacted, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief is appointed, such Person or Persons may appeal to the Justices of the Peace at the next or Second General Quarter Sessions of the Peace to be held, by Adjournment or otherwise, for the said County, in or near such Hundred or Part of the said County where such Cause of Appeal shall happen, such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Lancaster* in such Sum as such Justice shall think reasonable, 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 Sessions; and the said Justices at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; but nevertheless such Justices shall and may, if they see just Cause, adjourn such Appeal to the then next Quarter Sessions to be held, by Adjournment or otherwise, for the said County, at the same or any other Place, and then finally hear and determine the same; and the Determination of such Quarter Sessions respectively shall be final, binding, and conclusive to all Intents and Purposes.

No Proceeding to be removed.

LXXVII. And be it further enacted, That no Conviction, Order, Assessment, Judgment, or Proceeding, or other Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or of the County Palatine of *Lancaster*; and

Distress not unlawful for Want of Form.

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, Notice, Warrant of Distress, or other Proceeding 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 may recover full Satisfaction for the special Damage in an Action upon the Case.

Orders, &c. to be entered and signed.

LXXVIII. And be it further enacted, That all Acts, Orders, Resolutions, Determinations, and Proceedings of the said Trustees, or any of them, in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, by a Majority of the Trustees present at such Meetings respectively, the whole Number of the Trustees present not being less than the Number by this Act required to do and perform the

the respective Acts and Proceedings hereby directed, and shall be entered in a Book or Books to be kept for that Purpose, and signed by the Trustees making the same, at some Meeting or Meetings to be held in pursuance of this Act; and that no Act, Order, Resolution, Determination, or Proceeding shall be valid, unless so made, entered, and signed; and that no Act, Order, Resolution, Determination, or Proceeding of the said Trustees, so made, entered, and signed as aforesaid, or that has been made by the said Trustees for executing the said former Acts, shall be altered, revoked, or set aside at any subsequent Meeting of the said Trustees, unless the Person or Persons desirous of having the same revoked or altered shall give Notice in Writing thereof to the Clerk to the said Trustees, who shall cause the same to be affixed upon all the Turnpikes which shall be then standing across the said Roads, at least Fourteen Days previous to any Meeting to be held for that Purpose, and Twice in Two of the *Liverpool* Newspapers, nor unless Nine or more of the Trustees shall concur in and sign such Order of Reversal at such Meeting; and that the Orders and Proceedings of the Trustees who have acted in the Execution of the said former Acts, and which are entered in the Books provided for that Purpose, and also the Orders and Proceedings of the Trustees appointed to execute this Act, which shall be entered in such Book or Books, and signed by them as aforesaid, and also the Copies of the original Mortgages or Assignments, and Memorials of the Transfers thereof, to be made, entered, and attested as aforesaid, shall be respectively deemed, taken, and received as good Evidence in all Courts whatsoever.

and not to be reversed, unless at Meetings held upon Notice by Order of a certain Number of Trustees.

Trustees Orders and Copies of Mortgages, &c. to be Evidence.

LXXIX. Provided always, 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 Twenty Days Notice shall be thereof given to the Clerk to the said Trustees, nor after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid and brought in the said County of *Lancaster* and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given, or after a sufficient Satisfaction or Tender of Amends made as aforesaid, or after the Time hereby limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, that then and in any of the Cases aforesaid the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Case by Law.

Limitation of Actions.

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

Public Act.

Commencement and Continuance of this Act.

LXXXI. And be it further enacted, That this Act shall commence and take place upon the said Twenty-third Day of *June* next after the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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