

ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 49.

An Act for more effectually amending the Road leading from the *New Wall* on the Parade in the Townſhip of *Caſtleton*, in the Pariſh of *Rochdale*, through *Middleton*, to the *Mere Stone* in the Townſhip of *Great Heaton*, and to the Town of *Manchester*, all in the County Palatine of *Lancaſter*.

[5th *June* 1804.]

WHEREAS an Act was paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually repairing, widening, altering, and improving the Road from the Town of* Manchester, *by a Place called* The White Smithy, *in the Townſhip of* Crumpſal, *to the Town of* Rochdale; *and alſo the Road from the ſaid Place called* The White Smithy, *by a Place called* Beſſes of the Barn, *to the Town of* Bury; *and alſo the Road from the ſaid Place called* Beſſes of the Barn *to* Radcliffe Bridge; *and alſo the Lane called* Sheepfoot Lane, *in the Townſhip of* Preſtwich; *all in the County Palatine of* Lancaſter; whereby the ſaid Road was divided into Three Diſtricts, and a certain Part thereof therein deſcribed, was called *The Rochdale Diſtrict*: And whereas the 38 G. 3.

said Act hath been put in Execution for the Repair and Amendment of the Road comprized in the said *Rochdale* District, but the same cannot be amended, improved, and kept in Repair, unless the Term of the said Act is continued, and some of the Powers and Provisions thereof, so far as relates to the said *Rochdale* District of Roads, be altered, amended, and enlarged; and it would be more convenient to the Trustees for executing the said Act, and beneficial to such Road, if the said Act, so far only as the same relates to the said District, were repealed, and further and other Powers granted for the amending, improving, and keeping in Repair, the said Road, in the said Act called *The Rochdale District*: And whereas that Part of the said Road which lies between the Town of *Middleton*, in the said County, and the Town of *Manchester* aforesaid, is very circuitous and incommodious to Travellers and Carriages, and it would be a great Benefit and Advantage to the Neighbourhood, and of publick Utility, if a Deviation or a new Line of Road were made from or from near the Market House in the Township of *Middleton* aforesaid, by or near *Alkrington Park*, *Blakeley Chapel*, *Harpur-Hey*, and *Collyhurst Delph*, to or near to the Top of a certain Street in the Town of *Manchester* aforesaid, called *The Shude Hill*: But the several Purposes aforesaid cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Eighth Day of *June* One thousand eight hundred and four, the said recited Act, so far only as the same relates to the said District of Road therein called *The Rochdale District*, shall be and the same is hereby declared to be repealed; and that on the same Day this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose as well of amending, widening, altering, diverting, improving, and keeping in Repair, the said *Rochdale* District of Road, as also for amending, widening, altering, diverting, improving, and keeping in Repair, the Road from or from near the Market House in the Township of *Middleton* aforesaid, by or near *Alkrington Park*, *Blakeley Chapel*, *Harpur-Hey*, and *Collyhurst Delph*, to or near the Top of the said Street in *Manchester* aforesaid, called *Shude Hill*; and this Act, and the Term hereby granted, shall be and are hereby made subject to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit or on Account of the said District of Road called *The Rochdale District*, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit of or on Account of this Act.

Trustees.

II. And be it further enacted, That *James Ackers*, *James Archer* Clerk, *Samuel Ashton*, *Joseph Andrew*, *Richard Alsop*, *Champion Bray*, *William Bamford*, *James Bradock*, *Michael Bentley*, *Daniel Burton*, *Emanuel Matthew Burton*, *William Buckley*, *Thomas Bellas* Clerk, *John Buckley*, *Richard Clowes*, *James Cooke*, *James Dearden*, *Thomas Drinkwater*, *John Entwisle*, *John Entwisle* the younger, *John Edge*, *Richard Atherton Farrington*, *Michael Wrigley Ferrabee*, *John Fildes*, *Jonathan Fildes*, *William Fox*, *Thomas Garner*, *Richard Gould*, the Honourable *William Assheton Harbord*, the Honourable *Edward Harbord*, Sir *Watts Horton* Baronet, *Robert Gregge Hopwood*, *James Holland*, *James Hamer*, *John Hamer*, *Robert Holt* of Chamberhouse,

Chamberhouſe, *Ralph Holt*, *Francis Holt*, *William Hodgſon* Clerk, *James Holt*, *William Haſſal*, *James Hey*, *Thomas Henſhaw*, *Thomas Johnſon*, *Samuel Jones*, *William Jones*, *John Kearſley*, *John Lever*, *John Lees*, *John Leaf*, *James Lancaſhire*, *Joſiah Lancaſhire*, *John Littlewood*, the Warden and Fellows of *Manchester* for the Time being, Sir *Oſwald Moſsley* Baronet, the Rector of *Middleton* for the Time being, *Robert Markland*, *Charles M'Niven*, the Honourable *E . . . . Perceval*, *Joſeph Pickford* Clerk, *Alexander Patterſon*, *Joſeph Radcliffe* of Mills Bridge, the Vicar of *Rochdale* for the Time being, *Charles Rider*, *James Royds*, *Thomas Royds*, the Right Honourable *Edward Smith Stanley*, commonly called *Lord Stanley*, *James Starky*, *Henry Streatfield*, *Jacob Scholes*, *Robert Scholes*, *Charles Smith*, *Thomas Smith*, *Benjamin Smith*, *Iſaac Smith*, *John Taylor*, *James Taylor* of Blakeley, *John Taylor*, *Joſeph Tomlinſon*, *Thomas Hippon Vavaſour*, *John Walmſley*, *John Walmſley* the younger, *James Walker*, *Thomas Wood*, and *Joſeph Wrigley*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution.

Election of new Truſtees.

III. And be it further enacted, That when and as often as any Truſtee herein-before named, or to be elected as herein-after mentioned ſhall die, or by Writing under his Hand, refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect One other Perſon in the room of every Truſtee ſo dying or refuſing to act, but Notice of the Time and Place of every ſuch Election ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing on all the Turnpike Gates to be continued or erected by virtue of this Act, and alſo by inſerting the ſame in One of the *Manchester* Newſpapers (if any ſuch ſhall be then printed) or in ſome other Newſpapers circulated in the ſaid County, at leaſt Fourteen Days before every ſuch Meeting,; and all and every Perſon and Perſons who ſhall be elected and appointed a Truſtee or Truſtees in Manner aforeſaid, is and are hereby veſted with the ſame Powers and Authorities for putting this Act in Execution, as if he or they had been named a Truſtee or Truſtees in this Act.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, whilſt he ſhall hold any Place of Profit under the ſame, nor in any Caſe wherein he ſhall be perſonally intereſted, otherwiſe than as a Creditor; nor ſhall any Perſon be qualified to act as a Truſtee, unleſs at the Time of his acting therein he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of a Real Eſtate, in Law or Equity, ſituate in the County Palatine of *Lancaſter*, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir apparent of a Perſon having ſuch Eſtate of the clear yearly Value of Three hundred Pounds, or be poſſeſſed of a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, to the Amount of Three thouſand Pounds, nor (except in adminiſtering the Oath herein-after mentioned) until he ſhall have taken and ſubſcribed, before any Five or more of the ſaid Truſtees, an Oath, in the Words or to the Effect following; (that is to ſay):

'I *A. B.*

Oath.

'I *A. B.* do ſwear, That I truly and *bonâ fide* am, in my own Right [*or*, 'in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or*, 'Receipt] of the Rents and Profits of a Real Eſtate, in Law or Equity, 'ſituate in the County Palatine of *Lancaſter*, of the clear yearly Value of 'One hundred Pounds above Reprizes, [*or*, am Heir apparent of *C. D.* 'who, to the beſt of my Knowledge and Belief, is poſſeſſed of ſuch an 'Eſtate of the clear yearly Value of Three hundred Pounds, *or*, am poſ-'ſeſſed of, or entitled to, a Perſonal Eſtate alone, or Real and Perſonal 'Eſtate together, of the Amount of Three thouſand Pounds.]

'So help me GOD.'

Penalty on acting if not qualified, or if not reſiding, or poſſeſſed of an Eſtate ſituate within Four Miles of the ſaid Road.

And if any Perſon unqualified by any of the Cauſes aforeſaid, or not being qualified as before-mentioned, or who ſhall not either reſide within Four Miles of ſome Part of the Road by this Act directed to be amended, diverted, altered, improved, and kept in Repair, or ſhall not have ſuch an Eſtate as aforeſaid, ſituate within Four Miles of ſome Part of the ſaid Road, ſhall nevertheleſs preſume to act in the Execution of this Act, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for evey ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, or in His Majeſty's Court of Common Pleas held in and for the ſaid County Palatine of *Lancaſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any further Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Mortgagees may act.

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

Truſtees being Juſtices may act as ſuch.

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

VI. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in the Name of their Clerk or Clerks, and that no Action which may be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Clerks, or by the Act of ſuch Clerk or Clerks, without the Conſent of the ſaid Truſtees; but that ſuch Clerk or Clerks ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk ſhall be reimburſed out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Charges, and Expences, as he ſhall be put unto or become chargeable with, by reaſon of his being ſo made a Plaintiff or Defendant as aforeſaid.

Clerk to be paid his Expences.

Time and Place of firſt Meeting of the Truſtees.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Bear's Head Inn*, in *Middleton* aforeſaid,

aforeſaid, on the Twenty-firſt Day of *June* next, or as ſoon after as conveniently may be, between the Hours of Ten and Two of the Clock, and proceed to the Execution of this Act; and that the ſaid Truſtees ſhall and may adjourn themſelves from Time to Time, and may meet at ſuch Time at the ſaid *Boar's Head Inn*, or any other convenient Houſe within the Diſtance of Three Furlongs of the Pariſh Church of *Middleton* aforeſaid, as they ſhall think proper; provided, that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day, (Two Truſtees being deemed ſufficient for the Purpoſe of Adjournment only,) or in caſe the ſaid Truſtees at any Time aſſembled ſhall not adjourn themſelves, then and in every ſuch Caſe the Clerk to the ſaid Truſtees ſhall, by Notice in Writing to be affixed on all the Turnpikes then erected on the ſaid Road, at leaſt Seven Days before the next Meeting, appoint the Truſtees to meet at the Houſe where their then laſt Meeting was or ſhould have been held, or at ſome other convenient Houſe within the Limits before mentioned, on that Day Three Weeks next after the Day for which ſuch laſt Meeting was appointed; and in caſe the ſaid Clerk ſhall neglect or omit giving Notice as aforeſaid, then it ſhall be lawful for any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting) at any Time or Times after the Space of Seven Days from ſuch Omiſſion, by Notice in Writing under their Hands, to be affixed in Manner aforeſaid, to appoint the Truſtees to meet at ſome convenient Houſe within the Limits aforeſaid, upon that Day Three Weeks next after the Date of their ſaid Notice; and that the ſaid Truſtees ſhall at all their Meetings defray their own Expences; and all Orders and Determinations of the Truſtees in the Execution of this Act, ſhall be made at Meetings to be held in purſuance thereof, and not otherwiſe (except in Caſes hereby particularly provided for); and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all Acts, Orders, and Proceedings, relative to this Act, which are directed to be done, made, or had, by or before the ſaid Truſtees, ſhall and may be done, made, or had, by or before any Five or more of them, (except in ſuch Caſes where any other Number is herein named); and that all Acts, Orders, and Proceedings, done, made, or had, by or before ſuch Five Truſtees, ſhall have the ſame Force and Effect as if the ſame were done, made, or had, by or before the whole Number of the ſaid Truſtees; and in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace, are authorized to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees, or Juſtice or Juſtices of the Peace, to adminiſter ſuch Oath.

Truſtees to pay their own Expences at Meetings.

General Quorum of Truſtees.

May adminiſter Oaths.

VIII. And be it further enacted, That no Order made by Five or more of the ſaid Truſtees, ſhall be revoked or altered unleſs at a Meeting to be held for that Purpoſe, of which intended Alteration Twenty-one Days Notice at leaſt ſhall be given at a previous Meeting of the ſaid Truſtees, and entered in their Book of Proceedings; and ſuch Notice, ſpecifying the Revocation or Alteration intended to be made, and the Time and Place of the Meeting, ſhall be affixed on all the Turnpike Gates which ſhall then be erected on the ſaid Road, Fourteen Days at leaſt before the ſaid Meeting; and unleſs a Majority of the Truſtees preſent at ſuch Meeting (ſuch Majority to conſiſt of Nine at the leaſt) ſhall concur therein.

Orders not to be revoked but by Truſtees.

Meetings on Emergencies.

IX. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall be thought neceſſary that an earlier Day of Meeting ſhould be appointed than that to which ſuch Meeting ſhall have been adjourned, the Clerk, by an Order in Writing, ſigned by Three or more of the ſaid Truſtees (although not aſſembled at a Meeting) mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice of ſuch earlier Meeting in the Manner before directed, ſuch Time not being leſs than Six Days after ſuch Notice; and all Proceedings of the Truſtees at ſuch Meetings ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of an Adjournment.

Orders and Proceedings of the Truſtees to be entered in Books.

X. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and that ſuch Orders and Proceedings ſo entered, ſhall be ſigned by all or the major Part of the Truſtees making the ſame; and that every ſuch Book or Books ſhall be open at all ſeaſonable Times to the Inſpection of any of the ſaid Truſtees, without Fee or Reward; which ſaid Book or Books ſhall be admitted as Evidence in all Courts whatſoever.

Officers to be appointed.

XI. And be it further enacted, That the ſaid Truſtees ſhall and may, at their Firſt or any other ſubſequent Meeting, by Writing under their Hands, or by an Order in the Book of their Proceedings, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as they ſhall think neceſſary; and from Time to Time in like Manner remove ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, and ſuch other Officer or Officers; and on the Death or Deaths, Removal or Removals, of ſuch Officer or Officers, may appoint others in their Stead, but Fourteen Days Notice ſhall be given of the Purpoſe, Time, and Place of every Meeting where any ſuch Appointment ſhall be made, after the Firſt Meeting of the Truſtees, on all the Turnpike Gates then erected on the ſaid Road; and the ſaid Truſtees ſhall and may, and they are hereby empowered, by and out of the Monies ariſing by virtue of this Act, to give ſuch Salaries, and make ſuch Allowances to ſuch Officers for their Services in or about the making, repairing, widening, diverting, or altering the ſaid Road, or otherwiſe in putting this Act in Execution, as they the ſaid Truſtees ſhall think reaſonable: Provided always, that no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell any Wine, Cyder, Perry, Beer, Ale, or Spirituous Liquors, by Retail.

Salaries to be allowed.

No Victualler to hold a Place of Profit.

Treaſurer, &c. to give Security.

XII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized and required, to take ſuch Security from the Treaſurer or Treaſurers, and Collectors and Receivers of the Tolls to be appointed for the Purpoſes of this Act, for the due Execution of his or their Office or Offices, as to the ſaid Truſtees ſhall ſeem meet.

For appointing Collectors in caſe of Death or Removal.

XIII. And be it further enacted, That on the Death of any Collector of the Tolls, or if any Collector ſhall neglect his Duty, or be incapable of performing it, it ſhall be lawful for any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting to be held purſuant to this Act) by Writing under their Hands, to appoint another Perſon to collect

collect the Tolls, who ſhall continue in ſuch Office until the Truſtees ſhall (at a Meeting to be held in purſuance of this Act) appoint a Collector of ſuch Tolls, any Thing herein contained to the contrary notwithſtanding; and that if any Collector who ſhall be diſcharged from his Office by the ſaid Truſtees, ſhall refuſe to deliver up the Poſſeſſion of the Houſe, Buildings, and Appurtenances, which he enjoyed in Right of his Appointment to that Office, within Two Days after Notice of his Diſcharge ſhall be given to or left at his Houſe, or if the Widow or Family of any ſuch Collector who ſhall die or be diſcharged as aforeſaid, ſhall refuſe to deliver up the Poſſeſſion of ſuch Houſe, Building, and Appurtenances, within Four Days after having received Notice of ſuch new Appointment being made as aforeſaid, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the ſaid County Palatine of *Lancaſter*, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with the Goods, out of ſuch Houſe, and to put the new-appointed Officer in the Poſſeſſion thereof.

Officers to Account;

XIV. And be it further enacted, That all ſuch Officers and other Perſons ſhall from Time to Time, within Fourteen Days after Notice in Writing, ſigned by the ſaid Truſtees or their Clerk, (purſuant to an Order of the ſaid Truſtees made at a Meeting held by virtue of this Act,) to them reſpectively given, or left at their uſual Place of Abode for that Purpoſe, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively received, collected, or had, and how and to whom, and for what Purpoſe the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts, for ſuch Payments, and that ſuch Officers and other Perſons ſhall verify the Accounts upon Oath, if thereunto required by the ſaid Truſtees; and ſuch Officers ſhall, and they are hereby reſpectively required, to pay all ſuch Monies as, upon the Balance of ſuch Account or Accounts, ſhall appear to be in their Hands, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render and give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after ſuch Notice given as aforeſaid, all Books, Accounts, Papers, and Writings, in their Cuſtody or Power, in anywiſe relating to the Execution of this Act, or to the ſaid Road, and Complaint ſhall be made of ſuch Neglect or Refuſal to any Juſtice of the Peace for the County, Borough, City, Town, or Place, where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing, ſhall be or reſide, by or on Behalf of the ſaid Truſtees, ſuch Juſtice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Perſon or Perſons to be brought before him; and upon his, her, or their appearing, upon Oath.

or

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

Truſtees may continue and erect Turnpike Gates.

XV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may continue, erect, and ſet up, or cauſe to be continued, erected, and ſet up, One Gate or Turnpike on the ſaid Road, on any Place within the Diſtance of Four hundred Yards on the Northerly or that Side of the *Trubſmithy Brook* next to a Place called *The Blue Pits*, ſituate in the Townſhip of *Caſtleton*, in the Pariſh of *Rochdale* aforeſaid; and alſo One Gate or Turnpike in or acroſs that Part of the ſaid Road lying betwixt a certain Building now uſed as an Inn, in the Occupation of *Joſeph Stewart*, ſituate in the Townſhip of *Middleton* aforeſaid, and the Gate leading up to the Houſe occupied by *Daniel Burton*, alſo ſituate

ſituate in the ſaid Townſhip of *Middleton*; and alſo ſhall and may erect and ſet up, or cauſe to be erected and ſet up, One Gate or Turnpike in or acroſs the new or deviated Line of Road, at any Place within the Diſtance of Six hundred Yards on that Side of a certain Lane called *Moſs Lane*, leading up to a certain Dwelling Houſe now in the Occupation of *Jacob Taylor*, ſituate in the Townſhip of *Alkrington* aforeſaid, neareſt to *Blakeley Chapel*; and alſo ſhall and may erect and ſet up, or cauſe to be erected and ſet up, One Gate or Turnpike in or acroſs that Part of the new or deviated Part of the ſaid Road which will lie betwixt the Southerly Side of the Townſhip of *Harpur-Hey*, and that Part of the ſaid Road which will be oppoſite or the neareſt to a certain Church ſtanding in the Townſhip of *Mancheſter* aforeſaid, called *Saint George's Church*; and ſhall and may continue, erect, or provide, or cauſe to be continued, erected, or provided, a Toll Houſe, with convenient Outbuildings at each Turnpike or Gate, and take in and incloſe on the Side of the ſaid Road at each ſuch Toll Houſe, a ſuitable Garden Spot for the ſame; and may cauſe the ſaid Gates or Turnpikes, or any of them, together with the Toll Houſes and other Buildings from Time to Time to be taken down, altered, or removed, and ſet up within the reſpective Limits before mentioned, but not elſewhere, as the ſaid Truſtees, or any Seven or more of them, ſhall judge proper; and that the ſeveral Tolls following ſhall be demanded and taken at each of the ſaid Gates or Turnpikes, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint for that Purpoſe, before any Horſe, or other Cattle or Beaſt, or any Carriage whatſoever, ſhall be permitted to paſs through the ſaid ſeveral Gates or Turnpikes; (that is to ſay), Power to take Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Curricle, Calaſh, Hearſe, Litter, or other ſuch Carriage, drawn by Six Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes or Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes or Beaſts of Draught, the Sum of Nine-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Sixpence: Tolls.

For every Waggon or other Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, drawn by Seven or Eight Horſes or Beaſts of Draught, the Sum of Three Shillings; and drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four or a leſs Number of Horſes or Beaſts of Draught, the Sum of One Shilling:

For every Waggon, Wain, or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, and upwards, and under Nine Inches, drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four or a leſs Number of Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon or other ſuch Four-wheeled Carriage, with any of the Wheels of leſs Breadth than Six Inches, the Sum of Three Shillings:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforeſaid, drawn by Four or more than Four Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by

Three Horſes or Beaſts of Draught, the Sum of Nine-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Sixpence:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, drawn by Four Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by Three Horſes or Beaſts of Draught, the Sum of Nine-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Seven-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence:

For every Cart or other Two-wheeled Carriage, with Wheels of leſs Breadth than Six Inches as aforeſaid, drawn by Three Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence:

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

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

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

Tolls to be levied by Diſtreſs in caſe of Non-payment.

Which ſaid reſpective Sums ſhall be demanded and taken in the Name of or as a Toll; and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied, and may be aſſigned in ſuch Manner as herein-after is mentioned; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, whether immediately on the ſame becoming due, or at any Time after, neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, (and which Aſſiſtance all Perſons are hereby required to give if called upon by the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls,) to ſeize and diſtrain any Horſe or Horſes, or other Cattle, Beaſts, or any Carriage whatſoever, upon which ſuch Tolls are by this Act impoſed, or any other of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe or Horſes, Cattle or Carriage, ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any be) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and reaſonable Charges for diſtraining, keeping, and ſelling, ſhall be deducted and paid; or the ſame may be recovered by Action or Suit in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*, to be brought in the Name of the Clerk to the ſaid Truſtees, or the Collector or Collectors of the ſaid Tolls.

Toll to be paid Once for paſſing and repaſſing.

XVI. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike or Gate erected or to be erected by virtue of this Act, ſhall be ſubject or liable to any Toll for returning

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

Truſtees to erect Side Bars.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, to continue a Turnpike Gate or Bar on the Side of the ſaid Road, at a Place called *The Blakeley Lane End*; and alſo to erect, ſet up, and build acroſs any Way or Ways, Lane or Lanes, leading into the ſaid Road, ſuch and ſo many Gates or Turnpikes, and a Toll Houſe to each Gate or Turnpike, with ſuitable Out-buildings, and to take in and incloſe a convenient Garden Spot for each Toll Houſe, as the ſaid Truſtees, or any Seven or more of them, ſhall deem proper, and direct or appoint, and may cauſe any Side Bars or Turnpike Gates, Toll Houſes, and other Buildings, from Time to Time to be made, and to be removed or altered, as any Seven or more of them ſhall judge proper, any Law or Statute to the contrary hereof in anywiſe notwithſtanding; and to cauſe ſuch Tolls to be collected and levied at ſuch reſpective Turnpike Gates as are by this Act made payable at the Gates or Turnpikes now erected acroſs the ſaid Road; but that no Perſon or Perſons who ſhall have paid the Toll for paſſing through any Gate or Turnpike erected on the Side of the ſaid Road acroſs any Lane or Way leading into the ſame, ſhall be liable to the Payment of another Toll for afterwards paſſing the ſame Day with the ſame Horſes, Cattle, or Carriage, through the Gate or Turnpike erected acroſs or on the Side of the ſaid Road, which ſuch Perſon or Perſons ſhall next come to, on producing a Note or Ticket, denoting Payment of Toll at ſuch Side Gate, which Note or Ticket the Collector of the Tolls at ſuch Side Gate is hereby required to deliver *gratis* on Receipt of the Toll if demanded.

Payment at a Side Bar to clear the next Gate.

No Side Bars to be erected betwixt the Parade aforeſaid and the Gate leading up to the Houſe of *Daniel Burton* aforeſaid; or acroſs the *Heywood* Road.

XVIII. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued to extend to enable the ſaid Truſtees to erect or ſet up, or cauſe to be erected or ſet up, any Gate or Turnpike on the Side of that Part of the ſaid Road which lies between the Parade in the Townſhip of *Caſtleton* aforeſaid, and the ſaid Gate leading up to the Houſe of *Daniel Burton*, in the Townſhip of *Middleton* aforeſaid; or to erect or ſet up any Gate or Turnpike acroſs the End of a certain Turnpike Road leading from the *Rochdale Lane End* in the Village

lage of *Heywood*, to a Place called *The Land's End* in the Pariſh of *Preſtwich* aforeſaid, where the ſame unites with the Road hereby directed to be amended, improved, and kept in Repair.

No Gates to be removed but by Order of the Truſtees on 20 Days Notice.

XIX. Provided alſo, and be it further enacted, That no Gate or Turnpike erected or ſet up acroſs the ſaid Road by virtue of the ſaid recited Act or this Act, ſhall at any Time be taken down or removed within the Limits before deſcribed, nor ſhall any Gate or Turnpike to be continued or erected on the Sides of the ſaid Road, be at any Time taken down or removed, except by an Order of Seven or more of the ſaid Truſtees, at a Meeting to be held for that Purpoſe, of which Meeting Notice ſhall be given on all the Turnpike Gates then erected on the ſaid Road, and alſo in One of the *Manchester* Newſpapers (if any ſuch there be) or in ſome other Newſpaper circulated within the ſaid County, Twenty Days before ſuch Meeting.

Diſputes concerning Tolls to be ſettled by a Juſtice.

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

Collectors of Tolls competent Witneſſes.

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

Exemption from Tolls.

XXII. And be it further enacted, That no Toll ſhall be demanded or taken for the Paſſage of any Cattle or Carriage which ſhall be going unladen or empty for, or that ſhall be uſed only in conveying, or that ſhall be returning unladen or empty after having been uſed only in conveying Stones, Brick, Lime, Gravel, or other Materials, for repairing the ſaid Road, or any Bridges or Culverts belonging to the ſaid Road, or for repairing any publick Road or Highway within any of the Townſhips, Hamlets, or Places, wherein any Part of the ſaid Road lies; or Dung, Lime, Marl, Soil, Mould, Compoſt, or other Manure of whatever Nature or Kind ſoever, to be uſed in manuring and cultivating of Lands in any

ſuch

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

Penalty on permitting Paſſage through private Grounds for evading the Toll.

XXIII. And be it further enacted, That if any Perſon or Perſons ſhall, with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through or over any Land, Ground, Paſſage, or private Way; or if any Perſon or Perſons owning or occupying any ſuch Land or Ground, Paſſage, or private Way, ſhall knowingly permit or ſuffer any Perſon or Perſons to paſs with any Horſe, Cattle, Beaſt, or Carriage, through or over the ſame, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon ſhall forge or counterfeit or ſhall give to or receive from any other Perſon or Perſons, any Note or Ticket by this

Act directed to be given by the Collectors of the Tolls; or if any Perſon ſhall take off or cauſe to be taken off any Horſe or other Cattle or Beaſt from any Carriage, or having paſſed through any Turnpike Gate erected or continued by virtue of this Act, ſhall afterwards add or put an additional Horſe or Beaſt to ſuch Carriage, with an Intent to evade the Payment of the ſaid Tolls; or ſhall leave or cauſe to be left upon or near the ſaid Road, any Cattle or Carriage, with an Intent to evade the Payment of the ſaid Tolls, or ſhall with ſuch Intent, unload any Goods or other Things from or out of any Carriage; or if any Perſon or Perſons ſhall do any other Act in order or with Intent to avoid the Payment thereof, or any Part thereof, every ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for each Offence forfeit any Sum not exceeding Five Pounds nor leſs than Twenty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety thereof ſhall be applied towards the Purpoſes of this Act.

Penalty on fraudulently taking the Benefit of Exemptions.

Truſtees may compound for the Tolls.

XXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to compound with any Perſon or Perſons for any Carriages, Horſes, Beaſts, or other Cattle, travelling on the ſaid Road, for all or any of the Tolls to be paid in reſpect thereof, for any Term not exceeding One Year at a Time; and all ſuch Compoſition Money ſhall be paid in Advance, or otherwiſe, as the ſaid Truſtees ſhall think fit; and in Default of ſuch Payment the Compoſition ſhall be void.

No Compoſition or Exemption from Tolls, unleſs in Broad-wheeled Carriages.

XXV. Provided always, and be it further enacted, That no Compoſition ſhall be made for Tolls, for or in reſpect of any Waggon, Cart, or ſuch like Carriage, or for any Horſes or Beaſts drawing the ſame, unleſs ſuch Carriage or Carriages ſhall have the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, and unleſs ſuch Fellies and the Tire upon ſuch Fellies lie flat (or ſo as not to deviate more than Half an Inch from a flat Surface) and ſhall have the Nails counter-ſunk, ſo as not to riſe above the Surface; nor ſhall any Compoſition be made for Tolls, for or in reſpect of any ſuch Carriage or Carriages, which, together with the Loading thereof, ſhall be of greater Weight than is allowed by an Act, paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, to ſuch Carriage or Carriages, when laden with ſuch Goods as do not exempt the ſame from the additional Tolls thereby impoſed; and it ſhall be lawful for the ſaid Truſtees to order all ſuch Carriages to be weighed in like Manner, and with the ſame Powers and Authorities, as are directed for weighing of Carriages by the ſaid Act of the Thirteenth Year of His preſent Majeſty's Reign.

Tolls may be varied.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, from Time to Time, aſſembled at any Meeting or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls hereby granted, and for ſuch Time or Times as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and afterwards, from Time to Time, to advance all or any of the Tolls ſo

ſo leſſened to any Sum or Sums of Money, not exceeding the reſpective Rates herein-before granted; and to order and direct ſuch Tolls ſo leſſened and reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purpoſes of this Act, in ſuch Manner as the Tolls are by this Act directed to be collected, levied, and applied; but no ſuch Reduction ſhall be made, unleſs the Perſon or Perſons who ſhall be entitled to Five Sixth Parts of the Money which ſhall be then owing on the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; nor ſhall any ſuch Reduction or Advancement be made, unleſs Twenty Days Notice at the leaſt ſhall be given in Writing, to be affixed on all the Turnpikes or Toll Gates then erected upon the ſaid Road, and alſo inſerted in One of the *Mancheſter* Newſpapers (if any ſuch there be) or in ſome other Newſpaper circulated in the ſaid County, expreſſing the Intention, Time and Place of the Meeting for making ſuch Reduction or Advancement: Provided always, that when and as often as any Alteration ſhall take place or be made in the Tolls to be collected or received at any One of the ſaid Gates or Turnpikes upon the ſaid Road, the ſame Alteration ſhall be made and take place at the ſame Time in the ſaid Tolls to be collected and received at every other Gate on the ſaid Road, ſo that ſimilar Tolls ſhall be collected at each Gate for ſuch like Horſe, Cattle, or Carriage.

Tolls to be altered at each Gate alike.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, upon Twenty Days Notice to be given thereof upon all the Turnpike Gates which ſhall be then erected on the ſaid Road, and in any One of the Newſpapers printed or circulated in the Neighbourhood of the ſaid Road, from Time to Time, to let or leaſe the Tolls ariſing by this Act on the ſaid Road, or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame from Year to Year, or for any Part of the Term granted by this Act, not exceeding Three Years at any One letting, upon publick Bidding, to the beſt Bidder, and for the beſt Price the ſaid Truſtees can get for the ſame, payable at ſuch Time, in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for Payment thereof, as the ſaid Truſtees ſhall think fit; which Money ſo to be paid ſhall be applied and diſpoſed of in ſuch Manner as the Tolls granted by this Act are directed to be diſpoſed of; any Law or Statute to the contrary notwithſtanding.

Truſtees may leaſe the Tolls.

XXVIII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, Bars, Rails, Toll Houſes, and Buildings, now erected, or hereafter to be erected by virtue of this Act, with their Appurtenances, and of all the Working Tools and Materials for making or repairing of Buildings, or for making, altering, completing, and repairing the ſaid Road, and all other Materials to be made uſe of for the Purpoſes of this Act, or provided or collected to be made ſuch Uſe of, ſhall be and are hereby veſted in the ſaid Truſtees; and they are hereby empowered and authorized to diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Treaſurer, Clerk, or Surveyor, or to prefer or cauſe to be preferred any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take

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

take away, break, or damage the ſame, or any Part thereof, or diſturb them, or any of their Agents or Servants, in the Poſſeſſion thereof.

Truſtees may mortgage the Tolls.

XXIX. And be it further enacted, That the ſaid Truſtees, at any Meeting to be held for that Purpoſe, may, and they are hereby authorized and empowered from Time to Time, by any Writing or Inſtrument under their Hands, to aſſign over or mortgage all or any of the Tolls to be collected and ariſing by virtue of this Act, and alſo the Toll Houſes, Turnpike Gates, and Appurtenances thereunto belonging (the Charges of aſſigning the ſame to be paid out of ſuch Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the ſaid Truſtees on the Credit of ſuch Tolls, to any Perſon or Perſons, his, her, or their Executors, Adminiſtrators, and Aſſigns, or his, her, or their Truſtee or Truſtees, who ſhall advance or lend the ſame, to ſecure the Re-payment thereof, with ſuch legal Intereſt as the ſaid Truſtees ſhall think proper, which ſaid Money ſo to be borrowed, ſhall be applied and diſpoſed of in ſuch Manner, and for ſuch Purpoſes as are herein-after mentioned; and that ſuch Mortgage or Mortgages, Aſſignment or Aſſignments, may be in the Form following, or ſuch other Form as the Truſtees making the ſame ſhall think proper; (that is to ſay),

Form of Mortgage.

'BY virtue and in purſuance of an Act, paſſed in the Forty-fourth Year of the Reign of His Majeſty King *George* the Third, intituled, '[*here inſert the Title of this Act*] We of the Truſtees of 'the ſaid Road, whoſe Names are hereunto ſubſcribed, in Conſideration of 'the Sum of to *A. B.* the Treaſurer of the ſaid 'Road, in Hand paid by *C. D.* of do grant, 'bargain, ſell, and demiſe unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the ſaid 'Road, and of the Turnpikes and Toll Houſes for collecting the ſame, 'as the ſaid Sum of doth or ſhall bear to the 'whole Sum due and owing on the Credit thereof, or charged upon the 'Term of the ſaid Act, to be had and holden by the ſaid *C. D.* his Exe'cutors, Adminiſtrators, and Aſſigns, from the Day of 'for and during the Continuance of the ſaid Act, unleſs 'the ſaid Sum of with Intereſt after the Rate of '*per Centum per Annum*, ſhall be ſooner paid and 'ſatisfied to the ſaid *C. D.* his Executors, Adminiſtrators, or Aſſigns. 'In Witneſs whereof, we have hereunto ſet our Hands the 'Day of in the Year of our Lord

Copies to be entered.

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

Mortgages may be tranſferred.

all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, or the Money thereby ſecured, is and are hereby empowered from Time to Time, by Aſſignment or Tranſfer under his, her, or their Hand or Hands, to be indorſed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand or Hands, before One credible Witneſs, to aſſign over or tranſfer his, her, or their Right and Title to the Principal and Intereſt Money thereby ſecured, to any

any Perſon or Perſons whomſoever, in the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer.

'I do hereby tranſfer and aſſign this Mortgage [*or*, a certain Mortgage, *&c. as the Caſe may be*], with all my Right and Intereſt to the Principal Money thereby ſecured, and all Intereſt now due on the ſame, unto Executors, Adminiſtrators, and Aſſigns.
'In Witneſs whereof I have hereunto ſet my Hand
'the Day of

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

Old Mortgages may be called in, and new ones granted.

XXX. And be it further enacted, That the ſaid Truſtees ſhall and may, if thereunto required, receive in and cancel all or any of the Mortgages now ſtanding out, that were made by virtue of the ſaid Act, and give and execute another Mortgage or other Mortgages in lieu thereof reſpectively, in Manner, and tranſferrable as herein-before mentioned.

No Priority of Mortgages.

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

Application of the Money raiſed.

XXXII. And be it further enacted, That the Coſts, Charges, and Expences, relating to the procuring and paſſing of this Act, ſhall be paid out of the Tolls ariſing on the ſaid Road, or out of the Money to be firſt borrowed on the Credit thereof, and that, after Payment thereof, the ſaid Truſtees ſhall from Time to Time apply the Tolls ariſing on the ſaid Road (and the Money to be borrowed on the Credit thereof, and all other Monies which ſhall come to their Hands by virtue of this Act) in defraying the Expences of erecting Turnpikes, Gates, and Toll Houſes, and making, repairing, widening, turning, altering, and improving the ſaid Road, and in paying the Intereſt, and Principal of the Money bor-

rowed, and defraying all other neceſſary Coſts, Charges, and Expences, attending the ſame, and carrying the Purpoſes of this Act into Execution, in ſuch Manner as the Truſtees ſhall from Time to Time direct or appoint, and to no other Uſe or Purpoſe whatſoever.

Truſtees may widen and divert any Part of the Road, and make the ſaid Diverſion.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered from Time to Time, as they ſhall think proper, to widen, divert, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the Road comprized in this Act, and to make the ſaid Diverſion herein-before deſcribed, and by this Act intended to be made and kept in Repair, and that the ſaid Road by this Act intended to be amended and kept in Repair, and the ſaid Deviation, or any Variation of Road, may be made of any Width not exceeding Sixty Feet, through any Common or Waſte Ground, without making Satisfaction for the ſame, and through any private or incloſed Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees or their Clerk, or any other Perſon or Perſons by them duly authorized and deputed for that Purpoſe by Order of a Meeting of the ſaid Truſtees, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, and for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the making, widening, diverting, turning, altering, or improving the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands and Hereditaments; and it ſhall be lawful for all Bodies Politick, or Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, 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 Perſon or Perſons by them authorized as aforeſaid, for the Sale of ſuch Lands, Grounds, or Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes of this Act, and to ſell, diſpoſe of, 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 notwithſtanding; and that all Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

Where Perſons intereſted neglect or refuſe to treat.

XXXIV. And be it further enacted, That if any ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or any Perſon or Perſons as aforeſaid, intereſted in any ſuch Lands or Hereditaments, upon Notice in Writing that the ſaid Truſtees, or ſome Perſon by them duly authorized and therein named, are willing to treat for the Purchaſe thereof, to him, her, or them given, or left at the Dwelling Houſe or uſual Place of Abode of ſuch Perſon or Perſons, or of the head Officer or Officers of ſuch Bodies Politick, Corporate, Eccleſiaſtical, or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands and Hereditaments intended to be made Part of

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or taken and added to the ſaid Road, or through which the ſaid Road ſhall be turned or made as aforeſaid, ſhall, for the Space of Ten Days 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 Truſtees 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 Palatine of *Lancaſter* (which Oath any Two or more of the 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 Road, or of widening, diverting, turning, or altering ſuch Road through the ſame; and in order thereunto the ſaid Truſtees 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 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 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 ſuch Truſtees ſhall order, adjudge, and direct the Sum or Sums of Money which ſhall be aſſeſſed by the ſaid Jury for ſuch Damages as aforeſaid, 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 Judgement, Order, and Determination, ſhall be final and binding to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs or Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, Eccleſiaſtical or Civil, as well as all other Perſon or Perſons whomſoever, and againſt all and every ſuch Owners and Proprietors; and the ſaid Truſtees are hereby empowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County Palatine of *Lancaſter*, thereby requiring him to empannel, ſummon, and return an indifferent Jury of Twelve Perſons to appear before the ſaid Truſtees 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 ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summonſes, the Truſtees ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſe aforeſaid; and for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve.

Damages and Recompence to be ſettled by a Jury.

Verdict of Jury to be final.

For impannelling a Jury.

XXXV. 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 the ſaid Truſtees ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff,

Jurors may be challenged and Sheriff fined for Default.

Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on the ſaid Jury, and ſhall not appear, or ſhall refuſe to be ſworn, or being ſworn, ſhall refuſe to give or not give their Verdict, or in any other Manner wilfully neglecting 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 and Fines in ſuch Manner as the ſaid Penalties and Forfeitures are herein-after directed to be levied and diſpoſed of, ſo that no ſuch Fine exceed the Sum of Ten Pounds upon any One Perſon for one Offence.

For paying the Expence of the Jury.

XXXVI. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money as a Recompence for the Right, Intereſt, or Property, of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees, or other Perſon or Perſons by them authorized as aforeſaid, before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer to the ſaid Truſtees, out of any Money which ſhall then be in his Hands, or to ariſe by virtue of this Act; but if ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for the ſame, or a leſs Sum of Money than ſhall have been agreed to, and offered by or on Behalf of the ſaid Truſtees, before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County Palatine of *Lancaſter*, not intereſted in the Matter in queſtion (who is hereby required to examine and ſettle the ſame) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies, ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence have been prevented from treating, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

On Payment or Tender of Purchaſe Mo-

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid for

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out of the Tolls or other Money arising as aforesaid, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof (or in case of Refusal to accept the same, or the Parties not being to be met with) upon leaving the same in the Hands of the Treasurer, for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their usual Place or Places of Abode, or with the Tenant in Possession of such Lands or Hereditaments, it shall be lawful for the said Trustees, and their Surveyors, Workmen and Agents, to make, widen, divert, and turn such Road over or through such Lands, or Hereditaments in such Manner as the said Trustees shall think proper; and the Trustees shall cause such Parts of the said Road as shall be made, widened, diverted, or turned through any private Grounds, to be ditched or sufficiently fenced from the adjoining Lands; and all Lands or Hereditaments which shall be made Part or Parts of the said Road, shall from thenceforth for ever after become and be deemed, to all Intents and Purposes, a common Highway, and shall be repaired, and kept in Repair, by the same Ways and Means as any Part or Parts of the Road hereby directed to be repaired is or are to be amended; and from thenceforth, all Parties and Persons whomsoever shall be divested of all Right and Interest to such Lands, Grounds, and Hereditaments; and after such new Piece of Road shall be completed, the Land comprized in or constituting the old or former Piece of Road (unless leading over some Common or Waste Ground, or to some Town, Village, or Place, to which such new Part of Road doth not lead) shall be vested in the said Trustees, and shall and may be sold and conveyed by the said Trustees, in Manner herein-after mentioned, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied for the Purposes of this Act; and all Conveyances executed by the said Trustees shall be good and effectual in the Law to all Intents and Purposes.

Money Trustees may enter.

XXXVIII. And whereas by reason of the Purchases which the said Trustees are hereby empowered and required 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, and of some Piece or Parcel of the said old Roads, over and above what will be necessary for effecting the Purposes of this Act; be it further enacted, that it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

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

XXXIX. Provided always, and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of the said old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto, and that the said Trustees before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Per-

Persons whose Lands adjoin to have the Preference.

ſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, 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 it was made, as the Caſe may be; and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing or repurchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, 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 herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Parcel of old Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation when exceeding 200 l.

XL. And be it further enacted, That the Principal Money to ariſe from the Sale of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed for the Purpoſes of this Act of any Body Corporate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Femes or Feme Covert, or other incapacitated Perſon or Perſons ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, 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 or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner

as

as the Lands and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as, at the Time of making ſuch Conveyance and Settlement, ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, and Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

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

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

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

In caſe of not making out Titles;

XLIII. 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

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

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

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

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

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, *etc.* at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

XLV. Provided

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

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

Trustees not to take down Houses, or enter particular Lands.

XLVI. Provided always, and be it further enacted, That the Power and Authority given to the said Trustees as herein-before mentioned, shall not extend to the taking or pulling down any Dwelling House or other Buildings, or to the taking in the Scite of any House or Building, or any Land that is a Garden or Orchard adjoining to any Dwelling House, or any Yard, Park, or Paddock now inclosed, and used as such, or planted Walk, inclosed Nursery for Trees, or Avenue to a House, other than and except so much of a certain Garden and Outhouse, situate in the Township of *Tong* in the Parish of *Prestwich* aforesaid, the Property and in the Possession of *Jenny Brown* Widow; also of a certain Garden, Orchard, and Yard, situate in the Township of *Alkrington* aforesaid, in the Possession of *John Hamer*, the Property of *John Lever*; also of a certain Plantation, situate in the Township of *Blakeley* aforesaid, the Property of *Jacob Scholes*; also of a Dwelling House and Building, situate in the Township of *Harpur-Hey* aforesaid, in the Possession of *James Butterworth*, the Property of the Children of the late *William Pendleton*; also of a Garden situate in the said Township of *Harpur-Hey*, in the Occupation of *John Brown*; and of a Garden and Building situate in the last mentioned Township, in the Occupation of *George Drinkwater*, both the Property of *Adam Pendleton*; also of a Garden situate in the said last mentioned Township, in the Occupation of *John Lees*, and of another Garden there situate, in the Occupation of *Elizabeth Barnes*, both the Property of *James Walker*; also of a Dwelling House or Building, situate in the Township of *Harpur-Hey* aforesaid, now occupied as a Workhouse, the Property of *Henry Hulton* an Infant; and of a Garden there situate, in the Occupation of *Ann Tinker*, the Property of *Joseph Wrigley*; also of a Garden situate in the last mentioned Township, in the Occupation of *Phœbe Barlow*, the Property of the said *Henry Hulton*; also of a Garden situate in the Township last aforesaid, occupied by *Samuel Ogden*, the Property of the said *Henry Hulton*; also of a Wall and Building situate in the last mentioned Township, occupied by *Samuel Ashworth*; and of a certain Plantation there situate, occupied by *Thackeray* Widow, both the Property of *Thackeray* an Infant; also of certain Buildings situate in the Township of *Manchester* aforesaid, the Property and in the Possession of *Samuel Higginbottom*; also of certain Erections or Buildings of Wood situate in the Township of *Manchester* aforesaid, the Property and in the Possession of *George* and *Jonathan Peel*, and *William Williams*, as

ſhall be neceſſary for making the ſaid Road in ſuch reſpective Places of the Breadth of Twelve Yards; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

Mines reſerved to the Owners of the Lands.

XLVII. Provided always, and be it further enacted, That all Mines of Coal and other Minerals whatſoever, lying and being in or under any Lands to be appropriated to the ſaid Road by virtue of this Act, ſhall be, and is and are hereby reſerved to the Perſon or Perſons, Bodies Corporate or Collegiate, who is or are, or ſhall be entitled to ſuch Coal or other Minerals, with Liberty for him, her, or them, or his, her, or their Agents or Servants, to dig for, mine, and work the ſame, in ſuch Manner as is uſual for carrying on Works of that kind in the Neighbourhood or Place where ſuch Mines or Minerals ſhall be, and in as full and ample a Manner as if the ſaid Lands had not been taken and appropriated for the Purpoſes aforeſaid, by virtue of this Act, ſo that in the working of ſuch Mines, no Damage ſhall be done to the ſaid Road.

Truſtees may enter Lands to make the Road.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and for their Surveyor or Surveyors, and Workmen, with and without Carriages and Cattle, from Time to Time to enter upon the Lands, Grounds, and Hereditaments, through which or whereupon the Road hereby authorized is intended to be widened, altered, or turned, and to ſtake out, make, widen, alter, and turn the ſame, in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment, for entering or continuing upon any Part or Parts of the ſaid Lands, Grounds, or Hereditaments reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands, Grounds, or Hereditaments, for the Damage that ſhall be done to the Land or Ground on the Side of any new Part of the ſaid Road, whilſt the ſame ſhall be altering, making, or turning, in caſe ſuch Damage ſhall exceed the Sum of One Shilling; and if any Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or Marks, uſed in ſetting out, making, altering, or turning any Part of the ſaid Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds nor leſs than Forty Shillings.

For getting Materials to make and repair the Road.

XLIX. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and all ſuch Perſons as he or they ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Gravel, Stones, Sand, and other Materials, for making and repairing the ſaid Road, out of or from any Common or Waſte Ground, River or Brook, in any Pariſh, Townſhip, Hamlet, or Place, without paying any thing for the ſame, they the ſaid Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits or Quarries, leveling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Perſons or Cattle; and alſo that the ſaid Surveyor or Surveyors, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, ſearch for, cut, dig, get, gather, and take away ſuch Materials in and out of the private Lands, Fields, or Grounds of any Perſon

ſon or Perſons where the ſame may be found and had, (ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, or Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees), making or tendering ſuch Rate or Payment for ſuch Materials to the Owners of ſuch Grounds, and making or tendering ſuch Satisfaction for the Damages done by getting and carrying away ſuch Materials to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Road ſhall be carried, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees and the ſaid Owners or Occupiers, or any of them, concerning ſuch Payment or Damages, any Juſtice or Juſtices of the Peace for the ſaid County Palatine of *Lancaſter* ſhall and may (on Ten Days Notice thereof in Writing given by either Party to the other, or to be left at their reſpective Places of Abode) hear, ſettle, and determine the Matter of ſuch Payments and Damages; and the Judgement or Order of the ſaid Juſtice or Juſtices ſhall be final and concluſive to all Parties, and the Money ſo adjudged ſhall be paid on Demand by the ſaid Truſtees, or their Surveyor or Surveyors.

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

L. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons, under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for making or repairing the ſaid Road, out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Land Owner or his known Agent, or to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left at ſuch Occupier's laſt or uſual Place of Reſidence, to appear before the ſaid Truſtees or any Two Juſtices of the Peace acting for the ſaid County Palatine of *Lancaſter*, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, the ſaid Truſtees or ſuch Juſtices ſhall, if they think proper, authorize ſuch Surveyor, or other Perſon or Perſons, to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to ſuch Truſtees or ſuch Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his 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 Agent had attended.

Penalties on taking away Materials belonging to the Road.

LI. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug, got, or gathered in any Lands, Fields, Grounds, Waſtes, or Commons, River, or Brook, for the Purpoſe of making, improving, or repairing the ſaid Road, or ſhall get or take away any Materials out of any Pit or Quarry, which ſhall have been made for the Purpoſe of procuring Materials for the ſaid Road, before the Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for their own private Uſe only, and not for Sale), every

every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Truſtees may contract for making and repairing the Road;

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

may make Cauſeways, Drains, &c.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall employ or appoint, (ſuch Surveyor having an Order for that Purpoſe from the ſaid Truſtees), to make or cauſe to be made, Cauſeways or Footways, and alſo Drains and Ditches, in and upon, or on the Sides of the ſaid Road, and alſo through any Lands or Grounds lying contiguous thereto, and to ſcour ſuch Ditches and Drains, and alſo to make or cauſe to be made a Road through the Land or Ground adjoining or lying near to any hollow, narrow, or ruinous Part of the ſaid Road, (ſuch Grounds reſpectively not being the Ground whereon any Houſe or other Building is erected, or a Garden, Orchard, Yard, Park, or Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees), to be made uſe of as a publick Highway whilſt the old Road is repairing or widening, and until ſuch Time as it ſhall be fit and convenient for Paſſengers and Carriages to paſs along the ſame; and alſo to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the ſaid Road, and acroſs any River, Stream, Brook, Water, Ditch, or Drain therein, or contiguous thereto, making ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds reſpectively through which any ſuch Drains or Ditches ſhall be made, or on which any ſuch Bridges or Arches ſhall be built or erected, or through which any temporary Road ſhall be made, for

for the Damages which ſuch Owners or Occupiers reſpectively ſhall thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe of any Difference concerning the ſame between ſuch Owners or Occupiers, and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them, aſſembled at their General Quarter Seſſions of the Peace for the ſaid County Palatine of *Lancaſter*, or at their Second Quarter Seſſions of the Peace at the fartheſt, to ſettle, adjudge, and finally determine what Recompence ſhall be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid; which Determination ſhall be final, and the Money ſo adjudged ſhall be paid, on Demand, to the Perſon or Perſons entitled thereto, by the Treaſurer or Clerk to the ſaid Truſtees.

For removing Annoyance.

LIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or their Surveyor or Surveyors, and ſuch Perſons as they or he ſhall appoint, from Time to Time to remove and prevent all Annoyances and Obſtructions on the ſaid Road by Timber, Stones, Carriages, Saw Pits, Dung, Aſhes, Straw, Rubbiſh, or of any other Kind whatſoever, and to diſpoſe of the ſame for the Benefit of the ſaid Road; and alſo to turn any Watercourſes, Sinks, or Drains, running into or along the ſaid Road to the Prejudice thereof; and to open, ſcour, cleanſe, or widen any Watercourſes or Ditches adjoining or near thereto, and make the ſame as deep and large as he or they ſhall think neceſſary, and to cut down, lop or top any Trees, Branches, Shrubs, or Buſhes, growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, within Ten Yards of the Center of the ſaid Road, and to take and carry away the ſame reſpectively, and to cut down and reduce all Hedges adjoining to the ſaid Road, to the Height of Five Feet, in caſe the Perſons occaſioning ſuch Annoyances ſhall neglect to remove the ſame within Seven Days after Notice in Writing given them for that Purpoſe by the Surveyor or Surveyors; or in caſe the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen, or ſink ſuch Watercourſes or Ditches, or remove ſuch Trees, Branches, Shrubs, or Buſhes, or reduce ſuch Hedges, in ſuch Manner as the Surveyor or Surveyors ſhall require, for the Space of Ten Days after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as Penalties and Forfeitures are herein-after directed to be recovered and applied; and ſuch Owners or Occupiers ſo neglecting to open, ſcour, and cleanſe ſuch Watercourſes or Ditches, or to cut and reduce ſuch Hedges (at the proper Seaſon of the Year) within the Time aforeſaid, after Notice given, ſhall likewiſe forfeit for every Foot in Length of the ſame, any Sum not exceeding Two Shillings nor leſs than One Shilling, over and beſides the Charges to be ſettled as aforeſaid; and if after Removal of the ſaid Annoyances, any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch ſubſequent Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Ten Shillings.

Perſons liable to the Repair of the High-

LV. And be it further enacted, That all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable

ways, to repair this Road.

liable to or towards the repairing or amending of any Highway in the ſeveral Pariſhes, Townſhips, Hamlets, or Places through which the Road by this Act directed to be amended, diverted, made, improved, and kept in Repair, doth or ſhall paſs, ſhall be liable to the Repair of the ſaid Road ſo to be amended, diverted, made, improved, and kept in Repair, and to perform their reſpective Work thereon, in ſuch and the like Manner, in every Reſpect, as they are liable to the Repair of any other common Highway within ſuch Pariſh, Townſhip, Hamlet, or Place reſpectively; and that it ſhall be lawful for any Two or more Juſtices of the Peace acting in and for the ſaid County, to ſummon the Surveyors of the Highways for the reſpective Pariſhes, Townſhips, Hamlets, and Places, wherein any Part of the Road by this Act intended to be amended, diverted, made, improved, and kept in Repair, doth or ſhall lie, to bring in Writing under their reſpective Hands, before them, upon Oath, according to the beſt of their Knowledge, within Fifteen Days after ſuch Summons (which Oath ſuch Juſtices are hereby empowered to adminiſter) a Liſt of the Names of all the Perſons who are liable to do Statute Work for that Year with Teams or Draughts, or otherwiſe, within ſuch Pariſhes, Townſhips, Hamlets, or Places reſpectively, and ſhall in ſuch Liſt diſtinguiſh which of the ſaid Perſons keep, or by Law ſhall be deemed to keep a Team or Teams, and what Lands, Tenements, and Hereditaments, and of what reputed Annual Value they reſpectively occupy, and which of them are liable to do Statute Work as Labourers only, and which of them are liable to repair *Ratione Tenuræ*, together with the reſpective Length of the Road thoſe Perſons ought to repair; and the ſaid Juſtices ſhall and may order and appoint how many Days Statute Work ſhall be done in a Year by ſuch Perſons on the ſaid Road, which ſaid Statute Work ſhall be done by ſuch Perſons at ſuch Times, in ſuch Manner, and in ſuch Parts of the ſaid Road within ſuch reſpective Pariſh, Townſhip, Hamlet, and Place, as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time direct and appoint; and if any Perſon ſhall neglect or refuſe to do ſuch Statute Work, every ſuch Perſon for each Day he ſhall make Default, ſhall forfeit any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings for each Team and Draught; and for every Cart with Two Horſes or Beaſts of Draught, any Sum not exceeding Fourteen Shillings nor leſs than Seven Shillings; and for every Cart with One Horſe or Beaſt of Draught, any Sum not exceeding Ten Shillings nor leſs than Six Shillings; and every Houſeholder and Perſon liable to perform ſuch Statute Work as a Labourer, ſhall forfeit any Sum not exceeding Five Shillings nor leſs than Two Shillings and Sixpence for each Day's Default; and if any Perſon ſhall be found idle or negligent in the Performance of ſuch Statute Work, the Turnpike Surveyor or Surveyors may, and he and they is and are hereby required to diſcharge ſuch Perſon, or ſuch Team or Draught, and it ſhall be deemed as if ſuch Perſon, or ſuch Team or Draught, had not been ſent to work; and every ſuch Labourer or Perſon, and the Owner of ſuch Team or Draught, ſhall be liable to ſuch reſpective Penalties as aforeſaid; and in caſe any of the Surveyors of the Highways for ſuch Pariſhes, Townſhips, Hamlets, or Places, ſhall refuſe or neglect to give in ſuch Liſt on Oath as aforeſaid, to ſuch Juſtices, or ſhall be guilty of any Fraud therein; or ſhall neglect or refuſe to ſummon ſuch Perſons to do their Statute Work as aforeſaid, every ſuch Surveyor ſhall for every ſuch Neglect, Refuſal, or Fraud, forfeit any Sum not exceeding Ten Pounds nor leſs than Fifty Shillings.

Highway Surveyors to bring in Liſts of ſuch Perſons.

Penalties on Surveyors *etc.* neglecting to deliver proper Liſts.

LVI. And

Lands chargeable to the Highways ſtill to continue ſo.

LVI. And be it further enacted and declared, That all Lands, Tenements, and Hereditaments, and the Owners and Occupiers thereof, and all Rents and Profits iſſuing out of Lands, Tenements, and Hereditaments, which are or ſhall be liable or chargeable towards the amending or repairing of the Road by this Act directed to be widened, diverted, amended, and kept in Repair, or any Part or Parts thereof, ſhall ſtill remain ſo liable and chargeable, and the Poſſeſſors and Occupiers thereof are hereby required to pay ſuch Sum or Sums of Money as ſhall be liable to be paid out of, or chargeable upon ſuch Lands, Tenements, or Hereditaments, Rents or Profits as aforeſaid, to ſuch Perſon or Perſons as the ſaid Truſtees ſhall appoint to receive the ſame; and upon Default of Payment thereof, it ſhall be lawful for the ſaid Truſtees, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, together with the Coſts and Charges of ſuch Diſtreſs and Sale.

Counties, &c. liable to repair Bridges, &c ſtill to continue ſo.

LVII. And be it further enacted, That all and every the Bridges, Cauſeways, Arches, Drains, or Sewers, in any Part of the ſaid Road, which have been accuſtomed or ought to be repaired by the County, or by any Hundred, Pariſh, Townſhip, Hamlet, or Place, or by any particular Perſon or Perſons, Bodies Politick or Corporate, by reaſon of the Tenure of Lands, or otherwiſe howſoever, ſhall be ſtill liable to be maintained and kept in Repair as they were before the paſſing of this Act.

Statute Duty and other Repairs may be compounded for.

LVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree by the Year, or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments, which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or of any Bridge, Arch, Cauſeway, Drain, or Sewer, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, Hamlets, or Places, to compound and agree for a certain Sum of Money, by the Year or otherwiſe, in lieu of the Statute Work to be done upon any Part or Parts of the ſaid Road; and in caſe ſuch Compoſition Money ſhall not be paid to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint to receive the ſame, within Fifteen Days after the ſame ſhall be due and demanded, it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the ſaid County Palatine of *Lancaſter*, upon Oath made before him or them of ſuch Default, and he or they is and are hereby required, to iſſue a Warrant under his or their Hand and Seal or Hands and Seals, empowering ſuch Perſon ſo by the ſaid Truſtees appointed to receive ſuch Compoſition Money to levy the ſame, by Diſtreſs of the Goods and Chattels of the Perſon or Perſons who ſhall have made ſuch Compoſition as aforeſaid, and ſuch Goods and Chattels ſo diſtrained, after the Space of Four Days (ſuch Compoſition Money, and the reaſonable Charges of diſtraining and keeping the ſame not being paid) to ſell, returning the Overplus to the Owner or Owners thereof, upon Demand, after the Compoſition Money, and all reaſonable Charges of ſuch Diſtreſs and Sale ſhall be deducted; which Compoſition Money ſhall be applied in the Repair of the ſaid Road in ſuch reſpective Pariſh, Townſhip, Hamlet, or Place,

Place, by which the ſame ſhall be raiſed and paid; and all ſuch Surveyors ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of Highways are by Law to be reimburſed the Money by them expended in buying Materials for repairing the Highways.

Mile Stones and Direction Poſts to be erected.

LIX. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of One Mile from each other, denoting the Diſtance of any ſuch Stone or Poſt from any Town or Place, and alſo ſuch and ſo many Direction Poſts as to them ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any ſuch Poſt or Stone, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than on wheeled Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon any wheeled Carriage, to drag upon any Part of the ſaid Road to the Prejudcei thereof; or if any Perſon ſhall ride upon any Footway belonging to the ſaid Road; or ſhall drive any Horſe, Beaſt, or other Cattle thereon; or ſhall cauſe any Damage to be done to the ſaid Footway; or if the Driver of any Carriage or other Perſon ſhall wilfully or careleſsly break or damage any Poſt or Stone erected for the Security of the ſaid Footway, or drive the Wheel of any Carriage againſt the ſame, or the Sides of the ſaid Footway; or if the Owner of any Horſes, or other Cattle or Swine, ſhall ſuffer the ſame to wander or depaſture upon or on the Sides of any Part of the ſaid Road, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds nor leſs than Ten Shillings; and it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, or for any One or more of the ſaid Truſtees, and he and they is and are hereby authorized and empowered, to cauſe all ſuch Horſes or other Cattle or Swine, as ſhall be found wandering or depaſturing on the ſaid Road, or on the Sides thereof, to be impounded, and to keep the ſame impounded until a Penalty not exceeding Twenty Shillings nor leſs than Ten Shillings ſhall be paid to ſuch Surveyor or Surveyors, over and above the uſual Fee or Charge to the Proprietor or Keeper of the Pound where any ſuch Horſes or other Cattle or Swine, ſhall be impounded; and if the Proprietor or Keeper of any Pound ſhall releaſe any ſuch Horſes, Cattle, or Swine, impounded as aforeſaid, without the Conſent of ſuch Surveyor or Surveyors, every ſuch Proprietor or Keeper ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Penalty on damaging the ſame;

or damaging the Road;

or ſuffering Cattle or Swine to wander in the Road.

Truſtees may compound for Penalties.

LX. And be it further enacted, That in all Caſes where any Action or Actions, Suit or Suits, ſhall be brought, commenced, or proſecuted, againſt any Perſon or Perſons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into by ſuch Perſon or Perſons, it ſhall be lawful for the ſaid Truſtees, from Time to Time, to compound and agree for the ſame, for ſuch Sum or Sums of Money as they ſhall think proper, inſtead of receiving the Whole of ſuch Penalty or Penalties; but the Sum ſo compounded or agreed for ſhall not be leſs than the Injury or Damage ſuſtained by the

Breach or Non-performance of any ſuch Contract, and all the Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

For recovering Penalties.

LXI. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be impoſed, (the Manner of levying and recovering whereof is not herein otherwiſe directed) ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the ſaid County Palatine of *Lancaſter*, or where the Offender ſhall be or reſide, either by the Confeſſion of the Party offending, or by the Oath of One or more credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby empowered and required to adminiſter without Fee or Reward) be levied, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required to grant); and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale are deducted, ſhall be returned upon Demand unto the Owner or Owners of ſuch Goods and Chattels; and the Money ariſing by ſuch Penalties, Forfeitures, and Fines, when levied or paid, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer to the ſaid Truſtees, and applied for the Purpoſes of the ſaid Road; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties, Forfeitures, and Fines, ſhall not be forthwith paid, it ſhall be lawful for any 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 of the County, or of the Place where the Offender ſhall be or reſide, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor leſs than Twenty-one Days, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

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

Form of Conviction.

To wit. } ‘BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty’s Juſtices of the Peace for the County Palatine of *Lancaſter* [*ſpecifying the Offence, Time, and Place, when and where the ſame was committed, as the Caſe may be*]. Given under my Hand and Seal, the Day and Year firſt above mentioned.’

Appeal.

LXIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it ſhall be lawful for ſuch Perſon or Perſons to appeal to the Juſtices of the Peace at the next General Quarter Seſſions of the Peace to be holden for the ſaid County; or if the ſaid Cauſe of Complaint ſhall ariſe within Fourteen Days next before ſuch General Quarter Seſſions, then ſuch Appeal may be made to ſuch Juſtices at the Second General Quarter Seſſions of the

Peace to be holden for the ſaid County, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten 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 to the ſaid Truſtees, and within Six Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties to try ſuch Appeal, and abide the Orders of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive, unto and upon all Parties.

Proceedings not to be quaſhed for Want of Form.

LXIV. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or *Lancaſter*; and that when any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage (if any) in an Action upon the Caſe; but no Plaintiff or Plaintiffs ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made for or on Behalf of the Party diſtraining before ſuch Action brought; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXV. 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 Ten Days Notice thereof ſhall be given to the Clerk to the ſaid Truſtees, nor after a ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next enſuing the Fact committed; and every ſuch Action ſhall be brought in His Majeſty's Court of Common Pleas at *Lancaſter*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, ſhall and may, at his or their Election, plead ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done by the Authority and in purſuance of this Act; and if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit hath been brought before Ten Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other Court than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict,

Verdict, or if ſuch Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any other Defendant or Defendants hath or have in any other Caſe by Law.

No Money to be laid out in paving any Street.

LXVI. Provided always, and be it further 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 Pavement or Cauſeway in any Town or Street through which any Part of the Road by this Act directed to be altered, amended, or kept in Repair, doth lead.

Commencement and End of the Road.

LXVII. And be it further enacted, That the Road directed to be improved, widened, made, and kept in Repair, by virtue of this Act, ſhall begin and be deemed and taken to begin at the Eaſterly End of a certain Place called *The New Wall*, on the Parade, ſituate in the Townſhip of *Caſtleton* aforeſaid, and ſhall extend to and end at a certain Publick Houſe ſituate at the Top of *Shude Hill*, in the Townſhip of *Mancheſter* aforeſaid, called *The Gaping Gooſe*, and ſhall alſo extend to and end at a certain Mere Stone or Boundary betwixt the ſaid Road and *The Mancheſter Diſtrict*, ſituate in the Townſhip of *Great Heaton* aforeſaid, there to unite with the Road leading to *Mancheſter*, *Eccles*, and *Radcliffe Bridge*.

To oblige Subſcribers to pay their Subſcriptions.

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

Publick Act.

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

Commencement and Continuance of this Act.

LXX. And be it further enacted, That this Act ſhall commence upon the ſaid Eighth Day of *June* One thouſand eight hundred and four, and ſhall have Continuance 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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