ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 24.

An Act for more effectually repairing and improving the Road from *Stockport*, in the County of *Cheſter*, to *Saxon's Lane End*, in the County Palatine of *Lancaſter*, and other Roads therein mentioned, in the Counties of *Cheſter* and *Lancaſter*, and in the County of *York*. [3d *May* 1804.]

WHEREAS an Act was paſſed in the Fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for repairing and widening the Road from* Stockport, *in the County of* Cheſter, *to* Saxon's Lane End, *in the County of* Lancaſter; *and from the* Croſs *in* Aſhton-under-Line, *in the ſaid County of* Lancaſter, *to* Doctor's Lane Head, *in the County of* York; *and alſo the Road branching out of the firſt-mentioned Road, in the Townſhip of* Bredbury *to* Mottram, *in the ſaid County of* Cheſter: And whereas an Act was paſſed in the Tenth Year of the Reign of His ſaid Majeſty, to enlarge the Term and Powers of the ſaid recited Act: And whereas the Truſtees appointed in or by virtue of the ſaid recited Acts have proceeded to put the ſame in Execution, and have for that Purpoſe borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby granted; which Money

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ney ſtill remains due and owing, and cannot be paid off, nor can the ſaid Roads be properly and effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts be further continued; and the Powers and Proviſions of the ſaid Acts having in many Reſpects been found defective and inſufficient, it would be more convenient to the Truſtees of the ſaid Roads, and the ſame might be more effectually improved and maintained, if the ſaid Acts were repealed, and ſome further and other Powers granted inſtead thereof: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt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 Firſt Day of *June* One thouſand eight hundred and four, the ſaid recited Acts ſhall be and the ſame are hereby declared to be repealed; and that on the ſame Day this Act ſhall commence and take Effect in lieu and inſtead thereof, and ſhall be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of more effectually amending, widening, improving, and keeping in Repair the ſaid Roads; and the Tolls by this Act granted ſhall be and are hereby declared to be charged with and 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 Acts hereby repealed as aforeſaid, and of the Intereſt due and to grow due thereon, as fully and effectually, to all Intents and Purpoſes as if ſuch Monies had been borrowed and become due and owing on the Credit or on Account of this Act.

Truſtees. II. And be it further enacted, That Sir *John Fleming Leyceſter* Baronet, Sir *John Chetwode* Baronet, the Honourable and Reverend *Anchitel Grey*, the Honourable *Richard Pepper Arden*, *John Arden*, *Peter Aſhton*, *James Aſhworth*, *William Bamford*, *Thomas Langford Brooke*, *Thomas Beard*, *Robert Bancroft*, *James Buckley*, *Robert Buckley*, *Henry Buckley*, *William Bowneſs* Clerk, *Charles Bowneſs*, *James Beard*, *John Back*, *Joſeph Bellott*, *Joſhua Bruckſhaw*, *George Hyde Clarke*, *Edward Clarke*, *William Creſswell*, *William Crowther*, *William Chadwick*, *John Collier*, *Thomas Cardwell*, *Henry Cardwell*, *Joſeph Dale*, *John Dale*, *George Edward Dale*, *Thomas Dewhurſt*, *Davies Davenport*, *John Dickinſon*, *John Dickinſon* the younger, *Thomas Dalton*, *William Egerton*, *Wilbraham Egerton*, *Thomas Egerton*, *Matthew Elliſon*, *John Fletcher*, *Joſeph Fowden*, *Frederick William Foſter*, *George Grimſhaw*, *John Grimſhaw*, *George Garſide*, *Robert Gee*, *James Gee*, *James Gee* the younger, *John Fowden Hindle*, *William Hardy*, *John Hardy*, *John Holme*, *Edward Hobſon*, *James Harrop*, *John Harrop*, *Iſaac Harrop*, *James Harriſon*, *James Harriſon* the younger, *Robert Harriſon*, *Henry Harriſon*, *John Hampſon*, *James Heginbottom*, *Chriſtopher Howe* Clerk, *Joſeph Hyde*, *David Hyde*, *Moſes Hadfield*, *Samuel Hadfield* the younger, *Croxton Johnſon* Clerk, *Shallcroſs Jacſon* Clerk, *James Kenworthy*, *Edmund Kerſhaw*, *James Kerſhaw*, *Henry Kelſall*, *John Egerton Killer*, *John Lingard*, *John Lingard* the younger, *Charles Leyceſter*, *Harry Leyceſter*, *Henry Lees*, *John Lees* of Aſhton-under-Line, *James Lees*, *Joſeph Lees*, *Samuel Lees*, *George Edward Leigh* Clerk, *Thomas Milne*, *George Martin*, *Peter Marſland*, *Thomas Chetham Morrey*, *Thomas Marſland*, *Thomas Nicholſon*, *Robert Newton*, *Robert Newton* the younger, *George William Newton*, *James Antrobus Newton*, *James Newton*, *William Newton*, *Samuel Oldknow*, *Thomas Ouſey*,

Ouſey, *Charles Preſcot* Clerk, *Charles Preſcot* the younger, *Kelſall Preſcot*, *John Philips*, *Thomas Parker*, *John Reddiſh*, *Thomas Reddiſh*, *Edward Reddiſh*, *Edward Reddiſh* the younger, *Neddy Ratcliffe*, *Edward Stelfox*, *Giles Shaw*, *John Smith*, *Peter Thorniley*, *John Taylor*, *Robert Thorniley*, *James Turner* Clerk, *Joſeph Thorniley*, *John Thorniley*, *Edward Thompſon*, *Lawrence Wright*, *John Watſon* Clerk, *Holland Watſon*, *Daniel Woolley*, *Lawrence Walker*, *Lawrence Walker* the younger, *Richard Wilſon*, *Iſaac Worthington*, *George Worthington*, *Abel Wood*, *John Wood*, *Joſhua Wood*, *John Wych*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for amending, widening, improving, and keeping in Repair the ſaid Roads, and for otherwiſe putting this Act in Execution.

On the Death, &c. of Truſtees, others are to be choſen.

III. And be it further enacted, That when and as often as any Truſtee hereby appointed or to be appointed in Manner herein-after mentioned, ſhall become by Bankruptcy or Inſolvency diſqualified to act, or ſhall ceaſe to reſide for the Space of Two Years together in any of the Counties of *Cheſter*, *Lancaſter*, or *York*, or ſhall die, or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect one other Perſon living in any of the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, to be a Truſtee in the room of ſuch Truſtee ſo diſqualified to act, or ceaſing to reſide as aforeſaid in any of the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, or deceaſed, or refuſing to act; but Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, and alſo by inſerting the ſame in ſome publick Newſpaper circulating in the Neighbourhood through which the ſaid Roads paſs, at leaſt Ten Days before every ſuch Meeting; and all Perſons ſo elected are hereby veſted with the ſame Powers for putting this Act in Execution as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with; and that no Truſtee or Truſtees ſhall have Power to act in the Execution of this Act, but during ſuch Time only as he or or they ſhall live or reſide within the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, or One of them.

Qualification of Truſtees.

IV. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the Counties of *Cheſter*, *Lancaſter*, and *York*, or in ſome or One of them, of the clear Yearly Value of Fifty Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in ſuch Lands, Tenements, or Hereditaments as aforeſaid, of the clear Yearly Value of One hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate to the Amount of One thouſand five hundred Pounds nor (except in adminiſtering the Oath following) before he ſhall have taken and ſubſcribed the Oath herein-after mentioned, before any Five or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

'I *A. B.*

Oath.

'I *A. B.* do ſwear that I truly and *bonâ fide* am ſeiſed of, in my own 'Right, [or in the Right of my Wife, *as the Caſe may be*] and in 'the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits 'of a Real Eſtate in Law or Equity, ſituated in the County of *Cheſter*, '*Lancaſter*, or *York*, of the clear Yearly Value of Fifty Pounds [*or* 'poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Five 'hundred Pounds].

'So help me GOD.'

And if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, or being ſo qualified ſhall act as ſuch Truſtee, before he hath taken and ſubſcribed the ſaid Oath, every Perſon ſo offending in all or any of the Premiſes ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame, to be recovered with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; and that no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act; nor ſhall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act; but all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees (except only in ſuch Caſes where they ſhall be perſonally intereſted).

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

V. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, either in the Name or Names of ſuch Truſtee or Truſtees as may be a Party or Parties to any Deed or Inſtrument in Writing, upon which any Action ſhall or may be brought, or in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in his or their Name or Names, or in the Name of their Clerk, ſhall abate or be diſcontinued by the Death, Incapacity, or Removal of any ſuch Truſtee or Truſtees, or Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the Clerk for the Time being to the ſaid Truſtees, in caſe ſuch Action ſhall be brought againſt or defended in the Name of ſuch Clerk, ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action: Provided always, that every ſuch Truſtee or Truſtees, or Clerk, in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences, as by the Event, or in conſequence of any ſuch

Action

Action or Proceeding he or they ſhall pay, bear, expend, or be put unto, or become chargeable with, by Reaſon of his or their being ſo made Plaintiff or Defendant, Plaintiffs or Defendants, as aforeſaid.

First Meeting of the Truſtees.

VI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together on or before the Third *Thurſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, at the Houſe of *John Shaw*, known by the Name or Sign of *The Crown and Anchor*, in *Stockport* aforeſaid, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and afterwards meet Yearly ſome Time in the Month of *October* at the Place aforeſaid, or at any other Place near the ſaid Roads as the ſaid Truſtees, or any Five or more of them, ſhall think proper or convenient for putting this Act in Execution; which Meetings ſhall be deemed General Meetings, and at which Meetings all Accounts relating to the ſaid Truſt ſhall be examined, ſettled, and adjuſted; and the ſaid Truſtees, or any Five or more of them, ſhall and may at any ſuch Meetings adjourn themſelves to ſome convenient Place or Places at or near the ſaid Roads reſpectively, and may make ſuch further Adjournments from Time to Time for putting this Act in Execution as they ſhall think proper; and if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees for the Purpoſes aforeſaid, then and in ſuch Caſe the Clerk to the ſaid Truſtees, by Notice in Writing to be affixed at or on all the Turnpikes then erected on the ſaid Roads, at leaſt Ten Days before the next Meeting, ſhall appoint ſuch Truſtees to meet at the Houſe where the laſt Meeting of ſuch Truſtees was appointed to be held, on that Day Three Weeks on which ſuch laſt Meeting of ſuch Truſtees was appointed to have been held, and that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences; and all Orders and Determinations of the ſaid Truſtees in the Execution of this Act ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe (except as herein particularly mentioned); and no Order or Determination ſhall be made unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Meeting not conſiſting of leſs than the reſpective Number herein mentioned, as the Caſe may be; nor ſhall any ſuch Order or Determination be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees ſhall be preſent, and the Majority of them ſhall concur therein, nor unleſs the Perſon or Perſons applying to revoke or alter any ſuch Order ſhall give Notice thereof in Writing to the Clerk to the ſaid Truſtees, and for want of ſuch Clerk, to the Perſon or Perſons acting as Treaſurer or Treaſurers to the ſaid Truſtees, to be by him or them affixed and inſerted in Manner herein-before mentioned, at leaſt Ten Days previous to any Meeting.

Orders and Proceedings of Truſtees to be entered.

VII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be made and entered in a Book or Books to be kept for that Purpoſe, and ſigned by a competent Number of Truſtees, and ſuch Orders and Proceedings ſo entered and ſigned by the ſaid Truſtees, at any Meeting of Five or more of them the ſaid Truſtees, ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the Books directed to be kept for regiſtering the Mortgages and Aſſignments herein-after mentioned, ſhall and may be

read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

Meetings on Emergencies.

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

Trustees may appoint Officers.

IX. And be it further enacted, That the said Trustees or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls hereby granted and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may, at a Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the said respective Turnpike Gates then erected on the said Roads, by any Writing or Writings under their respective Hands and Seals, from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Tolls shall be paid after the Rates herein mentioned to such Persons as shall be so appointed to receive the same; and the said Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at the said Annual Meeting to be held in the Month of *October* in every Year, give unto such Trustees true and perfect Accounts, in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they or any Five or more of them shall direct or appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two of the said Trustees are hereby empowered to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner aforesaid, then, and in either of the said Cases, it shall and may be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall reside, and such Justices are hereby authorised and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses,

Witneſſes, upon Oath (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Perſon ſhall be thereof convicted, ſuch Juſtices ſhall commit the Party to the common Gaol of the County or Place where ſuch Perſon ſhall reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account, and verify ſuch Account in Manner as aforeſaid; and in caſe any of the ſaid Officers or other Perſons ſhall refuſe or neglect to pay any Sum or Sums of Money which ſhall appear to remain in his or their Hands, it ſhall be lawful for any Two Juſtices of the Peace for the County or Place where ſuch Perſon or Perſons ſhall reſide, to make Inquiry touching ſuch Neglect or Refuſal in a ſummary Way, in Manner as aforeſaid, and by Warrant under their Hands and Seals to cauſe ſuch Sums of Money as ſhall appear to them to be due and unpaid to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, rendering the Overplus (if any) to the Party or Parties, after the Money remaining due and the Charges of making ſuch Diſtreſs and Sale ſhall be deducted; and if ſufficient Diſtreſs cannot be found, then the ſaid Juſtices, or any other Two Juſtices for the reſpective County or Place, ſhall commit ſuch Perſon or Perſons to the common Gaol of the County or Place where ſuch Perſon ſhall reſide, there to remain without Bail or Mainprize until he or they ſhall have paid over ſuch Money in Manner as aforeſaid, or compounded for the ſame, and paid ſuch Compoſition Money to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon as they, or any Five or more of them, ſhall appoint to receive the ſame, which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting, are hereby empowered to make: Provided always, that no Perſon ſhall be committed for want of ſufficient Diſtreſs for any longer Space of Time than Six Calendar Months.

Truſtees to appoint temporary Collectors.

X. And be it further enacted, That upon the Death, Incapacity, abſconding, miſbehaving, or Abſence of any Collector or Receiver of the Tolls, any Three or more of the ſaid Truſtees, though not at a Meeting of the ſaid Truſtees appointed by virtue of this Act, ſhall and may lawfully diſcharge ſuch Collector or Receiver who ſhall abſcond, miſbehave, or become incapable, or abſent himſelf as aforeſaid, and nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls in the Stead of ſuch Collector or Receiver ſo dying or being diſcharged, to continue until the next Meeting of the ſaid Truſtees, which Perſon ſo nominated and appointed ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon who ſhall ſo die or be diſcharged would have had or been ſubject to; and that if any Collector or Receiver of the ſaid Tolls who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or any Three or more of them, or the Wife, or Widow, or any of the Children, Family, or other Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf, or be diſcharged, or any other Perſon, ſhall refuſe or neglect to deliver up the Poſſeſſion of any Toll Houſe or Building already erected and ſet np by virtue of the ſaid recited Acts, or to be erected and ſet up by virtue of this Act, for the Space of Fourteen Days next after Demand made thereof, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, though not at a Meeting, or by their Clerk or Treaſurer,

Treaſurer, then and in any of the ſaid Caſes it ſhall be lawful for any Juſtice or Juſtices of the Peace for the County in which ſuch Toll Houſe or Building ſhall be, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or their new appointed Officer, into the Poſſeſſion thereof.

Truſtees may allow Salaries.

XI. And be it further enacted, That out of the Tolls to be collected at each reſpective Turnpike, ſuch Allowances ſhall be made to the Collector or Collectors of the Tolls at ſuch reſpective Turnpikes, as the ſaid Truſtees, or any Five or more of them, ſhall think proper; and that, out of the Monies to ariſe by the Tolls collected at all the ſaid Turnpikes, ſuch Allowances and Compenſations ſhall be made to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Surveyor or Surveyors, and to ſuch other Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem reaſonable.

Treaſurer, *etc.* to give Security.

XII. Provided always, and be it enacted, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurers, Clerks, Collectors of the Tolls and other Officers, for the due Execution of their reſpective Offices, as to ſuch Truſtees, or any Five or more of them, ſhall ſeem expedient.

To compel Perſons to pay and deliver over Money, *etc.*

XIII. Provided alſo, and be it further enacted, That all Perſons who have been employed, or who ſhall have received any Tolls or other Money by virtue or in conſequence of the ſaid recited Acts, or ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or Things, relating to the Roads comprized in this Act, ſhall account for and pay and deliver over the ſame and every Part thereof to the ſaid Truſtees, in like Manner, and under the like Penalties, as are herein-before directed in reſpect to the ſeveral Collectors and other Perſons receiving any Monies, or having the Cuſtody or Power of any Books, Writings, or other Things, by virtue of this Act.

Truſtees may continue or alter Turnpike Gates.

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may either continue the ſeveral Turnpike Gates which now ſtand acroſs or on the Sides of the ſaid Roads in the ſeveral Townſhips of *Bredbury*, *Haughton*, *Aſhton-under-Line*, and *Hatterſley*, and called *The Bredbury Bar*, *The Crown Point Bars*, *The Moſley Bar*, and *The Hatterſley Bars*, or from Time to Time remove the ſame, or any of them, and ſet up in lieu thereof, or in Addition to the ſame, or any of them, One or more Turnpike Gate or Turnpike Gates in, upon, acroſs, or on the Side of any Part or Parts of the Roads directed by this Act, to be amended and repaired, and acroſs any Lane or Way leading into, from, or out of the ſame reſpectively, as they the ſaid Truſtees, or any Five or more of them, may judge expedient, and may alſo erect and ſet up a Toll Houſe to each ſuch Turnpike, with ſuitable Outbuildings thereto; and may alſo incloſe from the ſaid Roads, or the Lands immediately adjoining ſuch Toll Houſe, convenient Garden Plots to the ſaid

ſaid Toll Houſes reſpectively as they, or any Five or more of them, may judge proper; and may cauſe all or any of ſuch Turnpikes, Toll Gates, Toll Houſes, and other Buildings, from Time to Time to be taken down, removed, and ſet up again, or altered, as they, or any Five or more of them, ſhall judge proper.

No Turnpike to be erected within the Town of *Aſhton-under-Line*, nor in the Townſhip of *Audenſhaw*.

XV. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Truſtees, or any Five or more of them, to erect and ſet up, or cauſe to be erected and ſet up, at any Time or Times during the Continuance of this Act, any Turnpike acroſs any Part of the ſaid Roads lying in the Town of *Aſhton-under-Line* aforeſaid, or in the Townſhip of *Audenſhaw* in the ſaid County of *Lancaſter*.

Property of Toll Houſes, *etc.* veſted in the Truſtees.

XVI. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houſes, and Buildings erected or to be erected by virtue of the ſaid recited Acts or of this Act, and of the Materials for building the ſame, and alſo of all Rails, Poſts, and Fences, which ſhall belong to the ſaid Roads, and alſo all Tools, Implements, Stones, Gravel, and other Materials purchaſed, gotten, or had, or to be purchaſed, gotten, or had, for repairing the ſaid Roads, ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, or to prefer or order to be preferred any Indictment or Indictments againſt any Perſon or Perſons who ſhall ſteal, take away, or injure the ſame, or ſhall diſturb them the ſaid Truſtees in the Poſſeſſion thereof.

Power to take Tolls.

XVII. And be it further enacted, That the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, before any Horſe or other Cattle, Coach, Chaiſe, Waggon, Cart, or other Carriage ſhall be permitted to paſs through any Turnpike or Turnpikes, Toll Gate or Toll Gates, now erected and ſet up, or hereafter to be erected and ſet up, by virtue of the ſaid recited Acts or either of them, or of this Act, the ſeveral and reſpective Sums of Money herein-after mentioned (that is to ſay):

Tolls.

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, upon Four Wheels, drawn by Six or more Horſes or Beaſts of Draught, the Sum of Two Shillings; and drawn by Four Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by leſs than Four Horſes or Beaſts of Draught, the Sum of One Shilling:

For every Calaſh, Chaiſe, or Chair, upon Two Wheels, drawn by Two or more Horſes or Beaſts of Draught, the Sum of Eight-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Sixpence:

For every Waggon, or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, the Sum of Four Shillings; with Wheels of a Surface of Sixteen Inches, the Sum of Two Shillings; upon Rollers of the Breadth of Sixteen Inches, the Sum of Two Shillings; and for every Cart, Wain, or other ſuch Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Four or more than Four Horſes or Beaſts of Draught,

the Sum of Ten-pence; 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; and drawn by One Horſe or Beaſt of Draught, the Sum of Three-pence; and for every Cart, Wain, or Carriage, upon Rollers of the Breadth of Sixteen Inches, the Sum of Sixpence; and for every Waggon, or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, the Sum of Four Shillings; and for every Waggon, upon Wheels rolling a Surface of Eleven Inches on each Side, the Sum of Two Shillings:

For every Cart, Wain, or other ſuch Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, drawn by Three or Four Horſes, the Sum of One Shilling; and drawn by Two Horſes, the Sum of Eight-pence; and drawn by One Horſe, the Sum of Four-pence:

For every Waggon, or other ſuch Four-wheeled Carriage, with Wheels of leſs Breadth than Six Inches, and drawn by any Horſe or Horſes, or Beaſts of Draught, the Sum of Six Shillings; and for every Cart, Wain, or other Carriage, with Wheels of leſs Breadth than Six Inches, and drawn by Three or more 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 Sixpence:

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

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

Double Tolls on *Sundays*,

except for Milk.

XVIII. And be it further enacted, That on each and every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at the ſeveral Turnpikes or Toll Gates now erected and ſet up, or hereafter to be erected and ſet up, in lieu of the ſaid ſeveral Tolls hereby granted, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time authorize and appoint for that Purpoſe, Double the Tolls by this Act granted, to be reſpectively demanded and taken for every Horſe, Beaſt, or other Cattle, Coach, Chaiſe, Waggon, Cart, or other Carriage, in Manner as aforeſaid (except ſuch Horſes or other Beaſts, or Carriages, as ſhall be uſed and employed in carrying or conveying Milk only, the ſame being hereby declared liable to the Payment of the ſame Tolls, only as are due and payable on any other Day of the Week, and no more).

For Recovery of Tolls.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of or as a Toll; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons to be appointed as aforeſaid to collect ſuch Tolls, to ſeize and diſtrain any Horſe, Beaſt, on other Cattle upon which ſuch Toll is by this Act impoſed, together with their or any of their Bridles, Saddles, Geers, Harneſs, or Accoutrements; and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining

ing and keeping the ſame, ſhall not be paid within the Space of Four Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo diſtraining ſhall and may ſell the Horſe, Cattle, Beaſt, Carriage, or Things, Goods and Chattels ſo diſtrained, or a ſufficient Part thereof, returning the Overplus (if any) on Demand to the Owner thereof, after ſuch Tolls and all reaſonable Charges ſhall be deducted; and that all the Tolls to be collected or levied by virtue of this Act ſhall be, and the ſame are hereby veſted in the ſaid Truſtees, and ſhall be applied and may be aſſigned in ſuch Manner as herein-after mentioned.

Preſent Tolls to be collected until the Firſt Day of *June* 1804.

XIX. Provided always, and be it further enacted, That in the mean Time, and until the Firſt Day of *June* One thouſand eight hundred and four, the Tolls at preſent payable at the ſeveral Toll Gates erected on the ſaid Roads ſhall continue due and payable at the ſeveral Gates reſpectively, and ſhall be recovered and recoverable in ſuch Manner as is provided by the ſaid recited Acts or either of them.

For ſettling Diſputes concerning Tolls.

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

Toll Bar Keepers competent Witneſſes.

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

Tolls to be paid but *once* a Day, except as herein mentioned.

XXII. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike erected or to be erected upon the ſaid Roads, ſhall be ſubject to the Payment of any Toll for returning through ſuch Turnpike the ſame Day before Twelve of the Clock at Night with the ſame Horſes, Mares, Geldings, Mules, Aſſes, or other Cattle, or with the ſame Coach, Chaiſe, Waggon, Cart, or other Carriage, but ſhall return Toll-free, except ſuch Waggon, Cart, Caravan, Timber Carriage, or other ſuch like Carriages, which ſhall paſs or repaſs through any of the ſaid Turnpikes loaden with any Loading of the Weight of Five Hundred Pounds or upwards of Six Score to the Hundred, and ſhall return the ſame Day

the ſame Day alſo loaden with any Loading of the Weight of Five Hundred Pounds or upwards as aforeſaid; or any Coach, Berlin, Landau, Cabriot, Calaſh with Four Wheels, or Caravan, or by what Name ſoever ſuch Carriage or Carriages now is or are or hereafter may be called or known, that ſhall be kept or uſed by or for any Perſon or Perſons as a publick Stage Coach, or Stage Coaches, or Stage Carriages, employed in carrying Paſſengers for Hire to and from different Places, (in all which excepted Caſes the Tolls aforeſaid ſhall be again paid) on delivering a Note or Ticket to the Collectors of the Tolls at ſuch reſpective Turnpikes, which Note or Ticket ſuch Collector is hereby required to deliver *gratis* on Receipt of the Tolls.

No Toll for croſſing the Road, or for travelling thereon 100 Yards only.

XXIII. And be it further enacted, That no Toll ſhall be demanded or taken for the paſſing of any Cattle or Carriage which ſhall only croſs the ſaid Roads, or any of them, or ſhall travel on them, or any of them, for the Space of One Hundred Yards only, unleſs ſuch croſſing ſhall be with an Intent to avoid the Payment of Toll at any of the ſaid Turnpikes or Toll Gates, and the Payment of ſuch Tolls ſhall be avoided accordingly.

Exemptions from Toll.

XXIV. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken from any Perſon or Perſons reſiding within the Townſhip of *Hatterſley*, in the ſaid County of *Cheſter*, for any Carriage, or any Horſe, Cattle, or Beaſt laden only with, or going unladen for, or returning unladen, having been only laden with Corn or Grain to be ground at *Brightomley Mill*, within the Townſhip of *Hatterſley* aforeſaid, for his and their own Uſe and Conſumption in his and her Dwelling Houſe, and not for Sale; nor ſhall any Toll be demanded or taken for any Horſe, Cattle, or Carriage, paſſing laden with, or paſſing empty, or unloaden for, or returning the ſame Day empty or unloaden, after having been loaden with Stone, Brick, Lime, Gravel, or other Materials for making and repairing the ſaid Roads, or for repairing the Highways in any Townſhip through which any of the Roads, directed by this Act to be repaired, lead, or in any of the adjoining Townſhips; nor for any Carriage loaden with, or paſſing empty or unloaden for, or returning the ſame Day empty or unloaden after having been loaden with Graſs, Hay, Straw, Corn in the Straw only, or Marl, Muck, Dung, Mould, Soil, Compoſt, or Manure of any Nature or Kind whatſoever (Lime excepted), for the improving or manuring of Land, not bought, ſold, or diſpoſed of, or carried for the Purpoſe of being ſold or diſpoſed of, but paſſing to be laid up, or placed in the Outhouſes or on the Lands of the Owner thereof, who ſhall not have bought the ſame; nor for any Ploughs, Harrows, or other Implements of Huſbandry; nor for any Horſe, or any other Cattle or Sheep going to or from Water, Paſture, or Plough, or Tillage, or Work in Huſbandry, or going to or returning from any Smith, or Blackſmith's Shop, to be ſhoed or farried; nor ſhall any Toll be demanded or taken from any Perſon or Perſons going to or returning from any Election of a Member or Members to ſerve in Parliament for any of the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, on the Day before the Day or Days of ſuch Election, or the Day after the ſame ſhall be concluded; nor for any Horſe or Carriage, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes

preſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back therefrom; nor for the Horſes of Soldiers paſſing, who are upon their March or on Duty, or for Waggons, Wains, Carts, or other Carriages attending them, with Arms or Baggage; nor for Horſes, or Carriages travelling with Vagrants ſent by legal Paſſes, or Priſoners ſent to Gaol or the Houſe of Correction, or returning after being ſo employed; nor ſhall any Toll be demanded or taken from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from his, her, or their proper Pariſh or Parochial Church, Chapel, or other Place of religious Worſhip on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon who ſhall die and be buried in any of the Townſhips or Pariſhes through which the ſaid Roads lead; and if any Perſon or Perſons ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Perſons carrying Milk, *etc.* to pay Toll only once a Day.

XXV. Provided always, and be it enacted, That no Perſon ſhall be ſubject to the Payment of Toll more than once in a Day for any Horſe, Mare, Gelding, Mule, or Aſs, laden with Milk, Whey, Buttermilk, or Curds, or for the Return of any ſuch Horſe, Mare, Gelding, Mule, or Aſs, with the empty Veſſels in which ſuch Milk, Whey, Buttermilk, or Curds ſhall have been conveyed; any Thing herein-before contained to the contrary notwithſtanding.

No Exemption from Tolls for Carriages with Wheels of leſs Breadth than Six Inches.

XXVI. Provided always, and it is hereby enacted, That if any Waggon, Cart, or other Carriage, which hath or ſhall have Wheels of leſs Breadth than Six Inches on the Bottom or Sole thereof, and upon which the Sole ſhall not lie flat, or ſo as not to deviate more than Half an Inch from a flat Surface, and ſhall not have the Nails counterſunk ſo as not to riſe above the Surface; or if any Waggon, Cart, or other Carriage, which, together with the Loading thereof, ſhall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His preſent Majeſty, relating to the Turnpike Roads in this Kingdom, to Waggons, Carts, or Carriages of the ſame Kind reſpectively, and loaden with ſuch Goods as do not exempt the ſame from the additional Toll thereby impoſed; it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order all ſuch Waggons, Carts, or other Carriages to be weighed in like Manner, and with the ſame Powers and Authorities, as is directed for the weighing of Carriages by the ſaid Act made in the Thirteenth Year of His preſent Majeſty.

Penalty on Perſons diſpoſing of Tickets to avoid paying Toll.

XXVII. And be it enacted, That if any Perſon ſhall offer or diſpoſe of any Note or Ticket to any Perſon in order to evade the Payment of the ſaid Tolls, every ſuch Perſon ſo offering or diſpoſing of ſuch Note or Ticket, and the Perſon receiving and making Uſe of the ſame, ſhall reſpectively forfeit the Sum of Twenty Shillings, whereof One Moiety ſhall go to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties and Forfeitures are herein directed to be applied.

Penalty on permitting private Paſſages, *etc.* or evading Toll.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Beaſt, Cattle, or Carriage, paſs through any Lands, Grounds, or Hereditaments, lying near any Turnpike or Toll Gate at any Time erected on the ſaid Roads (the ſame not being a publick Highway,) or if any Owner or Occupier of any ſuch Lands, Grounds, or Hereditaments, ſhall knowingly permit or ſuffer any Perſon or Perſons, with any Horſe, Cattle, Beaſt, or Carriage whatſoever to paſs through the ſame, or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the ſaid Tolls or any Part thereof ſhall be avoided, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Turnpike or Toll Gate with any Horſe or other Cattle, or Beaſt, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe or other Cattle, or Beaſt, from any Carriage, or ſhall leave, or cauſe to be left upon or near any Part of the ſaid Roads any Carriage, Horſe, Cattle, or Beaſt, with Intent to avoid the Payment of any of the ſaid Tolls or any Part thereof, or ſhall with ſuch Intent unload any Goods from any Horſe, Cattle, Beaſt, or Carriage, or in any Manner whatſoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Perſon ſo offending ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, One Moiety whereof ſhall be paid to the Informer or Informers, and the other Moiety ſhall be applied in ſuch Manner as other Penalties are hereinafter directed to be applied.

Tolls may be varied.

XXIX. 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 by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Seven or more of them, ſhall think proper, and may afterwards from Time to Time advance all or any of the Tolls ſo leſſened to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned, and to order and direct ſuch Tolls ſo to be leſſened, or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purpoſes of this Act, in ſuch Manner as the ſaid Tolls are herein-before directed to be collected, levied, and applied; but no ſuch Reduction ſhall be made unleſs the Perſon or Perſons who ſhall be entitled to Five-ſixth Parts of the Money which ſhall have been lent, and be then due upon the Credit of the Tolls intended to be reduced, ſhall be conſenting thereto; and that no ſuch Reduction ſhall be made unleſs Thirty Days Notice at leaſt ſhall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which ſhall be then erected by virtue of this Act, expreſſing the Intention of making ſuch Reduction, and inſerted in ſome publick Newſpaper circulating in the Neighbourhood through which the ſaid Roads do paſs.

Truſtees empowered to compound for Tolls.

XXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby empowered from Time to Time as they ſhall ſee convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with any Perſon or Perſons for any Horſes, Cattle, Beaſts, or Carriages paſſing through any

any of the ſaid Turnpikes or Toll Gates, ſo that no ſuch Compoſition ſhall be made for any Cattle or Carriages travelling for Hire; and all ſuch Compoſition Money ſhall be paid one Year in Advance, otherwiſe ſuch Compoſition ſhall be void.

Truſtees may leaſe Tolls.

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

Truſtees may at publick Meetings order Engines to be erected for weighing Carriages, and may take additional Tolls.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any publick Meeting, if they ſhall think proper, to order and cauſe to be erected and built at any or as many Gate or Gates, Bar or Bars, erected or to be erected upon any Part of the ſaid Roads, or at ſuch Diſtance from any Turnpike or Toll Gate as they ſhall think requiſite and expedient, a Crane, Machine, or Engine, with a ſuitable Houſe or other Building thereto, proper for the weighing of Carts, Waggons, or Carriages, conveying of any Goods or Merchandize whatever, and to each ſuch Crane, Machine, or Engine, to order and cauſe to be erected a Turnpike Gate or Toll Gate, (if they the ſaid Truſtees, or any Five or more of them, ſhall think proper) acroſs the ſaid Roads; and by Writing ſigned by them, or any Five or more of them, to order all and every or any ſuch Carriage or Carriages which ſhall paſs loaded through any ſuch Gate or Bar, or ſhall come upon any Part of the ſaid Turnpike Roads, within the Diſtance of Fifty Yards from any ſuch Crane, Machine, or Engine, although the ſame Carriage or Carriages ſhall not have paſſed through any Toll Gate or Turnpike Gate, to be weighed, together with the Loading thereof; and it ſhall be lawful for the ſaid Truſtees or any Five or more of them, to order any Perſon or Perſons to receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Tolls:

Tolls.

For every Hundred Weight of One Hundred and Twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, ſhall weigh, at any Weighing Machine or Engine hereafter to be erected by virtue of this Act, over and above the Weights allowed to each of them reſpectively by the ſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty, for regulating the Turnpike Roads of this Kingdom; (that is to ſay),

For

For the First and Second Hundred of such Overweight the Sum of Three-pence for each Hundred:

For every Hundred of such Overweight, above Two hundred and not exceeding Five Hundred, the Sum of Sixpence:

For every Hundred of such Overweight, above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence:

For every Hundred of such Overweight, above Ten Hundred and not exceeding Fifteen Hundred, the Sum of Five Shillings:

And for every Hundred of such Overweight, above Fifteen Hundred, the Sum of Twenty Shillings.

Which said Additional Toll or Duty hereby granted and made payable shall and may be levied and recovered, in any of the Cases aforesaid, upon any Person liable thereto, or upon his or her Goods or Chattels, who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty is hereby directed to be levied and recovered, and the Money arising from such Toll or Duty shall be applied to the Repair of the Turnpike Road where the same shall be collected.

No Toll but for Overweight, at any Turnpike at any Weighing Engine.

XXXIII. Provided always, and be it enacted, That no Toll or Duty shall be collected or payable at any Turnpike Gate or Toll Gate to be erected at any such Crane, Machine, or Engine, for the Use of any such Crane, Machine, or Engine only for any Carriage passing through the same and being weighed, except for Overweight as aforesaid.

The Person appointed by the Trustee shall weigh all loaded Carriages which he has Reason to suspect carry Overweight.

XXXIV. And be it further enacted, That the Keeper of every such Toll Gate or Bar where any such Weighing Engine shall be erected, or any other Person to be appointed by the said Trustees, or any Five or more of them, to the Care of such Crane, Machine or Engine, shall and is hereby required to weigh all such Waggons and Carts, liable to be weighed by virtue of this Act, which shall pass loaden through such Gates or Bars respectively, or shall come within the Distance of Fifty Yards from any such Crane, Machine, or Engine, without passing through any such Turnpikes or Toll Gates, or Toll Bars respectively, and which he shall have Reason to believe carry greater Weights than are allowed to pass without paying such additional Tolls; and if any Gate Keeper or Person so appointed shall permit any such Waggon or Cart to pass through any such Toll Gate with greater Weight than is allowed as aforesaid; and every Owner or Driver of any such Waggon or Cart which shall pass loaded through any such Gates or Bars respectively, or shall come upon any Part of the said Turnpike Road within the Distance of Fifty Yards from any such Crane, Machine, or Engine, who shall refuse to suffer his Carriage to be weighed, upon his being required so to do by the Collector or Receiver of such additional Tolls, although such Waggon or Cart shall have passed beyond the Distance of One Hundred Yards from any such Gates or Bars respectively, or beyond any such Crane, Machine, or Engine as aforesaid, every such Gate Keeper or Person so appointed as aforesaid shall for every such Offence forfeit any Sum not exceeding Five Pounds; and the Owner, or Driver being the Owner of every such Waggon or Cart, shall for every such Offence forfeit

forfeit any Sum not exceeding Ten Pounds; and the Driver of every such Waggon or Cart, not being the Owner, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

To detect Fraud in the Gate Keeper, *etc.* any Trustee, *etc.* may compel the Carriages within 300 Yards to return and be weighed.

XXXV. And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor of the said Roads respectively, if he shall suspect any such Connivance or Neglect as aforesaid, to cause any Carriage liable to be weighed by virtue of this Act, which shall have passed through any Toll Gate, or shall come upon any Part of the said Turnpike Roads within the Distance of Fifty Yards from the Place where such Crane, Machine, or Engine shall be erected, and shall not have passed or be above Three Hundred Yards beyond or from such Toll Gate or Weighing Engine, to return to such Weighing Engine, and be there weighed with the Loading thereof, in the Presence of such Trustee, Creditor, Clerk, Treasurer, or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing (which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and Loading the same shall be found above the Weight hereby allowed); and the said Trustees, or any Five or more of them, shall and are hereby authorized and required to inclose from the said Roads, or to purchase and inclose from the Lands adjoining thereto, sufficient Ground for the Purpose of erecting such Cranes, Machines, or Engines, and Houses and other Buildings and Coveniencies thereto, and for the Purpose of making convenient Places for turning such Carriages upon every such Road where any such Weighing Engine shall be erected on each Side thereof, if the Ground will admit of the same; and there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor of such Roads respectively, put up in the House or Building where such Weighing Engine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit the Sum of Five Pounds; and it shall be lawful for any Peace Officer or other Person or Persons being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine, in order that the same may be weighed as aforesaid.

Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, not to be weighed.

XXXVI. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned shall not extend, or be deemed or construed to extend, to any Waggons, Carts, or other Carriages, employed only in Husbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, excepting Hay or Straw carried for Sale.

Penalty on Persons unloading, *etc.* to avoid paying the additional or any other Toll.

XXXVII. And be it further enacted, That if any Person or Persons shall unload, or cause to be unloaded any Goods, Wares, or Merchandize, from any Waggon, Cart, or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Engine erected by virtue or in pursuance of this Act, or shall load or lay upon any such Carriage, after the same shall have passed any such Turnpike or Weighing Engine,

Engine, any Goods, Wares, or Merchandize, taken or unloaden from any Horſe, Cart, or other Carriage, belonging to, or hired, or borrowed by the ſame Waggoner or Carrier, in order to avoid the Payment of the ſaid reſpective Duties of Threepence, Sixpence, Two Shillings and Sixpence, Five Shillings, and Twenty Shillings *per* Hundred, in the Caſes aforeſaid; or if any Perſon ſhall ſo unload in order to carry conſiderable Quantities through any Turnpike Gate in One and the ſame Day, and thereby pay leſs Toll at ſuch Turnpike Gate than would have been paid if ſuch Goods, Wares, or Merchandizes had not been ſo unloaded; ſuch and every Perſon ſo offending in any of the Caſes aforeſaid; and being thereof lawfully convicted before One or more Juſtice or Juſtices of the Peace for the Limit where the Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied upon the Goods and Chattels of the Owner of ſuch Cart, Waggon, or other Carriage; and each and every Driver, not being the Owner of ſuch Waggon or Carriage, ſo offending, and being thereof ſo convicted as aforeſaid, ſhall be committed to the Houſe of Correction, there to remain for the Space of Three Calendar Months.

Perſons driving Carriages out of the Road to avoid the Toll, and afterwards returning upon it, forfeit, if the Owners, not exceeding 5 *l.* nor leſs than 20 *s.*

XXXVIII. And be it further enacted, That if the Owner of any Waggon, Cart, or other Carriage, or other Perſon being the Driver thereof, travelling on the ſaid Roads where any Toll Gate or Weighing Engine is or ſhall be erected, ſhall drive or turn out of the ſame into any other Road in order to avoid being weighed, or to avoid the paying of Toll, and ſhall afterwards proceed with ſuch Carriage into and on any Part of the ſaid Turnpike Roads, every ſuch Owner or other Perſon convicted of ſuch Offence, before One or more Juſtice or Juſtices of the Peace for the Limit where ſuch Offence ſhall be committed, upon the Oath of One or more credible Witneſs or Witneſſes, ſhall forfeit, if he be the Owner, any Sum not exceeding Five Pounds nor leſs than Twenty Shillings, and if he be the Driver and not the Owner, any Sum not exceeding Fifty Shillings nor leſs than Ten Shillings, upon Conviction for every ſuch Offence.

Diſtance fixed for the Wheels of Carriages to be weighed.

XXXIX. And be it further enacted, That no Carriage liable to be weighed by virtue of this Act ſhall paſs along the ſaid Roads, unleſs the ſame ſhall be made and conſtructed in ſuch Manner that no Pair of ſuch Wheels ſhall be wider than Four Feet Six Inches, from Inſide to Inſide, to be meaſured on the Ground, (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which ſhall be ſo conſtructed as to roll a Surface of Sixteen Inches,) and that the wider Part of ſuch Wheels ſhall not be more than Five Feet Eight Inches, from Inſide to Inſide, to be meaſured on the Ground; and that the Diſtance from the Center of the Fore-wheel to the Center of the Hind-wheel of any Waggon or Four-wheeled Carriage, not being uſed for the Carriage of Timber only, be not above Nine Feet, to be meaſured from the Center of the Axle-trees, at the Ends thereof, on Pain of the Owner or Owners of every ſuch Waggon, Wain, or Cart, forfeiting any Sum not exceeding Five Pounds for every ſuch Offence; and the Surveyor or Surveyors, Gate Keeper or Gate Keepers of the ſaid Roads, is and are hereby authorized and required, at any Turnpike or Toll Gate, or at any other Place upon the

ſaid

ſaid Roads, to meaſure every ſuch Waggon, Wain, or other ſuch Cart; and if any Maſter or Driver of any Waggon, Wain, or other ſuch Cart, ſhall hinder or refuſe to permit ſuch Surveyor or Surveyors, Gate Keeper or Gate Keepers, to meaſure ſuch Waggon, Wain, or Cart, as aforeſaid, he or they ſhall forfeit any Sum not exceeding the Sum of Five Pounds; and it ſhall not be lawful for any ſuch Waggon, Wain, or Cart, not permitted to be meaſured as aforeſaid, to paſs along the ſaid Roads.

Gate Keepers and Surveyors to account upon Oath, when required by the Truſtees.

XL. And be it further enacted, That the Gate Keeper or Toll Gatherer of every ſuch Toll Gate or Bar, and the Keeper of every ſuch Toll Gate or Bar, where any Crane, Machine, or Weighing Engine ſhall or may hereafter be erected and ſet up in or acroſs the ſaid Roads, and every Surveyor of the ſaid Roads, ſhall, when required by Notice in Writing from the ſaid Truſtees, or any Five or more of them, render upon Oath, to be adminiſtered by and taken before any One Juſtice of the Peace in and for the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may be, or before any Truſtee of the ſaid Roads, a true and exact Account in Writing to the ſaid Truſtees, or to any Perſon to be named in any ſuch Notice, appointed by them, or any Five or more of them, of all Monies received by him, her, or them, at ſuch Toll Gate or Bar, or otherwiſe, on account of the ſaid Roads not before accounted for, under the Penalty of any Sum not exceeding Five Pounds for every ſuch Offence or Neglect, to be recovered in a ſummary Way, before any One ſuch Juſtice of the Peace, and applied to the Uſe of the ſaid Roads; and every Collector or Toll Gatherer at any ſuch Crane, Machine, or Engine, who ſhall take a greater or leſs Toll or Tolls from any Perſon or Perſons, than what is or are hereby authorized and directed for Overweight, as herein-before is mentioned, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Surveyors may make Cauſeways, *etc.*

XLI. 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 appoint (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to make Cauſeways, and alſo Ditches and Drains, in and upon the ſaid Roads, and alſo through any Grounds lying contiguous thereto, in order to conduct the Water from off the ſaid Roads, and alſo to widen any Part of the ſaid Roads, by opening, clearing, and laying into the ſaid Roads, any Grounds of any Perſon or Perſons lying contiguous thereto, ſo as to make ſuch Parts of the ſaid Roads not exceeding Sixty Feet in Width, and alſo to make a Road through the Grounds adjoining or lying near to any hollow Way, or narrow or ruinous Part of the ſaid Roads, not being the Ground whereon any Houſe or Out-building ſtands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees previous to the Firſt Day of *January* One thouſand eight hundred and four, to be made uſe of as a publick Highway, whilſt the High Road is repairing or widening; and alſo by Order of any Five or more of the ſaid Truſtees, to build, erect, and repair, or keep in Repair, any Bridge or Bridges, Arch or Arches upon any Part of the ſaid Roads, and acroſs any Stream, Brook, Water, Ditch, or Drain thereon, or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively, for

for the Damage they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them; and in caſe of any Difference concerning the Damages, the Juſtices of the Peace of the County or Place where ſuch Difference ſhall ariſe, at the General Quarter Seſſions of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe, and on Six clear Days Notice thereof to be given by the ſaid Surveyor or Surveyors to ſuch Owner or Owners, Occupier or Occupiers, or by ſuch Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, or to be left at his or their reſpective Places of Abode, ſhall hear, ſettle and determine the Matter of ſuch Damages, and the Coſts attending the hearing and determining the ſame, whoſe Judgement and Order therein ſhall be final and concluſive to all Parties; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Commons or Waſte Lands.

Surveyors to get Gravel, &c.

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

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

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupiers.

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

Penalty on taking away Materials got by the Surveyors.

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

Surveyors may remove Annoyances.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, or their Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them) to

to remove and prevent all Annoyances on any Part of the ſaid Roads, by Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and convert the ſame to his and their own Uſe and Uſes, and to turn any Watercourſes, Sinks, or Drains, running along, into, or out of the ſaid Roads, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper, any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and large as he or they ſhall think neceſſary, and to cut down, lop or top any Trees, Shrubs, or Buſhes, growing or to grow on the ſaid Roads, or in the Hedges or Banks adjacent thereto reſpectively, not being a Garden, Orchard, Plantation, Walk, or Avenue to a Houſe, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall, for the Space of Seven Days next after Notice in Writing given for that Purpoſe by ſuch Surveyor or Surveyors, neglect to top, lop, cut down, or remove ſuch Trees, Shrubs, or Buſhes, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, or the ſaid Surveyor or Surveyors ſhall require; the Charges whereof, to be ſettled by the ſaid Truſtees, or any Five or more of them, ſhall be reimburſed to ſuch Surveyor or Surveyors by ſuch Owners or Occupiers, and be recovered and applied in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are herein-after directed to be recovered and applied; and if after removing any of the ſaid Annoyances any Perſon ſhall again offend in like Manner, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Penalty on obſtructing Surveyor.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or procure to be aſſaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Perſon or Perſons by them or any of them, or by the ſaid Truſtees, or any Five or more of them, employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Power to turn and alter any Part of the Roads.

XLVII. And be it further enacted, That it ſhall be lawful for the Majority of the Truſtees preſent at any Meeting of Eleven or more of ſuch Truſtees, ſuch Majority not to conſiſt of leſs than Seven at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered to widen, turn, or alter the Courſe or Path of any Part or Parts of the ſaid Roads to be repaired and kept in Repair by the ſaid former Acts or this Act, for the Accommodation of Paſſengers, through any private Lands, Grounds, or Hereditaments, under ſuch Terms and Satisfaction as are herein-after mentioned, and alſo through any Commons or Waſte Grounds, without making any Satisfaction for ſuch Commons or Waſte Grounds; and alſo that it ſhall be lawful for the ſaid Truſtees, or ſuch Majority as aforeſaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments, through which or whereupon the ſaid Roads hereby authorized to be made, widened, turned, or altered, are intended to paſs, and to ſtake out and make the ſame in ſuch Manner as they the ſaid Truſtees, or ſuch Majority as aforeſaid, ſhall think neceſſary or proper, without being liable

liable or ſubject to be deemed a Treſpaſſer or Treſpaſſers, or to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch laſt-mentioned Lands, Grounds, or Hereditaments reſpectively, for any the Purpoſes of this Act, firſt making and tendering Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain.

Thirty Days Notice to be given of dividing the Roads.

XLVIII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall at any Meeting or Meetings to be convened under the Authority of this Act, by an Order in Writing under their Hands, ſignify their Intention or Deſire of diverting, turning, or altering any Part or Parts of the Roads to be repaired and kept in Repair by this Act, then that Thirty Days Notice at leaſt ſhall be previouſly given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in or upon the ſaid Roads, and alſo by inſerting the ſame in Two of the *Mancheſter* Weekly Newſpapers, in caſe that Number ſhall be then publiſhed, of the Time, Place, and Purpoſe of ſuch Meeting.

Truſtees may purchaſe, and incapacitated Perſons ſell, Lands and other Hereditaments, when wanted for the Purpoſes of this Act.

XLIX. And be it further enacted, That, for the Purpoſes aforeſaid, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract with the Owners of and Perſons intereſted in any Lands or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by making, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands or Hereditaments, and to pay for the ſame by and out of the Tolls and other Monies to be raiſed by virtue of this Act; and it ſhall be lawful for all Bodies Politick and Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees, whatſoever, for or on Behalf of any Infants, Femes Covert, or *Ceſtuique* Truſts, and all other Perſons whomſoever, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Purchaſe of ſuch Lands, Grounds, or Hereditaments, or any Part thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall be and 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 they are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act.

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premiſes to be ſettled a Jury.

L. 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, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Dwelling Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick or Corporate, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, and Hereditaments, intended to be taken in and added to any of the ſaid Roads, and through which any of the ſaid Roads ſhall be intended to be turned 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 ſaid Truſtees, or any Five or more of them, ſhall cauſe it to be inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the Counties of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may be (which Oath any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter) what Damages ſhall be ſuſtained by and what Recompence and Satisfaction ſhall be made to ſuch Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Perſons as aforeſaid, for or on account of the turning of ſuch Roads through ſuch Lands or Grounds; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time to ſummon before the ſaid Jury, and examine upon Oath, all and every Perſon or Perſons, whomſoever, who ſhall be thought neceſſary or proper to be examined concerning the Premiſes (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter); and they the ſaid Truſtees, or any Five or more of them, ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes; and ſuch Truſtees ſhall order, adjudge, and determine the Sum or Sums of Money, which ſhall be aſſeſſed by the ſaid Jury for ſuch Damage as aforeſaid, to be paid to the ſaid Owners or Proprietors, or other Perſon or Perſons intereſted in the ſaid Lands, Grounds, 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 and Succeſſors, as well abſent as preſent, Infants Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politick or 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, or any Five or more of them, are hereby empowered to iſſue out a Warrant or Warrants to the Sheriff of the reſpective County, as the Caſe may be, thereby commanding him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall 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 the Number of Twelve.

Juries may be challenged, and Sheriffs fined for Default.

LI. Provided always, and be it further enacted, That all Perſons concerned ſhall have their lawful Challenge againſt any of the ſaid Jurymen, and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons, who ſhall be

be ſummoned and returned on ſuch Jury and ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or, being ſworn, or refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and 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 refuſe to be examined and give Evidence, and from Time to Time to levy and apply ſuch Forfeitures in ſuch Manner as the Penalties and Forfeitures are hereinafter 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.

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

LII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or aſcertained as aforeſaid, ſhall be, and is and are hereby charged upon the reſpective Tolls by this Act appropriated for the repairing the reſpective Roads ſo to be widened, turned, or altered, or on the Monies to be borrowed on the Credit of ſuch reſpective Tolls, and ſhall be paid thereout accordingly to the Perſons entitled reſpectively thereto, or to their Agents, and that upon Payment or Tender thereof to ſuch Perſons or their Agents, and in caſe of Refuſal to take and accept of the ſame, upon leaving the ſame in the Hands of the Clerk or Clerks for the Time being to the ſaid Truſtees for the Uſe of ſuch Perſons, and after One Calendar Month's Notice thereof given to ſuch Perſons or their Agents to receive ſuch Money, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into Poſſeſſion of and to lay ſuch Land or Ground into the ſaid Roads, and to do all and every ſuch Act Matter or Thing, with relation to ſuch Lands, Grounds, or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and the Lands, Grounds, or Hereditaments, ſo taken into or made Part of the ſaid Roads, ſhall be deemed and taken to be, and ſhall be, to all Intents and Purpoſes, a publick and common Highway, and ſhall be repaired and kept in Repair by ſuch Ways and Means as the Roads hereby appointed to be made, repaired, and widened, are by this or any other Law to be repaired; and after ſuch new Road ſhall be completed, the Lands and Grounds conſtituting the former Road, unleſs leading over ſome Common or Waſte, or to ſome Town or Place to which ſuch new Road ſhall not lead, ſhall be veſted in and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied in ſuch Manner as the Tolls hereby appropriated to the Repair of the Road ſo to be ſold as aforeſaid are directed to be applied; but this Act ſhall not extend to give Power to the ſaid Truſtees, or any Five or more of them, to take down any Houſe or other Building, or to take in any Land that is a Garden adjoining to any Dwelling Houſe, or any Orchard, Yard, Park, Paddock, planted Walk or Avenue to any Houſe, or Nurſery for Trees, or any Part thereof, ſuch Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue, or Nurſery, not having been made or planted within the Space of One Year immediately preceding the Commencement of this Act, without the Conſent of the Owners and Occupiers thereof reſpectively.

How the Expences of the Jury shall be paid.

LIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property, of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, 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, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage, as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses and all other Expences attending the hearing and determining such Difference shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in Question (who is hereby authorized and 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 Trustees, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

Application of Compensations where exceeding 200*l.*

LIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes aforesaid, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accoutant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied under the Directions and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase 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, Tenements, or Hereditaments, or affecting other Lands,

Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or to 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 Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the 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 ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

LV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under 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 Hereditaments, ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Commitees, 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 Gereral of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe 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.*

LVI. 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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, as the ſaid Truſtees, or

or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

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

LVII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums ſo awarded 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 or Hereditaments [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, or to order Diſtribution thereof in 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title 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.

LVIII. 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

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 Hereditames, or to ſome Eſtate or Intereſt therein.

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

LIX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and 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 pull down Houſes, *etc.*

LX. Provided always, and be it hereby enacted and declared, That the Power and Authority given to the ſaid Truſtees as aforeſaid, ſhall not extend to the pulling down any Dwelling Houſe or other Building, or taking in the Site of any Houſe or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof, reſpectively, without the Conſent of the Owners and Proprietors thereof in Writing firſt had and obtained.

Upon Payment of Purchaſe Money Conveyances to be executed.

LXI. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money ſo to be agreed upon, or adjudged or awarded by the Jury to be paid for the Purchaſe of the ſaid Lands or Grounds, or any Part thereof, the Perſon or Perſons entitled thereto ſhall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Aſſignments, and Aſſurances in the Law, to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint, of the ſaid Premiſes for which ſuch Sum or Sums of Money was or were agreed, awarded, or adjudged to be paid, and ſhall do all Acts, Matters, and Things neceſſary and requiſite to make a good, clear, and perfect Title thereunto; and ſuch Conveyances, Surrenders, Aſſignments, and Aſſurances ſhall contain ſuch uſual and reaſonable Covenants as ſhall on Behalf of the Truſtees be required; and in caſe any Perſon or Perſons, to whom ſuch Money ſhall be agreed, awarded, or adjudged to be paid as aforeſaid, ſhall not evince a clear and perfect Title to the ſaid Premiſes, or make or procure to be made, at the Expence of the ſaid Truſtees, proper or effectual Conveyances thereof, or ſhall refuſe ſo to do, being thereunto required, ſuch Sum or Sums of Money ſo agreed, awarded or adjudged to be paid as aforeſaid, ſhall be paid into the Bank of *England* in the Manner herein mentioned.

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

LXII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees, or any Five or more of them, 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 Roads, they may happen to be ſeiſed of ſome Piece or Pieces of

of Ground, and of ſome Piece or Parcel of the ſaid old Roads, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to ſell and diſpoſe of ſuch Piece or Pieces of Ground, or Piece or Pieces of 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.

Perſons whoſe Lands adjoin to have the Preference.

LXIII. 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 Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe or repurchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons noways 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, or any Five or more of them, in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed with reſpect to ſuch Purchaſe made by the ſaid Truſtees, or any Five or more of them, *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 Nonapplication of ſuch Money.

Truſtees may borrow Money upon Mortgage of Tolls.

LXIV. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpoſe, whereof Fourteen Days Notice in Writing ſhall be given by the Clerk or Clerks, Treaſurer or Treaſurers, to be fixed on all the Turnpike Gates then erected on the ſaid Roads, and inſerted in one or more publick Newſpaper or Newſpapers circulating in the Neighbourhood through which the ſaid Roads paſs, may, and they are hereby empowered from Time to Time by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage all or any of the Tolls to be collected and ariſing by virtue of this Act, and alſo the Toll Houſes and Appurtenances thereunto belonging (the Charges of aſſigning the ſame to be paid

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

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*] in Conſideration of the Sum of to *A. B.* the Treaſurer appointed by the Truſtees for putting the ſaid Act into Execution, having been this Day paid by *C. D.* of We, whoſe Names are hereunto ſubſcribed and Seals affixed, being of the ſaid Truſtees, do grant and aſſign unto the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing upon the Roads in the ſaid Act mentioned, and of the Turnpikes and Toll Houſes for collecting the ſaid Tolls, as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit of the ſaid Tolls, or charged thereupon, for the Term of the ſaid Act; to have, hold, receive, and take ſuch Proportion of the ſaid Tolls, Toll Houſes, and Premiſes, with the Appurtenances, unto the ſaid *C. D.* Executors, Adminiſtrators, and Aſſigns, for the Reſidue and Remainder now to come, of Years, for which the ſaid Tolls are granted by the ſaid Act, ſubject to the Proviſo following; (that is to ſay) Provided always, that if the ſaid Sum of ſhall be repaid to the ſaid *C. D.* Executors, Adminiſtrators, or Aſſigns, together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, without any Deduction whatever, on or before the Day of now next enſuing, then this Aſſignment ſhall be void, or elſe ſhall remain in full Force. In Witneſs whereof we have hereunto ſet our Hands and Seals, this Day of

Copies to be entered.

Copies of all which Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; and 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 under his, her, or their Hand and Seal, or Hands and Seals, 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 and Seal, Hands and Seals, before One credible Witneſs, to aſſign over or transfer his, her, or their Right to the Principal and Intereſt Money thereby ſecured, to any Perſon or Perſons whomſoever by

ſigning

ſigning an Inſtrument, to be annexed to ſuch Security, before one credible Witneſs, in the following Words, or Words to the like Effect:

'I *A. B.* do transfer this Aſſignment, with all my Right and Title to the Principal and Intereſt thereby ſecured, and to all the Intereſt now due thereon, unto *C. D.* his [*or*, her] Executors, Adminiſtrators, or Aſſigns. Dated this Day of

'*A. B.*'

'Witneſs,

'*E. F.*'

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

No Priority of Mortgages.

LXV. 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 this Act, or who ſhall already have advanced any Sum or Sums of Money on the Credit of the ſaid former Acts, or either of them, in reſpect to the Priority of advancing or of having advanced any Sum or Sums of Money, but that all Perſons to whom ſuch Mortgages or Aſſignments have been or ſhall be made as aforeſaid, ſhall be, in proportion to the Sum or Sums of Money and on the Terms therein mentioned, Creditors on this Act in equal Degree one with another.

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

LXVI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, 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 former Acts or either of them, and give and execute another Mortgage or other Mortgages inſtead and in lieu thereof reſpectively, in Manner and transferable as herein-before is mentioned.

Perſons liable to the Repair of the Roads, &c. to continue ſo.

LXVII. And be it further enacted, That all Owners, Occupiers, Grantees, Truſtees, Feoffees, and Committees, of any Lands, Tenements, or Hereditaments, and all other Perſon or Perſons liable to the amending or

or maintaining of any Part or Parts of the ſaid Roads, or any Bridge, Cauſeway, Drain, Arch, or Sewer therein, ſhall ſtill remain liable and chargeable to the Repair thereof, in ſuch Manner as they were before the paſſing of this Act; and that all and every Perſon and Perſons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, through which the ſaid Roads ſhall paſs, ſhall be liable to the Repair of the ſame Roads, and to perform their reſpective Works thereon; in ſuch and the like Manner, in every Reſpect, as they are liable to the Repair of any other common Highway within ſuch Pariſh, Townſhip, Hamlet, Diſtrict, or Place reſpectively; and the reſpective Surveyors of the Highways for the ſeveral Pariſhes, Townſhips, Hamlets, Diſtricts, or Places, wherein any Part of the ſaid Roads doth lie, ſhall, Twice in every Year, within Eight Days after Demand made to them reſpectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to ſuch Turnpike Surveyor or Surveyors an exact Account in Writing under their Hands of the Chriſtian and Surname of every Perſon who, within their reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, and Places, are liable to do Statute Work, and ſhall diſtinguiſh in ſuch Liſt what Statute Work each of the ſaid Perſons is liable to do and perform; and the Statute Work ſhall be done by all ſuch Perſons on ſuch Parts of the ſaid Roads hereby intended to be repaired, amended, and made, as are within the ſaid reſpective Pariſhes, Townſhips, Hamlets, Diſtricts, and Places, in ſuch Manner and at ſuch Times as any Two Juſtices of the Peace of any of the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, ſhall, upon Application made to them by the ſaid Truſtees or any Two or more of them, or by their Clerk or Surveyor, by their Order, ſhall direct; and the ſaid Surveyors of the Highways of ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, and Places reſpectively, within Ten Days after Notice ſhall be given to him, her, or them, by ſuch Turnpike Surveyor or Surveyors of the Time or Times, when and how many of ſuch Perſons are to do ſuch Work upon any Part or Parts of the ſaid Roads, ſhall give Notice thereof to ſuch Perſons; and the ſaid Surveyors of the Highways for Pariſhes, Townſhips, Hamlets, Diſtricts, and Places reſpectively as aforeſaid, ſhall alſo pay to ſuch Turnpike Surveyor or Surveyors, on Demand, ſuch Part of the Compoſition Money for the Repair of the Highways within ſuch Pariſhes, Townſhips, Hamlets, Diſtricts, and Places repectively, as any Two or more of ſuch Juſtices of the Peace at any Special Seſſion to be holden for the Diviſion or Hundred, Diviſions or Hundreds, where ſuch Part or Parts of the ſaid Roads reſpectively ſhall lie, ſhall adjudge and determine as next herein-after is mentioned; and if any Surveyor, for any ſuch Pariſh, Townſhip, Hamlet, Diſtrict, or Place aforeſaid, ſhall neglect to do as he or ſhe is hereby required, every ſuch Surveyor ſhall, for every ſuch Neglect or Refuſal, forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings; and every Perſon who ſhall neglect or refuſe to do ſuch Work at ſuch Times and Places, and in ſuch Manner, as ſhall be appointed by the ſaid Truſtees, or any Five or more of them, or by ſuch Turnpike Surveyor or Surveyors, purſuant to the Adjudication and Determination of the ſaid Juſtices, every ſuch Perſon ſhall forfeit and pay the reſpective Sums herein-after mentioned (that is to ſay); every Perſon who ſhall keep a Team, Draught, or Plough, or by virtue of any Act of Parliament ſhall be deemed to keep a Team, Draught, or Plough, for every Day's Default of ſuch Team, Draught, or Plough, any Sum not exceeding Ten Shillings; and every other

Penalty on not performing Statute Duty.

other Inhabitant or Perſon not keeping, or not being by Law deemed to keep a Team, Draught, or Plough, for every Day's Default any Sum not exceeding Two Shillings; and every Perſon who ſhall, according to ſuch Notice as aforeſaid, come as a Labourer, or with any Team, Draught, or Plough, to work on the ſaid Roads, and ſhall be found negligent or idle by the ſaid Turnpike Surveyor or Surveyors, where the Work is to be done, ſuch Surveyor or Surveyors may and is and are hereby required to diſcharge ſuch Perſon, and it ſhall be deemed as if ſuch Perſon, or ſuch Team, Draught, or Plough, had not come or been ſent to do ſuch Work; and every ſuch Labourer or Perſon, or the Owner of ſuch Team, Draught, or Plough, ſhall be liable to the reſpective Forfeitures before mentioned.

Juſtices to determine Statute Work.

LXVIII. And, for preventing Diſputes touching what Part of the Compoſition Money or Statute Work in any ſuch Townſhip, Pariſh, or Place, ought to be paid for the Uſe of or done on the ſaid Roads, be it further enacted, That it ſhall be lawful for any Two or more of the Juſtices of the Peace, at any ſuch Special Seſſion to be holden for the Diviſion or Hundred, Diviſions or Hundreds, where ſuch Part or Parts of the ſaid Roads reſpectively ſhall lie, upon Application made to them for that Purpoſe by the ſaid Truſtees, or any Two or more of them, to adjudge and determine the Part or Proportion of the Compoſition Money to be paid for the Uſe of, or the Statute Work to be done on, the ſaid Roads, which each and every of the Townſhips, Pariſhes, and Places, aforeſaid, is liable by Law to pay or to do.

Truſtees may compound for Statute Work.

LXIX. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to compound and agree by the Year or otherwiſe with the Poſſeſſors, Occupiers, Grantees, Feoffees, and Committees, of Lands, Tenements, or Hereditaments which are or ſhall be liable to or charged with the Repair of any Part of the ſaid Roads within their reſpective Diſtricts, or of any Bridge, Arch, or Sewer, or with any Perſon or Perſons, for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, or Places, as aforeſaid, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, firſt had at any Veſtry or other Publick Meeting of ſuch Inhabitants, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, or any Five or more of them, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Roads; and all ſuch Surveyors ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of the Highways are by Law to be reimburſed the Monies expended in buying Materials for the Repair of the Highways.

Truſtees may contract for Repairs.

LXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, are hereby empowered to contract with any Perſon or Perſons for the altering, widening, repairing, or making the ſaid Roads or any Part thereof, and for erecting Mile and Direction Stones or Poſts thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, ſhall think proper;

proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or any Five or more of them, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or any One or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Prosecutors and Prosecuted indemnified.

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

Application of the Tolls.

LXXII. And be it further enacted, That all Monies and other Effects which the said Trustees, or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said former Acts, shall be by the said Trustees applied for the Purposes of this Act; and that, out of the Money arising or to arise by virtue of the said former Acts or this present Act, the Expences of procuring and passing this Act shall be first paid and discharged; and the Remainder thereof shall from Time to Time be applied in amending, widening, altering, turning, repairing, and keeping in Repair the said Roads, and in paying the Principal and Interest of all Monies now due and owing on the Credit of the said recited Acts, or which may hereafter become due and owing on the Credit of this Act, and in defraying the Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Trustees may compound Penalties.

LXXIII. 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

this Act, or for Breach or Nonperformance of any Contract or Contracts entered into, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to compound and agree with the ſame for ſuch Sum or Sums as they ſhall think proper, inſtead of receiving the Whole of ſuch Penalty or Penalties; and ſuch Truſtees, or any Five or more of them, may alſo mitigate, compound, or leſſen any other the Forfeitures incurred under this Act; but the Sums compounded or agreed for ſhall not be leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of any ſuch Contract, and all the Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Diſtreſs not deemed unlawful for Want of Form.

LXXIV. And be it further enacted, That where any Diſtreſs ſhall be made for any Penalty, or 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 *ab initio*, on account of any Irregularity which ſhall hereafter be done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in any Action on the Caſe: Provided always, that no Plaintiff ſhall recover in any Action for ſuch Irregularity, Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed or cauſed to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceeding before ſuch Action brought; and the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, may at any Time before Iſſue joined, pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings, or Orders and Judgements, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not to recover if Tender of Amends made.

Allowing an Appeal to the Quarter Seſſions.

LXXV. 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, for which no particular Method of Relief hath been herein-before appointed, ſuch Perſon and Perſons ſhall and may appeal to the Juſtices of the Peace, at any General Quarter Seſſions to be holden in and for the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may happen, within Three Calendar Months next after any Order or Determination of the ſaid Truſtees, or any Five or more of them, ſuch Appellants firſt giving or cauſing to be given Ten Days Notice at the leaſt in Writing, of their, or his, or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Truſtees, and within Six Days next after ſuch Notice given, entering into Recognizance before ſome Juſtice of the Peace for the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may happen, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of the ſaid Juſtices at ſuch Quarter Seſſions, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, or at ſome Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in Manner herein-before mentioned, ſhall hear and finally determine the Cauſes and Matters of every ſuch Appeal in a ſummary Way, and ſhall award ſuch Coſts to the Parties appealing

ing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of the ſaid Juſtices at ſuch Seſſions or Adjournment ſhall be final, binding, and concluſive.

Mile Stones to be ſet up.

LXXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting ſuch Diſtance, and the Diſtances of every Stone or Poſt from any Town or Place; and alſo ſuch and ſo many Direction Poſts, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet; and if any Perſon ſhall wilfully pull up or damage any ſuch Poſts or Stones, or ſhall obliterate or deface any of the Letters, Figures, or Marks which ſhall be inſcribed thereon, or if any Perſon ſhall ride upon any Footway adjoining to the ſaid Roads, or ſhall drive any Horſe or other Cattle, or any Swine, or any Cart or other Carriage, or any Wheelbarrow thereon, or ſhall cauſe any Damage to be done to ſuch Footway; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Roads, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be carried upon Wheel Carriages, to drag upon any Part of the ſaid Roads, to the Prejudice thereof reſpectively; or ſhall lay any Hay, Straw, or other Matter or Thing upon any Part of the ſaid Roads to be made into Manure, or ſhall ſcrape off the ſame any Mud, Soil, or other Matter or Thing, which ſhall be or lie upon any Part of the ſaid Roads, with an Iron Rake or other Inſtrument with ſharp Points, or ſhall pull or force up any Stones or other Part of the Pavement of the ſaid Roads, whereby the ſaid Roads, or any of them, ſhall be damaged, or ſhall lay down any Timber, Hay, Straw, Dung, or any other Matter or Thing whatſoever upon the ſaid Roads, or any Part thereof, or ſhall otherwiſe obſtruct or impede the Paſſage upon the ſaid Roads, or ſhall turn out any Horſes, Mares, Cows, or other Cattle or Swine, upon the ſaid Roads, or any Part thereof, or in the Ditches adjoining the ſame, every Perſon ſo offending ſhall forfeit any Sum not exceeding Forty Shillings nor leſs than Ten Shillings, to be levied and recovered by ſuch Ways and Means as are herein directed with reſpect to other Penalties and Forfeitures hereby inflicted.

For compelling Witneſſes to attend.

LXXVII. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before any Juſtice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence againſt this Act, either on the Part of the Proſecutor or the Perſon or Perſons accuſed, or if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence at any General Quarter Seſſions of the Peace for the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, or any Adjournment thereof, upon any Appeal by virtue of this Act, either upon the Part of the Appellant or Reſpondent, and any ſuch Perſon or Perſons ſhall reſpectively refuſe or neglect to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Excuſe for his, her, or their Refuſal or Neglect, or appearing ſhall refuſe to be examined upon Oath, and give Evidence before ſuch Juſtice of the Peace, or at ſuch Seſſions or Adjournment thereof, then and in either

either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

For securing transient Offenders.

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

Penalties how to be levied and applied.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County or Place wherein the Offence shall be committed, or any One Justice of the Peace of the County or Place wherein the Offender shall reside, either by Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or to their Treasurer or Clerks, and applied in the Repair of the said Roads; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby

hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place wherein the Offender ſhall reſide, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Forms of Proceedings in the Schedule of 13 G. 3. to be uſed.

LXXX. And be it further enacted, That all Forms and Proceedings expreſſed and ſet forth in the Schedule annexed to the ſaid Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, may be uſed on all Occaſions relative to the ſeveral Matters contained in this Act, or the Offences againſt the ſame, with ſuch Additions and Variations only as may be neceſſary to adapt them reſpectively to the particular Exigencies of the Caſe, and making uſe of the Title of this Act inſtead of the Title to the ſaid recited General Act; and that no Proceeding of the ſaid Truſtees, or of any Juſtice or Juſtices of the Peace, or any of them reſpectively, touching or concerning, or in Execution of any Power or Authority veſted in ſuch Truſtees, or Juſtice or Juſtices reſpectively by this Act, ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or Court of Seſſions at *Cheſter*, or Court of Common Pleas at *Lancaſter*, or any other Court of Record in that Part of the United Kingdom called *England*; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXXXI. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Fourteen Days Notice thereof in Writing be given to the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees, or after a ſufficient Satisfacton or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid in the County of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may be, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit, ſhall and may plead, at his Election ſpecially, or the General Iſſue, and give this Act, or the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act, and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall be thereof given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought elſewhere than in the ſaid Counties of *Cheſter*, *Lancaſter*, or *York*, as the Caſe may happen, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch

Treble Coſts.

Remedy

Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Publick Act.

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

Commencement and Continuance of this Act.

LXXXIII. And be it further enacted, That this Act ſhall commence upon the ſaid Firſt 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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