ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 131.

An Act for amending the Road from *Earl's Kill*, in *Warrington*, to the Toll Bars in *Wallgate*, in *Wigan*, in the County of *Lancaster*.

[3d *June* 1813.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for repairing, widening, and amending the Road leading from* Warrington *to* Wigan, *in the County of* Lancaster: And whereas another Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Thirteenth Year of the Reign of His late Majesty King* George *the First, for repairing, widening, and amending the Road leading from* Warrington *to* Wigan, *in the County of* Lancaster, *and also for amending and repairing the Road leading from a Place called* Earl's Kill *in* Warrington *aforesaid, to the Toll Bar in* Wallgate *in* Wigan *aforesaid*: And whereas another Act was passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term contained in Two several Acts of Parliament, and to grant a further Term and Powers for the more effectual repairing, widening, and amending the Road from a Place called* Earl's Kill *in* Warrington *to the Toll Bars in* Wallgate *in* Wigan, *both in the County of* Lancaster: And whereas an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act to enlarge the Term and Powers of an Act made in the Tenth Year of the Reign of His present Majesty, for the more effectual repairing, widening, and amending the Road from a Place called* Earl's Kill *in* Warrington

13 G. 1. c. 10.

20 G. 2. c. 8.

10 G. 3.

33 G. 3.

rington *to the Toll Bars in* Wallgate *in* Wigan, *both in the County of* Lancaſter: And whereas the Truſtees appointed to put the ſaid recited Acts into Execution have, in purſuance of the Powers given them by the ſaid Acts, or ſome or one of them, borrowed conſiderable Sums of Money on the Credit of the Tolls thereby granted, which ſtill remain due, and cannot be repaid; and the ſaid Road cannot be ſufficiently widened, amended, and kept in Repair, unleſs additional Tolls and Powers are granted, and the Proviſions neceſſary for that Purpoſe conſolidated in One Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid ſeveral recited Acts, and all and every the Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things therein reſpectively contained, and each and every of them, ſhall from and after the paſſing of this Act be, and the ſame are hereby repealed, and that thenceforth the ſeveral Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things in this preſent Act contained, ſhall be levied, collected, received, impoſed, and put in Execution, and ſhall continue in force during the Term herein-after granted, for the Purpoſe of amending, widening, and keeping in repair the Road from a certain Place in *Warrington* upon which a Kiln, called *Earl's Kill*, formerly ſtood, and upon the Site whereof a Houſe, now in the Poſſeſſion of *William Wagſtaff*, has been erected, to the Toll Bar in *Wallgate* within *Wigan*, both in the ſaid County of *Lancaſter*.

Former Acts repealed.

Debts contracted under former Acts ſecured by this Act.

II. And be it further enacted, That all and every the Sum and Sums of Money which on the Day appointed for the Commencement of this Act ſhall be due and owing on the Credit of the ſaid former Acts, or any of them, or on the Security of the Tolls thereby reſpectively granted, together with the Intereſt due thereon, ſhall ſtand and be charged and chargeable on the Tolls by this Act granted, and may be recovered in like Manner as if the ſame had been contracted on the Credit of this Act, or ſecured on the Tolls hereby granted; and that all and every the Orders made for the Repair of the ſaid Road, or any Part thereof, and now exiſting by virtue of the ſaid ſeveral recited Acts, or any of them, ſhall be and remain in force until otherwiſe ordered and directed under and by virtue of the Powers contained in this Act.

Truſtees.

III. And be it further enacted, That the Right Honourable *Archibald Hamilton*, commonly called *Lord Archibald Hamilton*, the Right Honourable *Edward Smith Stanley* commonly called *Lord Stanley*, Sir *William Gerard*, Sir *Henry Hoghton*, and Sir *Richard Clayton*, Baronets; *Thomas Blackburne* Clerk, Doctor of Laws, the Rectors of the ſeveral Pariſhes of *Winwick*, *Warrington*, and *Wigan* for the Time being, *James Lyon* Clerk, *Edward Lloyd* Clerk, *George Heron* Clerk, *James Cawley* Clerk, *Giles Chippendale* Clerk, *Francis Bryon* Clerk, *Edward Thomas Stanley Hornby* Clerk, *Thomas Barrowdale* Clerk, *Jonathan Topping* Clerk, *William Boardman* Clerk, *Robert Barlow* Clerk, *Geoffrey Hornby* Clerk, *William Molyneux* Clerk, *Edward Sibſon* Clerk, *Nicholas Aſhton*, *William Anderton*, *Thomas Anderton*, *John Armſtrong*, *James Adam*, *Roger Adamſon*, *John Acton*, *George Ainſley*, *Robert Anderton* of *Ince*, *John Blackburne*, *Iſaac Blackburne*, *John Ireland Blackburne*, *Thomas Blackburne*, *John Bludwick*,

George Bover, William Beaumont, William Browne Brotherton, John Arthur Borron, Johnſon Bradſhaw, William Bone, James Bevan, Thomas Barrow, James Baron, Meyrick Bankes, William Barrow, John Leigh Brint, Joſeph Birch, Robert Bolton, James Brown, Joſeph Bevan, Robert Bankes, James Bullock, John Bullock, Henry Bullock, David Brown, Thomas Birch, William Clayton, Lawrence Cotham, George Crosfield, William Crawley, John Clare, William Cunliffe, David Claughton, Thomas Claughton, John Chorley, James Clayton, Robert Clayton, William Caunce Doctor of Phyſic, *John Clarke, Strethill Chadwick, James Cardwell, Peter Dutton, Edward Dakin, John Eccles, William Eccles, William Eyres, John Ellam, William Farrimond, James Frazer, James Fitchett, John Fitchett, William Fell, John Fogg, William Fairbrother, John Fiſher, James Grimſhaw, Henry Gaſkell, Richard Gwillym, John Gerard, Samuel Gaſkell, Thomas Green, Roger Gaſkell, John Gaſkell, Holbrook Gaſkell, Samuel Gaſkell* junior, *Thomas Kirkland Glazebrook, Edward Greenall, Peter Greenall, Richard Gaſkell, Peter Greenough, John Greenough, Roger Grimſhaw, Hugh Gaſkell, Thomas Green* of *Wigan, Alexander Green, Thomas Heath, Alexander Haliburton, James Harriſon, John Hargreaves, John Hawarden, James Hawarden, John Howard, Theophilus Hart, Edward Holt, John Hodſon, Robert Houghton, Thomas Houghton, Edmund Hornby, William Hulton, Henry Hamer, Peter Heron, Michael Hughes, Robert Holt, John Holt, Robert Holt* junior, *John Johnſon Hodſon, John Hopwood, Peter Hopwood, William Hall* Clerk, *Thomas Jamieſon* Surgeon, *John Jackſon* of *Fearnhead, Jonathan Jackſon, John Jackſon* of *Bruch, Thomas Kay, James Kendrick* Doctor of Phyſic, *John Hodſon Kearſley, Edward Kearſley* junior, *Thomas Legh, Thomas Lyon, William Legh, Peter Legh, Robert Holt Leigh, Leigh Layland, Jeremiah Lyon, James Leigh, Ralph Leigh, Edward Leigh, Thomas Latham, John Litton, William Lythgoe, John Lowe, Richard Legh, John Lyon, Thomas Lyon* of *Pemberton, Thomas Layland, William Lyon, Henry Lomax, James Lowe* of *Haigh, George Mackay, Daniel Moſs* Doctor of Phyſic, *Albert Parry Moſs* Doctor of Phyſic, *Thomas Moore, William Moore, Thomas Moorfield, John Mercer* of *Wigan, Peter Newton, Peter Nicholſon, Thomas Newſham, John Orford, Richard Orford, James Orrell, Charles Orrell, Peter Patten, John Pemberton, Edward Pemberton, Joſeph Parr, Richard Phipp, John Pickmore, Ralph Peters, Randolph Penſwick, Thomas Pigot* Clerk, *Richard Perryn* Clerk, *John Percival, Thomas Preſcot, Lawrence Rauſtone, John Rylands* of *Parr, Joſeph Rylands, Henry Rawſon, William Smith, Thomas Skitt, William Sumner, William Smart, John Stubs, William Stubs, Richard Sherratt, Robert Sherbourne, Thomas Strickland Standiſh, Thomas Sotheron, Richard Swarbrick, Charles Standiſh, John Singleton, Samuel Singleton, Oſkill Sumner, John Scott, Travers* of *Lowton, Ralph Thickneſſe, James Topping, Thomas Turner, Edward Turner, Thomas Taſker, James Taylor* Currier, *James Tennant, John Watkins, John Whitley, Henry Worſley, Charles Walmſley, James Worſley, Thomas Woodcock, William Wagſtaff, Thomas Weſt, James Underhill Weſt, Robert Worſley, Richard Wood, James Wood* of *Ince, Alexander Wilding*, the Mayor, Aldermen, and Bailiffs of the Borough of *Wigan* for the Time being, and the Steward of the Borough of *Newton* for the Time being, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for amending, widening, and keeping in Repair the ſaid Road from *Warrington* to *Wigan*, and otherwiſe carrying this Act into Execution.

IV. And

Meetings of Truſtees.

IV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe of *John Daxon*, known by the Sign of the *Horſe and Jockey*, at *Newton* aforeſaid, on the Firſt *Thurſday* in *October* next, for putting all the Powers of this Act into Execution, at which Time and Place the ſaid Truſtees ſhall proceed to the Execution of this Act, and may adjourn, and afterwards meet alternately at the ſaid Place, and at the *Gerard's Arms* Inn, in *Aſhton* within *Mackerfield*, in the ſaid County, or at any other Place or Places alternately within the Townſhips of *Newton* or *Aſhton* aforeſaid, as they the ſaid Truſtees attending the ſaid Meetings, or the major Part of them, ſhall think moſt convenient, and as often as it ſhall be neceſſary for putting this Act into Execution; and if it ſhall happen that there ſhall not appear at any Meeting, or any adjourned Meeting, a ſufficient Number of Truſtees to act and to adjourn to another Day, the Clerk or Clerks to the ſaid Truſtees ſhall, by public Notice in Writing, to be fixed on One or more of the Turnpikes erected or to be erected acroſs the ſaid Road, and to be alſo advertiſed in One *Mancheſter* and One *Liverpool* Newſpaper, at leaſt Fourteen Days before the next Meeting, appoint ſuch Truſtees to meet at the Place where the laſt Meeting was appointed to be held, and ſo from Time to Time as often as Occaſion ſhall require; and that the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Fourteen Days Notice to be given of future Meetings.

Truſtees to defray their own Expences.

Orders to be made at Meetings, and a Majority to concur.

General Quorum of Truſtees.

V. And be it further enacted, That all Orders and Determinations of the Truſtees in the Execution of this Act ſhall be made at the Meetings to be held in purſuance thereof, and not otherwiſe (except in Caſes hereby particularly provided for); and that no Order or Determination ſhall be made, unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all Acts, Orders, and Proceedings relative to this Act, which are directed to be done, made, or had, by or before the ſaid Truſtees, ſhall and may be done, made, or had, by or before any Five or more of the ſaid Truſtees, except where any other Number is herein named; and that all ſuch Acts, Orders, or Proceedings done, made, or had, by or before ſuch Five Truſtees, ſhall have the ſame Force and Effect as if the ſame were done, made, or had, by or before the whole Number of the Truſtees; and that no Order made by Five or more Truſtees ſhall be revoked, repealed, or ſet aſide by any ſubſequent Order of the Truſtees, unleſs at a Meeting to be held for that Purpoſe, of which intended Meeting and Revocation Twenty-one Days Notice at leaſt ſhall be given in Writing by the Clerk to the ſaid Truſtees, by affixing the ſame on all the Toll Gates acroſs the ſaid Road, and unleſs a Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, at which Meeting a greater Number of Truſtees ſhall be preſent than at the Meeting at which ſuch Order or Orders ſo to be revoked ſhall have been made.

Orders not to be revoked but by a Majority of Truſtees.

Meetings on Emergencies.

VI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees it ſhall, upon any Emergency, be thought neceſſary that an earlier Day of Meeting ſhall be appointed than the Day to which the Meeting ſhall have been adjourned, the Clerk to the ſaid Truſtees, by an Order in Writing, ſigned by Five or more of the ſaid Truſtees, although not aſſembled at a Meeting, and mentioning the Time and Place and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in like Manner as is 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 Seven Days after

after ſuch Notice; and all Proceedings of the Truſtees at ſuch Meeting ſhall be as valid as they would have been in caſe the Truſtees had met in purſuance of any Adjournment: Provided always, that no further or other Buſineſs ſhall be entered upon or taken into Conſideration at any ſuch Meeting ſo to be called upon any Emergency as aforeſaid, than ſuch as ſhall have been ſignified and particularly ſet forth in the Order or Notice for calling ſuch Meeting.

No Officer to act as a Truſtee.

VII. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee for the Purpoſe of carrying this Act into Execution, during ſuch Time as he ſhall be in the Office of Treaſurer, Clerk, Surveyor, or Collector of Tolls.

Truſtees may act as Juſtices.

VIII. Provided always, and be it enacted, That ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid County of *Lancaſter*, ſhall and may act nevertheleſs as Juſtices for the more ſpeedy and effectually putting in Execution the ſeveral Powers hereby given.

Entries to be made of Proceedings.

IX. Provided alſo, and it is hereby enacted, That all Orders and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered, and ſigned by the Clerk or Clerks to the ſaid Truſtees at any Meeting, ſhall be deemed and taken to be original Orders, as if the ſame were under the Hands and Seals of the ſaid Truſtees, which ſaid Book or Books, and alſo the Book 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:

Appointment of new Truſtees.

X. And be it further enacted, That as often as any Truſtee ſhall die, or refuſe to act, it ſhall and may be lawful for the ſurviving or other Truſtees from Time to Time to elect and appoint one other fit Perſon reſiding near to the ſaid Road, in the Room of ſuch Truſtee ſo deceaſed, or refuſing to act; but Notice in Writing of the Time and Place of Meeting for the Election of all ſuch new Truſtees ſhall be fixed on all the Turnpikes erected or to be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; and all ſuch Perſons as ſhall from Time to Time be ſo choſen and appointed ſhall be joined with ſuch ſurviving or other Truſtees, and they are hereby empowered to act, to all Intents and Purpoſes, in as full, large, and ample a Manner as if ſuch Perſons had been particularly named in and appointed Truſtees by this Act.

Qualification of Truſtees.

XI. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act except in the Swearing of other Truſtees, unleſs at the Time of his acting therein he ſhall have or be ſeiſed of, in his own Right or in the Right of his Wife, and in the actual Poſſeſſion, Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments to be ſituate, lying and being in the County of *Lancaſter* of the clear yearly Value of Fifty Pounds above Reprizes, or ſhall be poſſeſſed of Perſonal Eſtate to the Value of One thouſand Pounds, or ſhall be Heir Apparent of a Perſon ſo ſeiſed of an Eſtate in Land to be ſituate as aforeſaid, and of the yearly Value of One hundred Pounds; nor unleſs the Perſon having Fifty Pounds a Year

or Perſonal Eſtate of the Value of One thouſand Pounds as aforeſaid, hath taken or ſhall take and ſubſcribe before ſome Two or more of the ſaid Truſtees, (who are hereby authorized and required to adminiſter the ſame), and before he takes upon himſelf to act in the Truſts and Authorities of this Act (except as aforeſaid), an Oath or Affirmation in the Words or to the Effect following, that is to ſay,

Oath.

'I *A. B.* do ſwear [*or, being One of the People called Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife] ſeiſed in and in the actual Poſſeſſion and Enjoyment [*or* Receipt] of the Rents and Profits of Lands, Tenements or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes [*or, as the Caſe may require*], poſſeſſed of or entitled unto Perſonal Eſtate to the Amount or Value of One thouſand Pounds.

'So help me GOD.'

And if any Perſon hereby deemed unqualified or incapable to act ſhall nevertheleſs preſume to act in the Truſts aforeſaid contrary to the true Intent and Meaning of this Act, ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter* or in the Court of Common Pleas for the County Palatine of *Lancaſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit or Information, wherein no Eſſoign, Protection or Wager of Law or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is ſo qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided always, that all the Acts and Proceedings of any Perſon acting as a Truſtee in the Execution of this Act previous to his being convicted of the ſaid Offence ſhall be as valid and effectual as if ſuch Perſon had been duly qualified according to the Directions of this Act.

Truſtees who have not acted in the preceding Year, not to vote on the Election of Officers.

XII. And be it further enacted, That after the firſt Nomination and Appointment of Officers in purſuance of this Act no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of ſuch Officer, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act at leaſt once within the Year preceding the Time that ſuch Vacancy ſhall happen.

Truſtees may appoint Officers.

XIII. And be it further enacted, That the ſaid Truſtees may appoint or continue ſuch Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and Surveyor or Surveyors and other Officers within the ſame Diſtrict, and for the Purpoſes of this Act, as they ſhall think proper; and that the ſaid Truſtees, at a Meeting or Meetings to be held for that Purpoſe (of which Meeting Fourteen Days Notice ſhall be given in Writing affixed upon one or more of the Turnpikes erected or to be erected acroſs the ſaid Road), may 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 in like Manner appoint new Officers in Caſes of Deaths or ſuch Removal: Provided always, that no Perſon ſhall be capable of holding any Place of Profit

Profit under the ſaid Truſtees, who ſhall ſell any Ale, Beer, Wine or Spirituous Liquors by Retail, or who ſhall be a menial Servant to any Truſtee.

Victuallers not to hold Places of Profit.

XIV. Provided always, That as often as any Collector of the ſaid Tolls ſhall die, or be incapable of performing his Duty, it ſhall and may be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by Writing under their Hands to appoint any other Perſon to collect ſuch Tolls, and the Perſon ſo appointed ſhall have the ſame Authority for the Recovery thereof as the Perſon he ſhall ſucceed was veſted with, until the Truſtees ſhall, at a Meeting to be held by virtue of this Act, appoint a Collector of ſuch Tolls.

Enabling Truſtees to appoint temporary Collectors.

XV. And be it further enacted, That out of the Money ariſing by virtue of this Act, ſuch Salaries, Allowances, and Compenſations, ſhall be made to all ſuch Officers and Perſons as ſhall be aſſiſting in and about the Execution of this Act, as to the ſaid Truſtees ſhall ſeem reaſonable; and all ſuch Officers and Perſons ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to ſuch Truſtees, or as they ſhall appoint, true and perfect Accounts in Writing of all the Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue of this Act, and how much thereof hath been paid and diſtributed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required by the ſaid Truſtees, or any Five or more of them, at any Meeting or Meetings to be held by virtue of this Act, (which Oath the ſaid Truſtees, or any One or more of them, is or are hereby empowered to adminiſter), verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath, any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, within Ten Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings, in the Cuſtody or Power of ſuch Officer or other Perſon as aforeſaid, relating to the Execution of this Act, in each, any, or either of the ſaid Caſes, any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Perſon ſhall be or reſide, ſhall make Inquiry concerning ſuch Default, either by Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without any Fee or Reward; and if any ſuch Officers or Perſons ſhall be convicted of any or either of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall commit every ſuch Offender to the common Gaol for ſuch County or Place, there to remain, without Bail or Mainprize, until ſuch Officer or Perſon ſhall give and make a true and perfect Account as aforeſaid, or until ſuch Officer or Perſon ſhall have compounded with ſuch Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition ſuch Truſtees are hereby empowered to make), or until ſuch Officer or Perſon ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees; provided that no Perſon ſhall

Truſtees may allow Salaries to Officers.

Officers to account.

ſhall be committed as laſt aforeſaid for any longer Space of Time than Three Calendar Months.

Treaſurer, &c. to give Security.

XVI. Provided always, and be it enacted, That the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, to be appointed as aforeſaid, ſhall, before he or they enter upon the ſaid Office, give ſuch Security for the due Execution thereof to the ſaid Truſtees as to the ſaid Truſtees ſhall ſeem meet, which Security the ſaid Truſtees are required to take, and ſuch Security ſhall be lodged with the Clerk of the Peace for the ſaid County of *Lancaſter*.

Annual Meeting of Truſtees to be held for auditing the Accounts.

XVII. And be it further enacted, That the ſaid Truſtees ſhall hold one Annual Meeting at the Houſe of the ſaid *John Daxon* in *Newton* aforeſaid, or at ſome other Inn or Public Houſe in the Borough of *Newton*, upon the Firſt *Thurſday* in *October* in every Year, which Meeting ſhall be called "The General Annual Meeting of the Truſtees," the Firſt of ſuch Meetings to be held at the *Horſe and Jockey* in *Newton* aforeſaid; and every ſucceeding Annual Meeting ſhall be held there, unleſs ſome other Place for the ſame Meeting ſhall have been appointed at the preceding Meeting, and entered in the Book of Proceedings of ſuch General Meeting; and at every ſuch Meeting it ſhall be lawful for the ſaid Truſtees to audit the Annual Accounts of the Clerk, Treaſurer, Surveyor, and Collector of Tolls, employed in the Receipt or Expenditure of any of the Monies belonging to the ſaid Road, and to examine any ſuch Clerk, Treaſurer, Surveyor, or Collector, relating to his Accounts, upon Oath, (which Oath the ſaid Truſtees, or any Two or more of them, are hereby empowered to adminiſter), and then and there to paſs ſuch Accounts, or ſo much thereof as they ſhall think proper, and to chooſe new Truſtees in the Room of ſuch as ſhall be dead, or have refuſed to act in Manner herein-before mentioned, and to do ſuch other Matters and Things in the Buſineſs of the Truſt as ſhall at any ſuch Meeting occur.

Truſtees may appoint Committees for examining Accounts.

XVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, at their firſt or at any General Annual Meeting, to appoint a Committee of Truſtees (if they ſhall think fit) to inſpect, examine, and ſuperintend all the Accounts belonging to the ſaid Truſt, and alſo the Application of the Money to be expended under the Direction of the ſaid Truſtees, which Committee, or any Three or more of them, ſhall meet as often as they ſhall think fit; and ſuch Committee ſhall have full Power to call for all Books, Accounts, and Vouchers, and to require the proper Officers to appear before them as often as they ſhall think proper, giving ſuch Officers Ten Days Notice of the Time and Place of their Meeting; and the ſaid Committee ſhall report their Proceedings and Obſervations at every General Annual Meeting of the Truſtees.

All Perſons having Books, &c. relative to former Acts, to deliver them to the Truſtees under this Act.

XIX. Provided always, and be it further enacted, That all Perſons who are or have been employed, or who have received any Tolls or other Money by virtue or on account of the ſaid recited Acts, or any of them, or who have or ſhall have in their Cuſtody or Poſſeſſion any Money, Books, Accounts, Papers, Writings, or other Things relating to the ſaid Road, ſhall account for and pay the ſame, and every Part thereof, to the Truſtees in and by this Act named and appointed, in like Manner and

under

under the like Penalties as the ſeveral Collectors and other Perſons receiving any Money by virtue of this Act are herein-before directed.

Actions may be brought in the Name of the Treaſurer or Clerk.

XX. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name of the Treaſurer or Clerk, or in the Names of any Five of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon or Perſons in whoſe Name or Names the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtees, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Monies ariſing by virtue of this Act.

Gatekeepers to deliver up Poſſeſſion of Gates, &c.

XXI. And be it further enacted, That if any Collector, or Perſon appointed by the ſaid Truſtees, ſhall at any Time or Times neglect or refuſe to quit his or her Employment, conformably to the Orders of the ſaid Truſtees, or any Three or more of them, and to deliver up the Poſſeſſion of the Turnpike or Toll Gate and Toll Houſe, or other Houſe or Building, with its Appurtenances, belonging to them the ſaid Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees or any Three or more of them ſhall appoint, and ſhall be convicted of ſuch Neglect or Refuſal before any Juſtice of the Peace for the ſaid County of *Lancaſter*, either upon the Confeſſion of the Party, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, then it ſhall be lawful for ſuch Juſtice and he is hereby required to iſſue his Warrant to ſome Conſtable or other Officer of the Peace within the ſaid County or Place, to turn ſuch Collector or Perſon out of the Poſſeſſion of the ſaid Turnpike or Toll Gate, or Toll Houſe, or other Houſe or Building, and the Appurtenances belonging thereto, and to take and deliver the Poſſeſſion thereof to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall have directed or appointed in Manner aforeſaid, and alſo to bring the Collector or Collectors, or other Perſon, before ſuch Juſtice, who is hereby required and empowered to commit him, her, or them to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Six Calendar Months.

To contiuue or remove and erect Turnpikes and Toll Houſes; not nearer to Warrington than Hulme, or to Wigan than Hawkley Gates.

XXII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may continue or pull down and remove the ſeveral Turnpikes and Toll Houſes now ſtanding upon the ſaid Road at *Hulme* and *Pemberton* in the ſaid County of *Lancaſter*, and alſo ſet up and erect or cauſe to be ſet up and erected One or more Turnpike or Turnpikes, Toll Houſe or Toll Houſes in, upon, or acroſs the ſaid Road, or Side Bar or Side Bars, Toll Houſe or Toll Houſes, acroſs any Way or Lane leading into or out of the ſame, and from Time to Time cauſe ſuch Turnpike or Turnpikes, Toll Houſe or Toll Houſes to be taken down, removed, or altered, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet, ſo as no ſuch Turnpike or Toll Houſe be ſet or affixed up nearer to *Warrington* than the Turnpike and Toll Houſe now ſtanding in *Hulme* aforeſaid, or nearer to *Wigan* than the Bridge acroſs the Road near *Hawkley Gates* within *Pemberton*, in the ſaid County of *Lancaſter*.

Turnpike and Toll Houſes veſted in Truſtees.

XXIII. And be it further enacted, That the Property of all the Turnpikes and Toll Houſes which ſhall be continued or erected by virtue of this Act, and the Materials that ſhall or may be provided for building or repairing the ſame, and for the Repair of the ſaid Road, and all other Materials made uſe of or collected to be made uſe of for the Purpoſe of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and they or any Five or more of them, are hereby empowered to diſpoſe of the ſame as they ſhall think proper, and to bring or cauſe to be brought any Action or Actions, or to prefer any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break, or damage any ſuch Turnpikes, Toll Houſes, or Materials, or diſturb them, or the Collectors by them to be appointed, in the Poſſeſſion thereof.

Tolls.

XXIV. And be it further enacted, That from and after the paſſing of this Act the ſeveral Tolls herein-after mentioned ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall by Writing under their Hands authorize and appoint to receive the ſame, from all or any Perſon or Perſons riding or driving any Cattle, Carts, or Carriages through each and every of the ſaid Turnpike Gates erected or to be erected as aforeſaid, before any Horſe or other Cattle, Coach, Waggon, or other Carriage, ſhall be permitted to paſs through any of the Turnpikes now erected or to be erected or continued by virtue or in purſuance of this Act; (that is to ſay,)

For every Coach, Berlin, Landau, Chariot, Chaiſe, or Hearſe, drawn by Six Horſes or Beaſts of Draught, the Sum of One Shilling and Eightpence; by Four Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; by Three Horſes or Beaſts of Draught, the Sum of One Shilling; by Two Horſes or Beaſts of Draught, the Sum of Nine-pence; and, by One Horſe or Beaſt of Draught, the Sum of Four-pence:

For every Waggon or other Four-wheel Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, (except ſuch as are going empty to any Coal or Cannel Pit, or returning from the ſame, or loaden with Coal or Cannel only,) drawn by Seven or Eight Horſes or Beaſts of Draught, the Sum of One Shilling and Sixpence; by Five or Six Horſes or Beaſts of Draught, the Sum of One Shilling and Threepence; and by Four or any leſs Number of Horſes or Beaſts of Draught, the Sum of One Shilling:

For every Waggon or other ſuch Four-wheel Carriage, with Wheels of the Breadth of Six Inches, (except as aforeſaid), drawn by Four Horſes or Beaſts of Draught, the Sum of Two Shillings, and by any leſs Number of Horſes, the Sum of One Shilling and Sixpence:

For every Waggon or other ſuch Four-wheel Carriage, with Wheels of leſs Breadth than Six Inches, (except as aforeſaid), the Sum of Three Shillings and Four-pence Halfpenny:

For every Cart or other Two-wheel Carriage, with Wheels of the Breadth of Nine Inches, (except as aforeſaid), drawn by Four Horſes or Beaſts of Draught, the Sum of Ten-pence; by Three Horſes or Beaſts of Draught, the Sum of Eight-pence; by Two Horſes or Beaſts of Draught, the Sum of Sixpence; and by One Horſe or Beaſt of Draught, the Sum of Sixpence:

For every Cart or other Two-wheel Carriage, with Wheels of the Breadth of Six Inches, (except as aforeſaid), drawn by Four Horſes or Beaſts

Beasts of Draught, the Sum of Ten-pence; by Three Horses or Beasts of Draught, the Sum of Nine-pence; by Two Horses or Beasts of Draught, the Sum of Eight-pence; and by One Horse or Beast of Draught, the Sum of Sixpence:

For every Cart or other Two-wheel Carriage, with Wheels of less Breadth than Six Inches, (except as aforesaid), drawn by Three Horses or Beasts of Draught, the Sum of Three Shillings; by Two Horses or Beasts of Draught, the Sum of Two Shillings; and by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon or other Four-wheel Carriage, going to or returning from any Coal or Cannel Pit, or carrying Coal or Cannel only, or both Coal or Cannel, and no other Goods, Wares, or Merchandize, with Wheels of the Breadth of Nine Inches, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Ten-pence; by Five or Six Horses or Beasts of Draught, the Sum of Nine-pence; and by Four or any less Number of Horses or Beasts of Draught, the Sum of Sixpence:

For every such Waggon or other Four-wheel Carriage, as last mentioned, with Wheels of the Breadth of Six Inches, the Sum of One Shilling and Sixpence:

And for every such Waggon or other Four-wheel Carriage, as last-mentioned, with Wheels of less Breadth than Six Inches, drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; by Two or Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and by One Horse or Beast of Draught, the Sum of One Shilling:

For every Cart or other Two-wheel Carriage, going to or returning from any Coal or Cannel Pit, or loaded as last mentioned, with Wheels of the Breadth of Nine Inches, drawn by Four Horses or Beasts of Draught, the Sum of Four-pence; by Three Horses or Beasts of Draught, the Sum of Three-pence; by Two Horses or Beasts of Draught, the Sum of Three-pence; and by One Horse or Beast of Draught, the Sum of Two-pence:

For every such Cart or other Two-wheel Carriage, as last mentioned, with Wheels of the Breadth of Six Inches, drawn by Four, Three, or Two Horses or Beasts of Draught, the Sum of Sixpence; and by One Horse or Beast of Draught, the Sum of Four-pence:

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

For every Horse, Mare, Gelding, Mule, or Ass, loaden or unloaden, the Sum of One Penny Halfpenny:

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

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

Which said several and respective Sums shall be demanded and taken in the Name of and 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, it shall and may be lawful for the Person or Persons appointed to collect the said Tolls as aforesaid, to seize and take any Horse, To be levied in case of Nonpayment.

Horſe or other Cattle, together with their Bridles, Saddles, Harneſs, or Accoutrements, or any Carriage, together with its Loading, upon which any Toll is by this Act impoſed, or any of the Goods or Chattels of ſuch Perſon or Perſons neglecting or refuſing as aforeſaid; but no ſuch Bridle, Saddle, Harneſs, or Accoutrements ſhall be ſo ſeized, without detaining and ſeizing the Horſe or other Beaſt on which the ſame is laid; and if ſuch Tolls, and the reaſonable Charges of keeping and detaining them, ſhall not be paid within the Space of Four Days after ſuch Seizure made, the Perſon or Perſons ſeizing ſhall and may ſell the Horſes, Cattle, Goods, or other Things ſo ſeized, ſuch Sale to be by Public Auction or otherwiſe, ſo as to procure a fair and marketable Price for the ſame, returning the Overplus, if any, upon Demand, to the Owner thereof, after ſuch Toll, and all reaſonable Charges attending ſuch Seizure and Sale, ſhall be deducted; and that all the Tolls and Monies ſo to be collected or levied, and the Monies that ſhall or may be borrowed on the Credit of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied to ſuch Purpoſes and in ſuch Manner as herein is mentioned: Provided always, that no Tolls ſhall be taken in reſpect of any Horſe, Cattle, Beaſt, or Carriage which ſhall only croſs the ſaid Road, or which ſhall not paſs more than One hundred Yards thereon.

No Toll to be taken for any Horſe, &c. that ſhall not paſs more than 100 Yards on the Road.

Two Carts hooked together to be deemed a Four-wheel Carriage.

XXV. And be it further enacted, That if Two Carts or other Carriages, hooked or faſtened together, ſhall paſs upon the ſaid Road, they ſhall be deemed as a Cart with Four Wheels, and for which ſuch Toll ſhall be paid upon their paſſing through any of the ſaid Turnpikes or Toll Gates as are herein-before charged upon Waggons or other Carriages with Four Wheels.

Truſtees to fix the Tolls to be taken at Side Bars.

XXVI. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, at any Meeting to be held for the Purpoſe, whereof Fourteen Days Notice ſhall have been given by the Clerk to the ſaid Truſtees, by Writing fixed on all the Turnpike Gates acroſs the ſaid Road, and they are hereby authorized and empowered to fix, aſcertain, and determine the Toll or Tolls that ſhall be taken at all and every or any of the Side Bar or Side Bars, Toll Houſe or Toll Houſes, that ſhall or may be continued or erected acroſs any Way or Lane leading into or out of the ſaid Road, ſo that the Toll or Tolls to be taken at ſuch Side Bars ſhall not exceed the Tolls herein-before granted, and ſhall be publiſhed at each of the ſaid Side Bars.

Weight of Carts and Loading drawn by One Horſe.

XXVII. Provided alſo, and be it further enacted, That if any Cart or other Carriage drawn by One Horſe, Mare, Gelding, or other Cattle, and the Loading thereof, ſhall exceed in Weight Twenty-five Hundred, computing One hundred and twenty Pounds to the Hundred, then and in ſuch Caſe the Sum of Five Shillings ſhall be paid as a Toll, before ſuch Cart or other Carriage ſhall be permitted to paſs through any of the ſaid Gates; and it ſhall be lawful for the Collector or Collectors of the Tolls of any of the ſaid Gates, or any other Perſon or Perſons whomſoever, to cauſe ſuch Cart or other Carriage, and the Loading thereof, to be weighed in ſuch Manner and under and ſubject to ſuch Penalties and Forfeitures in caſe of Refuſal, or for being more than Twenty-five Hundred Weight, as is directed and inflicted by any Act or Acts of Parliament upon Carriages travelling loaded upon any of the Turnpike Roads in this Kingdom: Provided

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vided always, that the Regulation of Weight laſt before mentioned ſhall not be deemed or conſtrued to extend to any Waggon, Cart, or other Carriage laden with Manure for Land paſſing through any of the ſaid Turnpike Gates, or otherwiſe paſſing along or acroſs the ſaid Turnpike Road, ſo as to ſubject the Owner or Driver thereof to the Payment of Toll in reſpect of Overweight, if ſuch Waggon, Cart, or other Carriage be employed only in Huſbandry, or carrying any Dung, Mould, Marle, Soil, Lime or Compoſt for Manure for Land, or Hay, Straw, or Fodder for Cattle, or Corn unthraſhed, or with any empty Baſket or Baſkets, empty Sack or Sacks, or Tub or Tubs for more convenient Carriage, or Spade, Shovel, or Fork neceſſary for loading or unloading ſuch Manure, in Addition to ſuch Manure, if the Loading thereof be ſubſtantially Manure for Land as aforeſaid, nor to any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or carrying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, as herein-after mentioned.

Tolls to be taken but once a Day.

XXVIII. Provided always, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Turnpike erected and continued, or to be erected by virtue of this Act (other than and except for ſuch Stage Coaches or other Carriages as ſhall be uſed for Hire, by or for any Perſon or Perſons, or as ſhall be laden with Coal or Cannel, or other Goods, Wares, and Merchandize, both going and returning through ſuch Turnpikes), ſhall be ſubject to any Toll for going and returning through the ſame, or all or any other of the ſaid Turnpikes to be erected as aforeſaid, before Twelve of the Clock at Night of the ſame Day, with the ſame Coach, Waggon, or other Carriage, Horſes or other Cattle, but ſhall and may paſs and return Toll-free, upon producing a Note or Ticket, denoting that the Toll hereby granted had been paid upon that Day at ſuch of the ſaid Turnpikes, which Note or Ticket the Collector of the ſaid Toll is hereby required to give *gratis* on the Receipt of the Toll; but all Stage Coaches or other Carriages employed in carrying Paſſengers or Goods, Wares and Merchandizes for Hire, to and from different Places, and alſo all Waggons, Carts and other Carriages, Horſes, Mares, Geldings, Mules, and Aſſes, which ſhall be loaden with Coal, Cannel, or other Goods, Wares, or Merchandize, ſhall pay the Toll thereby granted, as often as on the ſame Day they ſhall ſo paſs and return through the ſame Turnpike or Turnpikes reſpectively; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Perſons carrying Milk to pay Toll only once a Day.

XXIX. Provided alſo, and be it further enacted, That no Perſon ſhall be ſubject to the Payment of Toll more than once on the ſame Day, for any Horſe or Beaſt laden only with Milk, Whey, Butter Milk, or Curds, or for the Return of any ſuch Horſe or Beaſt with the empty Veſſels in which ſuch Milk, Whey, Butter Milk, or Curds ſhall have been carried, or with Grains or Draft for the Uſe of the Milk Cows of the Perſon or Perſons to whom the Milk, Whey, Butter Milk, or Curds ſo carried may belong; any Thing herein contained to the contrary notwithſtanding.

Penalty for diſpoſing of or uſing falſe Tickets to avoid the Tolls.

XXX. And, for the preventing of Frauds in the Payment of the ſaid Tolls, be it enacted, That if any Perſon having paid the Toll by this Act granted, and having ſuch Ticket as aforeſaid, ſhall give or diſpoſe of the ſame to any other Perſon in order to avoid the Payment of the ſaid Toll,

or if any Perſon not having paid the ſaid Toll ſhall offer to produce and uſe any Ticket, and thereby paſs through any of the ſaid Turnpikes without paying the Toll hereby granted, every Perſon ſo giving, diſpoſing, receiving, or uſing ſuch Ticket, ſhall forfeit and pay the Sum of Five Pounds, to be levied, recovered, and diſpoſed of as any other Penalty or Forfeiture is by this Act directed to be levied, recovered, and diſpoſed of.

Exemptions from Tolls.

XXXI. Provided always, and be it further enacted, That no Toll ſhall be taken for any Carriage, Horſe, Cattle, or Beaſt, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Sand, Gravel, Stone, Bricks, Timber, Wood, or other Materials for repairing the ſaid Road, or any Part thereof, or any of the Highways in the Townſhips in which ſuch Road lies; nor for any Hay, Straw, Corn in the Straw, Potatoes, or other Produce of Land not bought, ſold, or diſpoſed of, but paſſing to be laid up in the Out-houſes, or on the Lands of the Owners thereof; nor for any Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Marle, Compoſt, Grey Salt, or other Manure of any Kind whatſoever, or Lime to be employed in Huſbandry only, or for manuring or improving of Gardens or Lands; nor for any Horſes or Cattle going to or from Paſture or Watering-places, or going to be or returning from being ſhod; nor for any Horſes or other Cattle going to or from any Mills ſituate within the Diſtance of Three Miles from the ſaid Road, with or for any Corn, Grain, Malt, or Flour for the Owner's own Uſe and Conſumption in his own Dwelling Houſe, and not for Sale, and not exceeding One Horſe or Beaſt in one and the ſame Day; nor for any Horſes or other Cattle employed in the Conveyance of Vagrants ſent by legal Paſſes; nor by any Perſon or Perſons going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Perſon who ſhall die and be buried in any of the ſaid Pariſhes or Townſhips wherein the ſaid Road lies; nor by any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty; nor by any Perſon or Perſons who ſhall in Performance of his Duty as a Truſtee under this Act be going to or returning from any Meeting or Meetings convened according to the Directions of this Act, for carrying the Powers thereof into Execution, and on no other Buſineſs; nor for any Horſe, Beaſt, Cattle, or Carriage, of whatever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in fetching, conveying, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor for any Horſe, Beaſt, Cattle, or Carriage attending any Soldiers upon their March or on Duty, or attending them with their Arms and Baggage, or carrying any wounded, ſick, or diſabled Officers and Soldiers; or returning empty after having been ſo employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, or Barrack, or Commiſſariat or other Public Stores

Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Person be in the Uniform of their respective Corps, and shall have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County Palatine of *Lancaster*, during the Time of such Election, or on the Day before or Day after such Election shall begin and be concluded; nor for any Carriage, Horse, Mare, Gelding, or other Cattle as shall or may be made use of by any Tenant or Tenants of the Rector of *Winwick* for the Time being, in the drawing or carrying of any Corn, Grain, Meal, or Flour grown within the said Township of *Winwick*, to or from their respective Houses through the Turnpike erected, or any other Turnpike which may be erected in *Hulme* aforesaid, to the Corn Mill or Mills of the said Rector within the said Township of *Winwick* only; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half shall be applied to the Purposes of this Act.

Excepting Carriages with Ordnance and Barrack Stores, &c.

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

Power to compound.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and 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 Carriages, Horses, Cattle, or Beasts, travelling upon the said Road, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire, and so as such Composition Money shall be paid in advance to the Treasurer of the said Road, and, in Default thereof the Composition Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition Money

shall be applied in such Manner as the Tolls hereby granted are directed to be applied.

Penalty on Persons going or permitting others to go through private Grounds to evade the Tolls.

XXXIV. And be it further enacted, That if any Person or Persons owning or occupying any Land or Ground near to any of the said Turnpikes shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or Private Way, with any Coach, Waggon, or other Carriage, Horse or other Cattle, for the Purpose of evading the said Tolls, or any Part thereof, or whereby the same shall be evaded, or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or Private Way, not being the Owner or Occupier thereof, or his or their Servant or Servants, with any such Cattle or Carriage as aforesaid, whereby the Payment of any of the said Tolls shall be evaded, or shall forcibly or wilfully go or pass through any of the said Turnpike Gates with any Cattle or Carriage, or without paying the Toll by this Act directed to be paid for the same, or shall unload any Cart or other Carriage, in Part or in the Whole, or shall take off or cause to be taken off any Horse or Horses, or other Cattle, from any Carriage liable to the Payment of any of the said Tolls, with an Intent to evade the same, every Person so offending in any of the Cases aforesaid shall for every Offence forfeit a Sum not exceeding Five Pounds, whereof One Half shall be paid to the Informer or Informers, and the other Half shall be applied in such Manner as the Penalties are herein-after directed to be applied.

Disputes concerning Tolls to be settled by a Justice.

XXXV. And be it further enacted, That if any Dispute shall happen about the Quantity of Toll due, or the Charge of keeping any Distress, it shall be lawful for the Collector, or Person entitled to receive the same, or the Money arising from the Sale thereof, (as the Case may happen), until the Amount of the Toll due, and the Charges of keeping and detaining the same, (as the Case shall happen), shall be ascertained by some Justice of the Peace for the said County of *Lancaster*, who upon Application made to him for that Purpose shall examine into the said Matter on the Oath of the Parties, or of a Witness or Witnesses, and determine the Amount of the Tolls due, and also assess the Charges of such seizing and detaining, and also of the Collector's Attendance on the said Justice for that Purpose, all which Sums so determined or assessed shall be paid to the Collector before he shall be obliged to return the Distress, or the Overplus arising from the Sale thereof, or of any Part thereof.

Collectors of Tolls, &c. competent Witnesses.

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

Penalties on Collectors taking greater or less Tolls than allowed.

XXXVII. And be it further enacted, That if any Farmer, Renter, or Collector of any of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit any Sum not exceeding Five Pounds, and also his Contract for renting the Tolls, if the said

Trustees

Truſtees ſhall think fit to vacate the ſame; and every ſuch Collector, not being the Farmer or Renter, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, ſuch Forfeitures reſpectively to be recovered in Manner herein-after mentioned: Provided always, that if the Juſtice by or before whom the Matter or Complaint ſhall be heard, ſhall be of opinion that the Offender had probable Grounds for ſuch Demand and Taking, it ſhall be lawful for ſuch Juſtice either to mitigate the ſaid reſpective Penalties, or wholly to exonerate the Offender therefrom, as ſuch Juſtice ſhall think fit; any Law or Statute to the contrary notwithſtanding.

Power to leaſe the Tolls

XXXVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting to be held for that Purpoſe, after giving Twenty-one Days Notice thereof in Writing, affixed on all the Turnpikes or Toll Gates then erected acroſs the ſaid Road, and advertiſing the ſame in One or more of the *Mancheſter* or *Liverpool* Newſpapers, by Writing under their Hands and Seals to aſſign, leaſe, demiſe, ſet, or let the Tolls hereby granted, or any Part or Parcel thereof, for any Term not exceeding Three Years at a Time, for the beſt Rent that can be got for the ſame, payable at ſuch Time and under ſuch Covenants and Agreements as the ſaid Truſtees, or any Five or more of them, ſhall think fit, they the ſaid Truſtees having a Counterpart of ſuch Leaſe or Leaſes, and taking ſuch other ſufficient Security from the Perſon or Perſons to whom ſuch Tolls ſhall be leaſed or demiſed for Payment of ſuch Rents, and Performance of the Covenants to be reſerved and comprized in ſuch Leaſe or Leaſes, as the ſaid Truſtees or any Five or more of them ſhall think fit.

Enabling the Truſtees to take Poſſeſſion of Toll Houſes, &c. when let to farm or held by the Collectors for the Truſtees.

XXXIX. And be it further enacted, That in caſe all or any of the ſaid Tolls ariſing by virtue of this Act, ſhall be demiſed or let to farm to any Perſon or Perſons, in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear by the Space of Twenty-one Days next after any of the Days on which the ſame ought to be paid purſuant to the Agreement for demiſing or leaſing thereof; and in caſe the Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any Collector or Collectors, who ſhall be removed or diſcharged from his or their Office of Collector, or ſhall depart this Life, then and in either of thoſe Caſes the ſaid Truſtees, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under the Hands of any Three or more of them, ſhall be at Liberty, and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or ſuch Collector or Collectors, or other Perſon or Perſons having Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate and determine the Contract or Agreement (if any) for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be from that Time utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants or

Agreements on the Leſſee's Part which ſhall have been broken), as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees in every ſuch Caſe to demiſe or let to farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected, as if no former Demiſe, Contract, or Agreement, had been made relative thereto; any Rule of Law or Right to the contrary notwithſtanding.

Penalty on compounding for over-weighted Carriages.

XL. And be it further enacted, That if the Farmer or Leſſee for the Time being of any of the Tolls hereby granted, or any Perſon acting under him or her, ſhall compound for or agree to permit, or ſhall ſuffer any over-weighted Waggon or other Carriage ſubject to a Forfeiture or Penalty by reaſon of the Weight thereof to paſs or re-paſs through any of the Turnpikes or Toll Gates to be erected or continued by virtue hereof, without demanding, taking and keeping the full Fine or Penalty by Law inflicted upon ſuch over-weighted Waggon or other Carriage, ſuch Farmer or Leſſee ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds, whereof One Moiety ſhall go to the Informer or Informers, and the other Moiety ſhall go and be applied in ſuch Manner as the Penalties are herein-after directed to be applied.

To vary and leſſen the Tolls, and to raiſe them again.

XLI. And be it further enacted, That the ſaid Truſtees or any Five or more of them, at any Meeting to be had for that Purpoſe, ſhall and may and they are hereby authorized and empowered to vary, leſſen or reduce all or any of the Tolls by this Act granted, for ſuch Time or Times as they or any Five or more of them ſhall think proper, and may afterwards from Time to Time advance all or any of the Tolls ſo reduced to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned, and to order and direct the Tolls ſo reduced or advanced to be collected, taken, received, laid out and applied for the Purpoſes of this Act, in ſuch Manner as they ſhall think fit; but no ſuch Reduction ſhall be made without the Conſent of the Perſon or Perſons to whom ſuch Tolls ſhall or may be then leaſed, nor unleſs the Perſon or Perſons who ſhall then be entitled to Two-thirds of the Money which ſhall be then owing on the Credit of the ſaid Tolls ſhall be conſenting thereto; and no ſuch Meeting ſhall be had for any of the Purpoſes aforeſaid, unleſs Fourteen Days Notice at the leaſt ſhall have been given thereof in Writing affixed on all the Turnpikes acroſs the ſaid Road, and publiſhed in ſome One or more of the *Mancheſter* or *Liverpool* Newſpapers.

Application of the Money in the Treaſurer's Hands, and to be received from the Tolls.

XLII. And be it further enacted, That out of the Monies already received by virtue of the ſaid recited Acts or any of them, and now in the Treaſurer's Hands, or out of the firſt Money which ſhall be raiſed by Tolls, Mortgages or otherwiſe by virtue of this Act, the ſaid Truſtees or any Five or more of them ſhall pay and diſcharge all the Coſts and Expences relative to the obtaining and paſſing of this Act, and the Remainder of the Money ſo raiſed ſhall from Time to Time be applied in keeping down the Intereſt of the Principal Monies by the ſaid recited Acts or any of them charged, and which by virtue of and under the Powers of this Act may be borrowed on the Credit thereof, and in the repairing, widening, varying, altering, turning and keeping the ſaid Road in Repair, and otherwiſe putting this Act into Execution, and afterwards in repaying ſuch principal Monies, and to or for no other Uſe or Purpoſe whatſoever.

XLIII. And

Trustees may borrow Money on the Security of the Tolls.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall have been given in Writing under the Hand of their Clerk, and affixed upon all the said Turnpikes, and advertised in the said *Manchester* and *Liverpool* Newspapers or One of them, and they are hereby empowered from Time to Time to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall think fit, and they may and are hereby empowered to assign the said Tolls, or any Part thereof, together with the Turnpikes and Toll Houses for collecting the same, to any Person or Persons, or his, her or their Trustee or Trustees, who shall advance the same, by the following Words, under their Hands and Seals, or by any other Words to the following Effect; to wit,

Form of Mortgage.

'BY virtue and in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], and in consideration of the Sum of to the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by *A. B.* we whose Hands and Seals are hereunto subscribed, being Five of the said Trustees, do assign unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and upon the said Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum advanced or to be advanced on the Credit thereof; to have, hold, receive, and take the Proportion of the said Tolls hereby assigned unto the said *A. B.* his Executors, Administrators, and Assigns, from the Day of the Date hereof, until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid: As Witness our Hands and Seals this Day of in the Year of Our Lord'

And Copies of all such 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 which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and that all Persons to whom any such Mortgage or Assignment shall be made, or who shall be possessed of any Mortgage made by virtue of the said recited Acts, or any of them, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage or Mortgages, or the Principal and Interest thereby secured, to any Person or Persons whomsoever, by endorsing on the Back of such Security, in the Presence of a credible Witness, the following Words, or Words to the like Effect; (*videlicet*)

Form of Assignment.

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

'Witness *G. H.* *E. I.*'

Which Transfer and Assignment shall be produced and notified to the said Clerk or Treasurer within Two Calendar Months after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Date, Names of the Parties, and Sums of Money therein transferred, for which such Clerk or Treasurer shall

ſhall be paid the Sum of Five Shillings and no more, and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof and Payment thereon, and ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon who ſhall have made ſuch Aſſignment or Transfer, to make void, releaſe, or diſcharge the original Security, or any Monies due thereon; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall have been made by virtue of the ſaid recited Acts, or any of them, or that ſhall be made by virtue of this Act, ſhall be, in Proportion to the Sum or Sums therein reſpectively mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies.

Power to make further Improvements.

XLIV. And be it further enacted, That in caſe the ſaid Truſtees, or any Five or more of them, ſhall at any Time hereafter judge it neceſſary, for the Improvement or Advantage of the ſaid Roads, or any of them, that the ſame ſhould be widened, turned, or altered, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to widen, divert, turn, vary, or alter the Courſe or Path of the ſaid Roads, or any of them, or any Part or Parts thereof, through or over any Commons or Waſte Grounds in the ſeveral Pariſhes or Places in which the ſaid Road lies, without making any Satisfaction for the Land or Ground to be uſed for that Purpoſe, and alſo in, upon, through, or over any private Lands, Grounds, or Premiſes, firſt having the Conſent in Writing of the Owners thereof, and Perſons intereſted therein, and alſo upon, through, or over any Lands, Grounds, or Premiſes, which ſhall be previouſly purchaſed by the ſaid Truſtees for that Purpoſe.

Contract for Lands.

XLV. And be it further enacted, That for the Purpoſes aforeſaid it ſhall be lawful for the ſaid Truſtese, or any Five or more of them, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands or Hereditaments, for the Purchaſe thereof, or of their Intereſt therein; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Femes Covert, Infants or Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons whomſoever, and alſo for all Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and for all and every Perſon and Perſons whomſoever who are or ſhall be poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Five or more of them, for the Purchaſe thereof, and to ſell and convey unto them the ſaid Truſtees, or any Five or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be good and valid to all Intents and Purpoſes, any Law, Statute, or Uſage, or other Matter, to the contrary in any wiſe notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sale, Huſbands, Guardians, Truſtees, Feoffees,

Committees, Executors, Adminiſtrators, Femes Covert, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

Lands to be laid into the Road, and former Road may be ſo or ſtopped up.

XLVI. And be it further enacted, That every Sum of Money which ſhall be agreed to be paid for any Lands or Hereditaments ſo to be purchaſed by the ſaid Truſtees for the Purpoſes of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or other Money to ariſe by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, (or in caſe of incapacitated Perſons, upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed), and after Thirty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct, and ſhall to all Intents and Purpoſes become and be and be deemed to be a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be formed and completed, then the Lands compriſed in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up and left unrepaired (unleſs the ſame may be wanted for any public Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead), or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, as herein-after mentioned, or exchanged for other Lands uſed for the Purpoſes of this Act; and in all Places where the Courſe of any Part of the preſent Road ſhall be diverted by virtue of this Act from the old Line of Road, or a new Road ſhall be made (except over and through any Common Field Land or Common or Waſte Ground), or where the old Road ſhall be widened, in all ſuch Caſes (except as aforeſaid) the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe good and ſufficient Mounds, Rails, and Fences to be made and provided, and Quickſets to be planted in an huſbandlike Manner, or ſufficient Stone Walls to be built on both Sides of ſuch Roads, where the ſame is neceſſary; and ſhall ſupport ſuch Mounds, Walls, Rails, and Fences, for and during the Term of Seven Years from the firſt making thereof.

Roads to be fenced.

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

XLVII. And whereas by reaſon of the Purchaſes which the ſaid Truſtees are empowered to make by virtue of this Act, or by reaſon of the diverting of ſome Part or Parts of the ſaid Roads, they may happen to be ſeiſed of ſome Piece or Pieces of Ground, and of ſome Piece or Parcel of old Road, over and above what ſhall be neceſſary for effecting the Purpoſes of this Act; be it therefore enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby required to ſell and diſpoſe of ſuch Piece or Pieces of Land, or Piece or Pieces of old Road, either together or in Parcels, as they ſhall find moſt convenient and advantageous, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame; and the Conveyance to be made of ſuch Lands,

being executed by Five or more of the ſaid Truſtees, and enrolled with the Clerk of the Peace for the County of *Lancaſter*, ſhall be good, valid, and effectual to all Intents and Purpoſes; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees of ſuch Piece or Pieces of 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.

First Offer to whom to be made.

XLVIII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Lancaſter* (who are hereby reſpectively empowered to take ſuch Affidavit), by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed, or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ, or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices in Seſſions aſſembled for the ſaid County of *Lancaſter*, upon Application made to them by or on Behalf of the ſaid Truſtees, on Fourteen Days Notice of ſuch Application having been firſt given to the Perſon or Perſons ſo deſirous of purchaſing ſuch Piece or Pieces of Ground; and the ſaid Juſtices are hereby empowered and required to hear, ſettle, and aſcertain ſuch Price or Prices accordingly, and alſo the Coſts of ſuch Application.

Application of Compenſation Money when amounting to 200*l.*

XLIX. 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 thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts,

or

or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and 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, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If under 200*l.* and exceeding 20*l.*

L. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under 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 Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by 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 Manner herein-before directed, as far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If under 20*l.*

LI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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

or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy or Lunacy then to his, her or their Guardian or Guardians, Committee or Committees to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

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

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

When any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe, ſhall be deemed entitled thereto, according to ſuch Poſſeſſion only.

LIII. 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, Tenements or Hereditaments, or of any Eſtate, Right, Title or Intereſt in any Lands, Tenements or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of any ſuch Lands, Tenements or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends and 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

unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

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

Surveyors may get Gravel.

LV. And be it further enacted, That the Surveyor or Surveyors to be from Time to Time appointed by the ſaid Truſtees, and ſuch other Perſons as ſhall be employed by ſuch Surveyor or Surveyors, is and are hereby empowered to ſearch for, cut, dig, gather, take, and carry away any Furze, Heath, Stones, Chalk, Flint, Gravel, Sand, or other Materials proper for repairing the ſaid Road, out of and from any Commons or Waſte Ground, Common Rivers, Brooks, or Watercourſes, in or running through any Pariſh, Townſhip, or Place, in which any Part of the ſaid Road lies, or in or running through any adjoining Pariſh, Townſhip, or Place, where the ſame can be moſt conveniently had or found, without paying any Thing for the ſame; ſuch Surveyor or Surveyors, or other Perſon or Perſons, filling up the Pits, or ſloping the Sides thereof, and levelling the Ground from whence ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo by Order of the ſaid Truſtees, or any Five or more of them, made at any Meeting, to ſearch for, dig, gather, take, and carry away any ſuch Materials as aforeſaid, in, upon, or out of, from and over the Stone Quarries and Lands of any Perſon or Perſons, ſituate in any Townſhip, Pariſh, or Place, in which any Part of the ſaid Road ſhall lie or be ſituate, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any Houſe, or any incloſed Grounds planted or ſet apart as a Nurſery for Trees, paying or tendering Payment of ſuch Rates for ſuch Materials, and alſo for the Damage done to ſuch private Lands over which any Materials gotten in any Commons or Waſte Ground, Stone Quarries, Common River, Brook, or Watercourſe, or private Grounds ſhall be conveyed, as the ſaid Truſtees or any Five or more of them ſhall adjudge reaſonable; and in caſe any Difference ſhall ariſe between the ſaid Truſtees, Surveyor and Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the Owners or Occupiers of ſuch incloſed or private Lands, or any or either of them, concerning ſuch Satisfaction or Damage as aforeſaid, any Two or more of His Majeſty's Juſtices of the Peace of and for the ſaid County of *Lancaſter*, on Seven Days Notice thereof, to be given

in Writing 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 their reſpective Places of Abode, with ſome or One of their reſpective Families, ſhall on View of the Premiſes hear, ſettle, and determine the Matter of ſuch Satisfaction or Damage, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties.

Materials not to be taken from incloſed Grounds without an Order from the Juſtices.

LVI. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons under the Authority of this Act, to dig, get, gather, take, or carry away any ſuch Materials as aforeſaid, in or from any incloſed or private Lands, Grounds, or Premiſes, until after Seven Days Notice in Writing, ſigned by the ſaid Surveyor, or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owner or Occupier of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at his or their uſual Place of Abode, requiring him or them to appear before Two or more Juſtices of the Peace acting for the County, Riding, Diviſion, or Diſtrict in which the Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhould not be gotten or taken away; and ſuch Juſtices, after hearing the Parties concerned, ſhall, if they ſhall think proper, authorize ſuch Surveyor or other Officer to enter, dig, take, gather, and carry away ſuch Materials at ſuch Time or Times, and in ſuch Manner, as to ſuch Juſtices ſhall ſeem proper or reaſonable; and if ſuch reſpective Owner or Occupiers ſhall not by themſelves or their reſpective Agents attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order thereon as they ſhall think fit, in the like Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials raiſed by Surveyors.

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

Surveyors may remove Annoyances, &c.:

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the ſaid 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 in Writing for that Purpoſe from the ſaid Truſtees, or any Five or more of them), to remove all Annoyances on any Part of the ſaid Roads, by Filth, Timber, Stones, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to convert the ſame to his and their own Uſe and Uſes, and to turn any Watercourſes, Sinks, or Drains running into, along, or out of the ſaid Road, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper, or to fill up and level any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and large as he or they ſhall think neceſſary, and at proper Seaſons of the Year to cut down, lop, or

or top any Trees, Shrubs, or Bushes growing in the said Road, or hanging over the same, (such Trees, Shrubs, or Bushes, not being for the Ornament of any Lawn, Park, or Pleasure Grounds, of or belonging to or the Shelter of any Mansion or Dwelling House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to lop or top, cut down, and 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 shall direct or require, for the Space of Seven Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; and the Charges attending such Work, to be settled by the said Trustees, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures given and imposed by this Act are herein-after directed to be recovered and applied; and if after Removal of the said Annoyances any Person shall offend again in the like Kind, every such Person shall for every Second or subsequent Offence forfeit and pay the Expence of removing such Annoyances, and any Sum not exceeding Five Pounds.

And make Causeways and Drains;

LIX. 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 direct or appoint, (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make Causeways, and also Ditches or Drains, and Arches and Bridges, in or upon, or on the Sides of the said Road, and also through any Grounds adjoining thereto, in order to conduct the Water off the said Road, such Grounds respectively not being the Grounds whereon any House or other 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, to be made use of as a Public Highway; and also by Order of the said Trustees to erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and across any Stream, Brook, Water, Ditch, or Drain therein, or adjoining thereto, making such Recompence to the Owners and Occupiers of the Private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees wherein or in relation whereto such Works, Matters, and Things shall be done or performed; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground.

and erect Bridges.

Mile Stones and Guide Posts to be continued and set up when wanted.

LX. And be it further enacted, That the said Trustees shall hereafter continue or cause to be set up, whenever the same shall be wanted, Stones or Posts in or upon or near the Sides of the said Road, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Number of Miles and Distance of Places; and also erect such Guide and Direction Posts, with such Inscriptions thereon as they the said Trustees shall think proper; and if any Person or Persons shall wilfully pull down, break, or damage any such Stone or Post, or deface or obliterate any of the Letters, Figures, or Marks inscribed thereon, or shall cause or procure the same to be done, every such Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds, to be recovered in the same Manner as other Penalties and Forfeitures imposed by this Act

are

are recovered, One Half whereof shall be paid to the Informer, and the other Half shall be applied in such Manner as the Penalties are herein-after directed to be applied.

Trustees empowered to contract for the Repair of the Road.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Writing under their Hands and Seals, to contract and agree with any Person or Persons who shall be willing to undertake the same, for the repairing, widening, altering, varying, and amending any Part or Parts of the said Roads, for and during any Time not exceeding Three Years, at such Rate or Price for every Mile thereof in Length, or otherwise, as to the said Trustees, or any Five or more of them, shall seem reasonable, so as Ten Days Notice in Writing thereof, under the Hand of the Clerk to the said Trustees, shall be affixed upon the said Turnpike Gates, and inserted in some One or more of the *Manchester* or *Liverpool* Newspapers.

Persons chargeable to Statute Work to continue so.

LXII. Provided always, and be it enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall and may be lawful for

Justices to determine Differences touching Statute Work.

any Two or more Justices of the Peace for the said County of *Lancaster*, and they are hereby required and empowered (upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions, as is, or are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees, or the Surveyor and Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Pay-

ment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons ſhall or may be ſubject and liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes, Townſhips, or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LXIII. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Truſtees to compound and agree by the Year, or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Commitees of Lands, Tenements or Hereditaments, or other Property which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, 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, or ſuch Churchwardens or Overſeers of the Poor reſpectively 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 Public Meeting of ſuch Inhabitants, to compound and agree by the Year, or otherwiſe, with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by all the Inhabitants of ſuch Pariſhes, Townſhips, or Places reſpectively, upon any Part or Parts of the ſaid Road, and ſuch Compoſition Monies ſhall be from Time to Time paid in Advance, and ſhall be applied in Repair of the ſaid Road; and all ſuch Surveyors, Churchwardens, and Overſeers of the Poor, ſhall be reimburſed the Money ſo by them paid, in ſuch Manner as Surveyors of the Highways, are by the Laws now in being to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Penalty if Drag Iron not put under Wheels dragging down any Hill.

LXIV. Provided always, and be it further enacted, That if any Perſon or Perſons, at any Time or Times after the Commencement of this Act, ſhall lock or drag the Wheel or Wheels of any Waggon, Cart, or other Carriage, down any Hill or Hills, or upon any other Part of the Road to be repaired by virtue hereof, every ſuch Perſon or Perſons ſhall affix a flat Drag Iron, or other Inſtrument, under the Sole of the Wheel or Wheels of ſuch Waggon, Cart, or other Carriage, which ſhall be One Inch broader than the Fellies of the Wheel or Wheels under which the ſame ſhall be ſo affixed, on Pain of the Driver of every ſuch Waggon, Wain, Cart, or other Carriage, forfeiting any Sum not exceeding the Sum of Five Pounds for every ſuch Offence.

Horſes, Aſſes, &c. wandering and depaſturing, may be ſeized and impounded.

LXV. And be it further enacted, That if any Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle, Sheep, or Swine, ſhall be found wandering or depaſturing upon or on the Sides of any Part of the ſaid Road, the Owner or Owners of ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, ſhall reſpectively forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, to be recovered in ſuch Manner as the other Penalties impoſed by this Act are herein directed to be recovered and levied; and the Surveyor and Surveyors of the ſaid Road, and all and every other Perſon and Perſons, are hereby authorized to cauſe all ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, as ſhall be found wandering or depaſturing upon the ſaid Road, or on the Sides thereof, to be impounded until the Complaint againſt the Owner or Owners thereof can be heard before ſome one of the Juſtices of the Peace acting for the County of *Lancaſter*, or until the Owner or Owners of ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, ſhall pay the ſaid Penalty without having ſuch Complaint heard before ſuch Juſtice of the Peace; and in caſe ſuch Complaint ſhall be heard before ſuch Juſtice of the Peace, and ſuch Juſtice ſhall convict ſuch Owner or Owners, and order ſuch Penalty or Penalties to be paid, then ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, ſhall remain impounded until the Penalty or Penalties ſhall be paid, over and above the uſual Fee to the Proprietor or Keeper of the Pound in which ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, ſhall be ſo impounded; and if any Proprietor or Keeper of any ſuch Pound ſhall releaſe any ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine, which ſhall be ſo impounded as aforeſaid, without the Conſent of ſuch Surveyor or Surveyors, or other Perſon or Perſons ſo impounding, every ſuch Proprietor or Keeper ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Pounds; and in caſe any Perſon or Perſons ſhall diſturb or moleſt ſuch Surveyor or Surveyors, or any other Perſon or Perſons, in leading or driving ſuch Horſe or Horſes, Aſs or Aſſes, Mule or Mules, Cattle or Swine to Pound as aforeſaid, he or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, which ſaid ſeveral Penalties before mentioned ſhall be applied towards the Repair of the ſaid Road, and to or for no other Purpoſe whatſoever.

Aſhes, &c. not to be laid within Thirty Feet of the Centre of the Road.

LXVI. And be it further enacted, That if any Perſon ſhall bring or lay, cauſe, permit, or ſuffer to be brought or laid any Aſhes, Rubbiſh, Soil, Timber, Bricks, Stones, Dirt, Dung, Filth or other Annoyance, Nuiſance, or Obſtruction whatſoever, within the Diſtance of Thirty Feet from the Centre of the ſaid Road, every ſuch Perſon ſhall forfeit a Sum not more than

than Forty Shillings for every ſuch Offence, whereof One Moiety ſhall be allowed to the Informer or Informers, and the other Moiety to be employed by the ſaid Truſtees for the Benefit of the ſaid Road; ſuch Penalty and Forfeiture to be levied and recovered in the ſame or the like Manner, and by the ſame and the like Ways and Means as is herein-after contained with reſpect to the Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed.

Penalty on Perſons drawing Timber, &c.

LXVII. And be it further enacted, That if any Perſon ſhall hale or draw, or cauſe to be haled or drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages to drag upon any Part of ſuch Roads to the Prejudice thereof, or ſhall wilfully drive any loaded Waggon along any Foot or Horſe Cauſeway, being Part of or adjoining to the ſaid Road, or ſhall, without being thereto authorized by the Surveyor or Surveyors for the Time being, acting under this Act, ſhovel up, ſcrape, gather, take, or carry away any Stones, Gravel, Sand, Slutch, Mire, or Soil from or off any ſuch Cauſeway, or any other Part of the ſaid Road, or ſhall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on the ſaid Roads and Cauſeways, or any of them, to the Annoyance or Obſtruction thereof, or if any Perſon ſhall ride upon any Footway adjoining to the ſaid Roads, or ſhall wilfully drive any Horſe, or other Cattle, Sheep, or any Swine, or any Cart or other Carriage thereon, or ſhall wilfully or careleſsly cauſe any Damage to be done to ſuch Footways, or if the Driver of any Waggon, Wain, Cart, or other ſuch Carriage, ſhall wilfully or careleſsly pull up, break, or damage any Poſts or Stones erected for the Security of the ſaid Horſe Cauſeways, or wilfully or careleſsly drive the Wheel of any Carriage againſt the ſame, every ſuch Perſon ſhall forfeit a Sum not more than Five Pounds for every ſuch Offence, to be recovered as other Penalties and Forfeitures impoſed by this Act may be recovered, One Moiety or Half-part whereof ſhall be allowed to the Informer.

and for riding upon Footways, driving Cattle, &c. and damaging Horſe Cauſeways, &c.

For ſecuring tranſient Offenders.

LXVIII. 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 to ſome Juſtice of the Peace for the ſaid County of *Lancaſter*, near to the Place where the Offence or Offences ſhall be committed, in order to his, her, or their Conviction.

Penalties and Forfeitures how to be recovered and applied.

LXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorized to be impoſed (if the Manner of levying and recovering thereof be not herein otherwiſe directed), ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County of *Lancaſter*, or for the County or Place wherein the Offender ſhall be and reſide, either by the Confeſſion of the Party offending, or by the Oath of any Witneſs or Witneſſes, be levied by Diſtreſs and Sale of

the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby empowered and required 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 to the Owner of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines when paid or levied, (if not otherwiſe directed to be applied by this Act,) ſhall be from Time to Time paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied in Repair of the ſaid Road; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties, Forfeitures, and Fines ſhall not forthwith be paid, it ſhall be lawful for any Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender to be committed to the common Gaol of the County or Place where the Offender ſhall be and 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.

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted 'before me *C. D.* One of His Majeſty's Juſtices of the Peace for the 'County of [*ſpecifying the Offence and the Time and 'Place when and where the ſame was committed, and the Penalty or For-'feiture, as the Caſe ſhall require*]. Given under my Hand and Seal the 'Day and Year firſt above mentioned.'

Appeal to the Quarter Seſſions.

LXXI. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Act or Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace to be holden for the County of *Lancaſter*, within Four Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Fourteen Days Notice at leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof to the Clerk or Treaſurer to the ſaid Truſtees of this Act, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Lancaſter*, with Two ſufficient Sureties in the Sum of Forty Pounds for each ſuch Perſon, and his or her Sureties jointly and ſeverally conditioned to try ſuch Appeal and abide the Order of and to pay ſuch Coſts as ſhall be awarded by ſuch Juſtices at ſuch Quarter Seſſions; and the Juſtices of ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid

ſaid Juſtices ſhall think proper; and the Determination of the Juſtices at ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Proceedings not to be quaſhed for Want of Form.

LXXII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders againſt this Act, ſhall be quaſhed for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or into the Court of Common Pleas, or any other Court for the ſaid County Palatine of *Lancaſter*; and that as often as any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe.

Tender of Amends may be made.

LXXIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or other Proceedings under or by virtue of this Act, 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 Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court in which any ſuch Action ſhall depend, at any Time before ſuch Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings or Order and Judgment ſhall be had, made and given, in and by ſuch Courts as in other Actions in which the Defendant is allowed to pay Money into Court.

Limitations of Actions.

LXXIV. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Fourteen Days Notice in Writing ſhall have been given thereof to the Clerk or Clerks to the Truſtees of this Act, nor after ſufficient Satisfaction or Amends, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid, brought and tried in the ſaid County of *Lancaſter*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may, at his, her or their Election plead ſpecially, or the general Iſſue, not guilty, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought before Fourteen Days Notice ſhall have been thereof given as aforeſaid, or after a ſufficient Satisfaction or Amends made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any

other County, then the Jury shall find a Verdict for the Defendant or Defendants in such Action; and in case of a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

Treble Costs.

Public Act.

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

Commencement and Continuance of this Act.

LXXVI. And be it further enacted, That this Act shall commence and take place on the passing thereof, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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