ANNO TERTIO

GEORGII IV. REGIS.

Cap. iii.

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

[3d *April* 1822.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing, widening, and amending the Roads from* Wigan *to* Preston, *in the County Palatine of* Lancaster; *and for repealing several Acts made in the Thirteenth Year of King* George *the First, and the Fourth and Twenty-third Years of His late Majesty, relating to the said Roads:* And whereas another Act was passed in the Thirty-fifth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act of the Nineteenth Year of His present Majesty, for more effectually repairing, widening, and amending the Roads from* Wigan *to* Preston, *in the County Palatine of* Lancaster: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to alter and amend Two Acts passed in the Nineteenth and Thirty-fifth Years of His present Majesty, for repairing the Roads from* Wigan *to* Preston, *in the County Palatine of* Lancaster: And whereas a considerable Sum of Money has been borrowed upon the Credit of the Tolls granted by the said recited Acts, and the same still remains due and owing thereon, which Money cannot be repaid, nor

19 G. 3. c. 92.

35 G. 3. c. 145.

44 G. 3. c. 11.

can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Terms granted by the said recited Acts be enlarged; and as the Powers and Provisions of the said recited Acts have been found in many respects defective and insufficient, it would be more convenient to the Trustees and beneficial to the said Roads if the said recited Acts were to be repealed, and further and more effectual Powers granted in lieu thereof: And whereas it will tend to the Accommodation of the Public and the Inhabitants of the neighbouring Parts, if Power is given to divert and alter the Course of the said Roads in Manner following, *videlicet*, from a certain Place called *Whittle Stocks*, in the Township of *Walsh Whittle* in the said County, and ending at an Angle or Turn in the present Road in the Township of *Charnock Richard* in the said County, opposite to Lands in the Possession of *James Corner*, and near the Seventh Mile Stone from *Wigan*, which said Diversion is in the said Townships of *Walsh Whittle* and *Charnock Richard*, and in the Parish of *Standish*, in the said County; another Diversion commencing about the Middle of *Pincock Brow*, in the Township of *Charnock Richard* aforesaid, and ending near the Top of *Channel Brow*, in the Township of *Euxton*, in the said County, which said last mentioned Diversion is in the said Townships of *Charnock Richard* and *Euxton*, and in the said Parish of *Standish*, and in the Parish of *Leyland*, in the said County; another Diversion commencing from the Top of *Clayton Green*, in the Township of *Clayton-in-le-Woods*, in the said County, and ending near a Place called *Rotheram Top*, in the Township of *Whittle-in-le-Woods*, in the said County, which said last-mentioned Diversion is in the said Townships of *Clayton-in-le-Woods* and *Whittle-in-le-Woods*, and in the said Parish of *Leyland*; another Diversion commencing near the Top of a certain Hill near *Hartwood Green Gate*, in the Township of *Chorley*, in the said County, and ending at the Top or Upper Part of the Hill, in the Town of *Chorley* called *The Church Brow*; another Diversion commencing near the Summit of a certain Hill commonly called *Red Bank Brow*, and ending near the Bottom of the said Brow, which said Two last-mentioned Diversions are in the Township and Parish of *Chorley* in the said County: 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 on the Eleventh Day of *April* One thousand eight hundred and twenty-two, the said recited Acts shall be, and the same are hereby declared to be repealed, and null and void, and that on the same Day this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, widening, altering, diverting, turning, and improving the Roads between the Boroughs of *Wigan* and *Preston* aforesaid, leading from the present Toll Bars in or near *Standish Gate Street*, in the Town of *Wigan* aforesaid, through the several Townships of *Wigan*, *Standish with Langtree*, *Coppul*, *Walsh Whittle*, *Charnock Richard*, *Euxton*, *Leyland*, *Clayton-in-le-Woods*, *Cuerden*, *Walton-in-le-Dale*, *Fishwick*, and *Preston*, to the present Toll Bars in *Church Street*, in the Town of *Preston* aforesaid; and also from the said Toll Bars in the Town of *Wigan*, through the several Townships of *Wigan*, *Standish with Langtree*, *Worthington*, *Adlington*, *Coppul*, *Duxbury*, *Chorley*, *Whittle-in-le-Woods*, *Brindle*, *Clayton-in-le-Woods*, *Walton-in-le-Dale*, *Fishwick*, and *Preston*, to the said Toll Bars in the Town of *Preston*; and this

Repeal of former Acts.

this Act and the Tolls hereby granted shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads, and also the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

Trustees. II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Time being for the said County Palatine of *Lancaster*, together with the several other Persons named in the First Schedule to this Act annexed, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, repairing, altering, diverting, turning, and improving and keeping in Repair so much and such Parts of the said Roads as are situate on the Southern Side of the Middle of the River *Yarrow*, and for otherwise putting this Act into Execution in respect to the same Parts of the said Roads, and shall be called 'The Trustees of the *Wigan* and *Preston* Roads South of *Yarrow*;' and that all His Majesty's Justices of the Peace acting for the Time being for the said County Palatine of *Lancaster*, together with the several other Persons named in the Second Schedule to this Act annexed, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, repairing, altering, diverting, turning, and improving and keeping in Repair so much and such Parts of the said Roads as are situate on the Northern Side of the Middle of the said River *Yarrow*, and for otherwise putting this Act into Execution in respect to the same Parts of the said Roads, and shall be called 'The Trustees of the *Wigan* and *Preston* Roads North of *Yarrow*;' and that the said Roads and Parts of Roads so respectively divided by the River *Yarrow* shall form Two and separate Divisions or Districts, to be respectively known as 'The District of the *Wigan* and *Preston* Roads South of *Yarrow*,' and 'The District of the *Wigan* and *Preston* Roads North of *Yarrow*,' and shall be under the separate Management and Controul of the respective Bodies of Trustees above appointed, and their Successors, to be elected as herein-after mentioned.

Trustees to hold General Annual Meetings for settling the Accounts. III. And be it further enacted, That the said Trustees of the *Wigan* and *Preston* Roads South of *Yarrow*, or any Five or more of them, shall hold an Annual Meeting at some public Inn in *Wigan* aforesaid, upon some *Thursday* in the Month of *August* in every Year, which Meeting shall be called 'The General Annual Meeting of the Trustees of the *Wigan* and *Preston* Roads South of *Yarrow*;' and that the said Trustees of the *Wigan* and *Preston* Roads North of *Yarrow*, or any Five or more of them, shall hold an Annual Meeting at some public Inn in *Preston* aforesaid, upon some *Thursday* in the Month of *August* in every Year, which Meeting shall be called 'The General Annual Meeting of the 'Trustees of the *Wigan* and *Preston* Roads North of *Yarrow*;' and at each of the said Meetings the said respective Trustees, or any Five or more of them, shall audit the Annual Accounts of the Treasurers, Clerks, Surveyors, and Collectors of the said respective Roads and Tolls, and of all other Persons employed in the Receipt or Expenditure of any of the Money arising by virtue of this Act in the said respective Districts, and shall examine any such Treasurer, Clerk, Surveyor, and Collector relating

relating to his Accounts; and the said respective Trustees may then and there pass such Accounts, or such of them and so much thereof respectively as they shall think proper.

Election of new Trustees.

IV. And be it further enacted, That when and so often as any Trustee or Trustees acting for either of the said Districts shall die, neglect or refuse to act, or by Bankruptcy or Insolvency or otherwise be disqualified to act in the Execution of this Act, it shall and may be lawful for the surviving or remaining Trustees of the said Roads South of *Yarrow* and North of *Yarrow* respectively, to which such Trustee or Trustees, so dying, neglecting, refusing, or being disqualified to act, belonged, or any Five or more of them, to elect and appoint one or more Person or Persons to be a Trustee or Trustees of the said Roads South of *Yarrow* or North of *Yarrow* as the Case may be in the Room and Stead of such Trustee or Trustees so deceased, or neglecting or refusing to act, or becoming Bankrupt or Insolvent, or disqualified; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks of the Trustees of the said Roads South of *Yarrow* or North of *Yarrow*, for which such Trustee acted, by affixing the same upon the respective Turnpikes or Toll Gates or Toll Houses now erected or hereafter to be erected within the District of Roads South of *Yarrow* or North of *Yarrow* (as the Case may be) for which the Election of a Trustee or Trustees is to take place, and also by inserting the same in some Newspaper printed and circulated in the Neighbourhood of the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected (being duly qualified) are hereby vested with the same Powers for putting this Act into Execution within the District for which they shall be elected, as the Person or Persons in whose Place or Places they shall be respectively chosen were vested with.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee of either of the said Districts of Roads in the Execution of this Act, unless he shall at the Time of acting be, in his own Right or in the Right of his Wife, seised of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprises, or shall be Heir Apparent of some Person or Persons seised of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or shall have or be possessed of a Personal Estate to the Amount or Value of Four thousand Pounds, clear of all Debts and Incumbrances; nor shall any Person be capable of acting as a Trustee of either of the said Districts in the Execution of this Act (except at the First Meeting after passing this Act in administering the Oath hereinafter mentioned), until he shall have taken and subscribed, at some Meeting of the Trustees of the District for which he shall be appointed or elected a Trustee, to be held pursuant to this Act, at which not less than Two Trustees duly qualified shall be present, an Oath or Affirmation in the Words or to the Effect following:

Oath.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, 'I do solemnly affirm], That I truly and *bonâ fide* am, in my own

'Right

'Right or in Right of my Wife [*as the Case may be*], seised of and 'in the actual Possession or Receipt of the Rents and Profits of Freehold 'or Copyhold Lands, Tenements, or Hereditaments, of the clear annual 'Value of One hundred Pounds above Reprizes; (*and in case of an 'Heir Apparent*), I *A. B.* do swear, [*or*, being one of the People called '*Quakers*, do solemnly affirm], That I am Heir Apparent of *C.D.*, who 'to the best of my Knowledge and Belief is truly and *bonâ fide* seised of 'and in the actual Possession or Receipt of the Rents and Profits of Free-'hold or Copyhold Lands, Tenements, or Hereditaments of the clear 'yearly Value of Two hundred Pounds, above Reprizes; (*and in case of 'Personal Estate*), I *A. B.* do swear, [*or*, being one of the People called '*Quakers*, do solemnly affirm], That I have or am possessed of a Per-'sonal Estate of the Amount or Value of Four thousand Pounds, clear 'of all Debts and Incumbrances; and that I the said *A. B.* will truly and 'faithfully execute the Powers and Trusts reposed in me by virtue of an 'Act passed in the Third Year of the Reign of His Majesty King *George* 'the Fourth, intituled [*here set forth the Title of this Act.*]'

Which Oath or Affirmation any One of the said Trustees of the said respective Districts, present at any Meeting of the said Trustees of the District for which he shall act, is hereby empowered to administer.

Trustees interested or holding Places of Profit, or keeping Victualling Houses, &c. not to act.

VI. Provided also, and be it further enacted, That no Person, appointed or to be appointed a Trustee by virtue of this Act, shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest (except as herein-after provided), nor whilst he holds any Place or Employment of Profit under the said Trustees of either of the said Districts, or this Act, nor during the Time he shall keep a Victualling House, or other House of public Entertainment, or who shall sell Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail, or who shall be interested or concerned in the Performance of any Contract under the said Trustees of the said Districts, or either of them, or who shall be a Lessee or Farmer of the Tolls, or of any Part or Parts thereof, under the said Trustees of the said Districts, or either of them; and if any Person not being qualified as herein-before mentioned and required, or being disqualified by any of the Causes also herein-before mentioned, or not having taken and subscribed the Oath herein-before mentioned, or, being a Quaker, not having made and subscribed the Affirmation herein-before mentioned, shall nevertheless presume to act as a Trustee of either of the said Districts in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee of either of the aforesaid Districts in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person, previously to his being convicted of the Offence before

mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided always, that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that account only be deemed unqualified to act as a Trustee of either of the said Districts in the Execution of this Act; and any of the Trustees appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act, notwithstanding their being such Trustees, except in such Cases only wherein they shall be personally interested, otherwise than as a Trustee, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Tolls granted by this Act.

Mortgagees may act as Trustees, and Trustees may act as Justices of the Peace, except where personally interested.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees of the *Wigan* and *Preston* Roads South of *Yarrow* shall meet at the House at present occupied by *James Clare*, and known by the Sign of the *Eagle and Child*, or at some other convenient Place in *Wigan* aforesaid, and the said Trustees of the *Wigan* and *Preston* Roads North of *Yarrow* shall meet at the *Bull* Inn, in *Preston* aforesaid, now in the Occupation of *Thomas Scott*, or at some other convenient Place, on the Eleventh Day of *April* One thousand eight hundred and twenty-two, between the Hours of Ten and Three o'Clock, at which Time and Places the said Trustees of the said respective Districts of Roads South and North of *Yarrow* shall proceed to put this Act into Execution, and shall then respectively adjourn themselves to the same or such other Places upon or near the said Roads within their several Districts as the said Trustees of the said Districts respectively, or any Three or more of them, shall think proper or convenient, for putting this Act into Execution; and if it shall happen at any such Meeting to be holden for either of the said Districts that there shall not appear a sufficient Number of Trustees to proceed in the Execution of this Act, or in case the Trustees assembled at any Meeting for either of the said Districts shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees of the District of Roads South of *Yarrow* or North of *Yarrow* for which such Meeting was to have been or shall have been held, shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed on all the Turnpike Gates then erected within the said District, and also inserted once in some public Newspaper printed or circulated in the Neighbourhood through which the said Roads do pass, at least Ten Days before the next Meeting, appoint the said Trustees so neglecting to meet or adjourn, to meet at the House where the last Meeting was held, or was appointed to be held, on such Day as shall be specified in such Notice; and in case the Clerk or Clerks to the said Trustees of either of the said Districts respectively shall refuse or neglect to give such Notice, it shall and may be lawful for any Two or more of the said Trustees of the District for which the Clerk so refusing or neglecting shall act, although not assembled at a Meeting, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees of the District for which such Trustees giving Notice shall act, to meet at the House where the last Meeting was held or appointed to be held, or some other convenient House upon or near to the said Roads, upon the Day Three Weeks after the Date of such last mentioned Notice; but no Business shall be done by the said Trustees

If Clerk shall omit or neglect to call such Meetings, Trustees may do it.

of the said Districts respectively, at any Meeting to be held under this Act, before the Hours of Ten of the Clock in the Forenoon, and no Adjournment shall be made or any Meeting be appointed to be held at any Hour later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees of the said Districts respectively, at all their Meetings, shall defray their own Expences, save and except the Charges for the Rooms in which such Meetings shall be held, which Charges the respective Treasurer or Treasurers to the said Trustees of each of the said Districts is and are hereby authorized to pay; and all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees of the said Districts, or either of them, shall and may be had, made, done, and exercised by or before the Majority of the Trustees present at such respective Meetings, the whole Number present not being less than Three, except in such Cases where any other Number is herein mentioned; and all Orders and Proceedings had, made, or done by or before such Three of the Trustees of the said respective Districts, shall have the same Force and Effect, and be as binding and conclusive on all Persons, to all Intents and Purposes, as if the same were had, made, done, or executed by or before all the Trustees of the same District: Provided always, that no Order or Proceeding of the Trustees of either of the said Districts shall be or be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except as herein is particularly mentioned), nor unless there shall be present at such Meeting Three Trustees at the least, except for the Purpose of Adjournment, for which Two shall be sufficient, nor unless the Majority of the Trustees present shall concur therein; nor shall any such Order or Proceeding be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless the Person or Persons desirous of having any such Order revoked or altered shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, by whom such Order or Proceeding shall have been made or taken, to be by him or them affixed and inserted in the Manner herein-before mentioned in case of Notices of Meetings, nor unless a Majority of the Trustees present at such subsequent Meeting, such Majority to consist of Five Trustees at the least, shall concur in such Revocation or Alteration; and at every Meeting of the said Trustees of the said Districts respectively a Chairman shall be appointed, and when and as often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have and he is hereby empowered to give a double or casting Vote.

Hours of Meeting.

Trustees to defray their own Expences, except for Room.

Three Trustees a Quorum.

Orders to be made at Meetings only.

Orders not to be revoked, unless Notice given of an Intention to revoke such Orders.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees of either of the said respective Districts, it shall and may be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the Trustees of the District for which such earlier Meeting is to be held, upon an Order in Writing signed by any Two or more of the acting Trustees of such District, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in such Order (not being less than Ten

Meetings on Emergencies.

Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly, and all the Proceedings of the said Trustees of the said Districts respectively at any such Meeting, shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment.

Proceedings to be entered in a Book.

IX. And be it further enacted, That all Orders and Proceedings of the said respective Trustees in each of the said Districts, together with the Names of the Trustees present at every Meeting, shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Clerks to the said Trustees of each of the said Districts respectively, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had; and that such Book or Books shall at all seasonable Times be open to the Inspection of any of the said Trustees of the District to which such Books shall relate, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken by the said Trustees shall be entered, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, and shall be Evidence of such Order or Orders.

Books used under former Acts to be Evidence.

X. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees and Committees for executing the said recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

XI. And be it further enacted, That the said Trustees of each of the said Districts respectively shall and they are hereby required from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Clerks and by the Treasurer or Treasurers respectively appointed by them in their several Districts, in which Book or Books each of the said Clerks and Treasurers for the Time being shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the respective Roads within the District for which the Clerk or Clerks, Treasurer or Treasurers making the Entries shall act, and to which the Book or Books wherein the same shall be made shall relate, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees of the District to which the said Book or Books shall relate, or of any Creditor or Creditors on the Tolls hereby granted within the same District, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Clerks shall not permit, or

shall refuse to permit the said Trustees or such Creditors, or any of them to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees may appoint Officers.

XII. And be it further enacted, That the said Trustees of each of the said Districts respectively shall and may, at the first or any subsequent Meetings to be severally held by them for the District for which they shall act, as occasion shall require, elect and appoint a Clerk or Clerks, Surveyor or Surveyors, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall from Time to Time think proper; which said Clerk or Clerks, Surveyor or Surveyors, and other Officers and Persons so to be elected and appointed, shall act for the said District South of *Yarrow* or North of *Yarrow* respectively, as they shall be elected or appointed by the Trustees South or North of *Yarrow*; and that the said Trustees of each of the said Districts shall and may from Time to Time, as they shall see Occasion, remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as shall have been respectively appointed by them within their several Districts, and from Time to Time appoint others in the room of such of them as shall be so removed, or shall die, or resign, or refuse or neglect to perform, or become incapable of performing, their Duty; and the said Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, and other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time, as often as they shall be called upon for that Purpose, produce and give unto the Trustees of the District by whom they shall have been appointed, true and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees of the District by whom they shall have been appointed, or to such Person or Persons, or to such Uses or Purposes, as the said Trustees shall direct and appoint; and if any of the said Officers or other Persons shall refuse to give such Account or Accounts as aforesaid, or to produce and deliver to the said Trustees of the said respective Districts by whom they shall have been appointed the Receipts and Vouchers relating to the same, or to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases, it shall be lawful for any One or more of the Justices of the Peace for the County or Place where such Officer or other Person shall reside, and such Justice or Justices is and are hereby authorized and required to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice and Justices is and are hereby empowered and required to administer without any Fee or Reward); and if any Person shall be thereof convicted,

convicted, such Justice or Justices shall commit the Party to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account, and shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees of the said Districts respectively by whom the Party so refusing shall have been appointed; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One or more of the Justices of the Peace of the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal in a summary Way, in Manner aforesaid, and by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Sum or Sums of Money as shall appear to him or them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) upon Demand, after the Money remaining due and the Charges of making such Distress and Sale shall be deducted, unto the Party on whom such Distress or Distresses shall be made, and if sufficient Distress cannot be found, then the said Justice or Justices shall commit such Person or Persons to the Common Gaol or House of Correction of the County or Place aforesaid, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner aforesaid, or compounded for the same, and paid the Composition Money to the said Trustees of the said Districts respectively, or to such Person or Persons as they respectively shall appoint to receive the same, which Composition the said Trustees of each of the said respective Districts at any Meeting are hereby empowered to make: Provided always, that no Person who shall be committed to Prison for want of sufficient Distress shall remain in Prison for a longer Space than Six Calendar Months.

Clerk not to be appointed Treasurer, and vice versa.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees of either of the said Districts to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks shall act as Treasurer, or being the Partner of any such Treasurer or Treasurers shall act as Clerk in the Execution of this Act, every Person so offending 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*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Trustees to appoint temporary Collectors, and

XIV. And be it further enacted, That as often as any Collector or Collectors of the Tolls within either of the said Districts shall die or neglect or become incapable of performing his or their Duty, or shall abscond or

absent himself or themselves, any Two or more of the said respective Trustees of the District for which such Collector or Collectors acted, (though not assembled at a Meeting of the said Trustees appointed by virtue of this Act), shall and may discharge such Collector or Collectors so neglecting or becoming incapable of performing his or their Duty, or absconding, or absenting himself or themselves, and shall and may nominate and appoint a proper Person or Persons to be a Collector or Collectors of the said Tolls, to continue until the then next Meeting of the said Trustees of the District for which the Party so dying, or discharged, or absconding shall have acted, in the Stead of such Collector or Collectors; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person or Persons in whose Place he or they was or were appointed; and any Collector or Collectors of the said Tolls, who shall be discharged from his or their Office by the Trustees of either of the said Districts, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Collectors, who shall die or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Building erected or being in and upon or on the Side or Sides of the said Roads by virtue of this Act, for the Space of Four Days after Demand made thereof, and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice of the Peace for the County or Place where such Toll House or Building shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or their new appointed Officer, into the Possession thereof.

discharge those misbehaving, and appoint others till the next Meeting.

Trustees may allow Salaries.

XV. And be it further enacted, That out of the Money to be received or to arise by virtue of this Act, such Allowances shall be made to the Collector or Collectors, Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Person or Persons as shall be assisting in the Execution of this Act, as to the said Trustees of the said Districts respectively appointing the same shall seem reasonable.

Treasurer, &c. to give Security.

XVI. And be it further enacted, That the said Trustees shall in each of the said Districts respectively take such Security from their Treasurers, Clerks, Collectors, and other Officers, for the due Execution of their respective Offices, and accounting for the Money received by them respectively, as to the said Trustees shall seem meet.

Actions to be brought in the Name either of Trustee, Clerk, or Treasurer, who are not to be personally liable.

XVII. And be it further enacted, That the said Trustees of the said respective Districts may respectively sue and be sued in the Name or Names of One of the Trustees for the District in which the Cause of Action shall arise, or of their several Clerk or Clerks; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees of either of the said Districts, by virtue of this Act, in the Name

Name of any One of the said Trustees, or of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names, or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons, done without the Consent of the said Trustees of the said Districts respectively, at a Meeting to be holden in pursuance of this Act, for the District in which the Cause of Action shall arise; but no Trustee or Clerk shall be subject to the Payment of any Debt, Costs, or Expences on Account thereof, but all such Debt, Costs, and Expences shall be wholly defrayed out of the Money arising or to be collected or received by the said Trustees of the District for which the Trustee or Clerk being Plaintiff or Defendant shall act, under or by virtue of this Act.

Officers under former Acts to account to the Trustees for executing this Act.

XVIII. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts, or any of them, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, or any of them, shall account, pay, and deliver over the same, and every Part thereof, to the said Trustees of the said respective Districts to which they shall belong or relate, in like Manner and under the like Penalties as herein-before directed in respect to the several Clerks, Collectors, and other Persons receiving any Monies, or having the Custody or Possession of any Books, Writings, or other Things by virtue of this Act.

Trustees may continue or alter Turnpike Gates.

XIX. And be it further enacted, That the said Trustees of the said respective Districts, or any Nine or more of them, within their respective Districts, shall and may either continue the present Turnpike Gates, which now stand across the said Roads called the *Walton* Gate, the *Radburn* Gate and Side Bar, the *Hartwood Green* Gate, the *Coppul* Gate, the *Wigan* Gate, the *Langtree* Gate and Side Bar, and the *Charnock Richard* Gate, or set up in lieu thereof or in addition thereto One or more Turnpike Gate or Turnpike Gates in, upon, or across any Part of the said Roads, and across any Way or Lane leading into, from, or out of the same respectively, and may also erect, build, and set up such Toll Houses for the Convenience thereof, with suitable Outbuildings thereto, as they shall think necessary, and may also inclose from any Waste Grounds thereto adjoining convenient Garden Plots for the said Toll Houses respectively, not exceeding in the whole One-eighth Part of a Statute Acre for each Toll House, as they may judge proper, and may cause all or any of such Turnpikes, Toll Gates, and Toll Houses from Time to Time to be taken down and set up again as they shall judge proper; and shall and may in like Manner continue, alter, take down, remove, and set up again the several Weighing Machines, Cranes, or Engines now erected or to be erected upon the said Roads, or any Part thereof; and the respective Tolls following shall be demanded and taken at all such Gates or Turnpikes as shall be continued or erected upon the said Roads within each of the said Districts as aforesaid, before any Carriage or Cattle shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Phaeton, Calash, Curricle, Caravan, Hearse, Litter, or other such Carriage, the Sum of Sixpence:

For

For every Horse or other Beast of Draught drawing any Chaise or Chair, or other such Carriage with Two Wheels, if drawn by Two Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny, and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every laden Waggon, or other such like Carriage with Four Wheels, and having the Sole or Tire of the Wheels of less Breadth or Gauge than Six Inches, drawn by Four Horses or other Beasts of Draught, the Sum of Five Shillings, and drawn by Three Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence, and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and drawn by One Horse or other Beast of Draught the Sum of Sixpence:

For every Waggon or other such like Carriage with Four Wheels, and having the Sole or Tire of the Wheels of the Breadth or Gauge of Six Inches, and less than Nine Inches, drawn by Six Horses or other Beasts of Draught, the Sum of Four Shillings, and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence, and drawn by Four or any less Number of Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence:

For every Waggon or other such like Carriage with Four Wheels, and having the Sole or Tire of the Wheels of the Breadth of Nine Inches, and less than Sixteen Inches, drawn by Eight Horses or other Beasts of Draught, the Sum of Four Shillings, and drawn by Six Horses or other Beasts of Draught, the Sum of Three Shillings and Sixpence, and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings, and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and drawn by Three or any less Number of Horses or other Beasts of Draught, the Sum of Two Shillings:

For every Wain, Cart, or other such like Carriage with Two Wheels, having the Sole or Tire of the Wheels of less Breadth or Gauge than Six Inches, and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every other Horse or other Beast of Draught drawing any Wain, Cart, or other such like Carriage, having the Sole or Tire of the Wheels of the Breadth or Gauge of Six Inches and less than Nine Inches, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Wain, Cart, or other such like Carriage, having the Sole or Tire of the Wheels of the Breadth or Gauge of Nine Inches and less than Sixteen Inches, the Sum of Three-pence:

For every Wain, Cart, or other such like Carriage, with Two Wheels, and the Sole or Tire of the Wheels rolling a Surface of Sixteen Inches, drawn by any Number of Horses or other Beasts of Draught, the Sum of Three-pence:

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

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

For every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number.

No Turnpike to be erected across the Road leading from the Road in Standish with Langtree to Haigh and Blackrod, Parsonage Lane, or School Lane.

XX. Provided always, That no Gate or Turnpike shall be erected by virtue of this Act upon or across the Highway leading from the Road in *Standish with Langtree*, near *Worthington Mill*, over *Harrockford Bridge* to *Haigh* and *Blackrod*, or the Highway called *Parsonage Lane*, leading from the said Road near *Worthington Mill* to the Town of *Standish*, or the Highway leading from the said Road near the Dwelling Houses of *Samuel Booth* and *Thomas Ascroft* in *Standish* aforesaid, to the said *Parsonage Lane*, or the Highway called *School Lane*, leading from the *Wheat Sheaf* in the Town of *Standish* to *Newburgh* in the said County.

No Toll Gate to be erected on North Side of River Ribble.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to erect any Toll Gate or Turnpike, or take any Toll, on any Part of the said Road on the North Side of the River *Ribble*.

Restraining the Payment of Tolls at certain Gates.

XXII. Provided also, and be it further enacted, That all Horses, Cattle, and Carriages, for which the Tolls hereby granted shall have been paid, either at the Gate or Turnpike at *Walton*, or at the Gate or Turnpike at *Hartwood Green*, shall on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), be permitted to pass and return any Number of Times through the Gate or Turnpike called *Radburn Gate*, and the Side Bar there, without being subject to the Payment of any other or further Toll; and that all Horses, Cattle, or Carriages, for which the Tolls hereby granted shall have been paid at the said Gate at *Radburn*, or the Side Gate there, shall on the same Day (to be computed as aforesaid) be permitted to pass and return any Number of Times through either of the Gates or Turnpikes at *Walton* or *Hartwood Green* without being subject to the Payment of any other or further Toll, the several Persons who shall have paid the Tolls at such respective Gates or Turnpikes producing Tickets to denote the Payment thereof, which Tickets the respective Collectors are hereby required to give *gratis* on Receipt of the Tolls.

Tolls to be paid not oftener than Twice in one Day.

XXIII. And be it further enacted, That every Horse, Mare, Gelding, Mule, and Ass, and also every Coach, Chaise, Waggon, Wain, Cart, or other Carriage, shall be charged with the Tolls hereby granted for each Time they shall pass in the same Direction in the Course of any one Day, to be computed as aforesaid, through any Gate or Turnpike erected or to be erected on the said Roads, (except as aforesaid, and except that any such Horse, Mare, Gelding, Mule, Ass, Coach, Chaise, Waggon, Cart, or other Carriage shall not be charged or chargeable with the said Tolls more than Twice in any one Day, to be computed as aforesaid).

Limiting the Number of Tolls.

XXIV. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Trustees South of *Yarrow* to demand or take more than Three Tolls, nor the Trustees North of *Yarrow* more than One Toll on the *Pincock* Bridge Line of Road, nor the said Trustees South of *Yarrow* more than Two Tolls, nor the Trustees North of *Yarrow* more than Two Tolls, on the *Yarrow* Bridge Line of Road, from any Person or Persons, for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing once in One Day (to be computed as aforesaid), through all the Gates erected or to be erected on the said Roads.

XXV. And

Table of Tolls to be put up.

XXV. And be it further enacted, That a Table of the Tolls payable under this Act, shall be affixed on all the Toll Houses erected or to be erected on the said Roads, and the Name of the Turnpike Gate adjoining thereto respectively, shall be placed over the said Table of Tolls.

Tolls vested in Trustees.

XXVI. And be it further enacted, That all the several and respective Tolls herein granted and authorized, shall be and the same are hereby vested in the said Trustees of the said Districts respectively within which they shall respectively arise, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such Manner as is herein mentioned.

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

XXVII. And be it further enacted, That the several Turnpike Gates or Toll Gates and Toll Houses, Cranes, Weighing Machines, Engines, and other Erections and Buildings, and the several Conveniences and Appurtenances thereto respectively belonging, now or hereafter to be erected or provided in, upon, or across the said Roads, or the Sides thereof, and the Materials for building or altering the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Roads, shall be and the same are respectively vested in the Trustees of the District of the said Roads within which the same shall be erected or provided, collected or made use of; and the said Trustees are hereby respectively authorized, within their several Districts, to sell and dispose of the same, or any Part or Parts thereof, as they shall think proper, and to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks, or to prefer and prosecute, or cause to be preferred and prosecuted, at the Expence of the Revenues of the said respective Districts, any Bill or Bills of Indictment against any Person or Persons who shall steal, take, carry away, break down, or damage the same, or any Part thereof, or disturb them or their Agents or Servants in the Possession of the same, or any Part thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Articles, Matters, and Things to be the Property of the Clerk or Clerks for the Time being to the Trustees of the District within which the Cause of Action or Prosecution shall arise.

On Non-payment of Toll, Collectors may distrain.

XXVIII. And be it further enacted, That if any Person subject or liable to the Payment of any of the Tolls by this Act imposed within either of the said Districts of Roads shall neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby empowered to give if called upon) to seize and distrain any Horse or Horses, Beast or Beasts, Cattle, Carriage, or other Thing or Things upon or in respect of which such Toll is imposed, together with its or their respective Bridles, Saddles, Geers, Harness, Accoutrements, or Loading (except the Bridle, Halter, or Reins of any Horse or other Beast separate and apart from the Horse or other Beast), or any Carriage with or without its Loading, in respect of the Horses or Beasts drawing the Carriage on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so refusing to pay; and if such Tolls and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of

of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Beast, Cattle, Carriages, or other Things so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale shall be deducted.

For settling Disputes concerning Tolls.

XXIX. And be it further enacted, That if any Dispute shall happen about the Amount due for any of the Tolls or Duties hereby granted, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen), until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by any Two or more Justices of the Peace for the County or Place wherein the Cause of Dispute shall arise, who upon Application made to them for that Purpose shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and determine the Amount of Tolls due, and shall make such Order, and award such Costs and Charges to either Party, as to the said Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hands and Seals of such Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Collectors to put up their Names.

XXX. And be it further enacted, That all and every Toll Collector appointed by the said Trustees of each of the said Districts respectively, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike Gate now erected under or by virtue of the Powers of the said former Acts, or hereafter to be erected under and by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Toll House or Turnpike Gate, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall wilfully demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and who shall claim such Exemption, or shall refuse to permit or suffer to be read, or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect

Penalties on Collector not doing his Duty.

neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Gate at which such Toll shall have been paid, and also the several Turnpike Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads, or shall without a sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as any Justice or Justices of the Peace for the said County of *Lancaster*, before whom the Information shall be laid, shall adjudge:

Trustees may let the Tolls.

XXXI. And be it further enacted, That it shall and may be lawful for the said Trustees of the said Districts respectively, at any Meeting whereof Fourteen Days Notice shall have been given in Writing affixed upon all the Turnpike Gates then erected upon the said Roads within the District for which such Meeting is to be held, and also inserted once in some public Newspaper printed or circulated in the Neighbourhood through which the said Roads pass, from Time to Time to let to farm, in such Manner and Form as they shall think fit, by Writing under their Hands and Seals, all or any of the Tolls arising by virtue of this Act within the District for which the Trustees letting the same shall act, for any Term not exceeding Three Years at any one Time, by public Biddings, for the best Rent or Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees letting the same, or any Five or more of them shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied, and the Renter or Renters of such Tolls and their Collectors shall have the same Powers and Authorities as are vested in the Collectors herein-before mentioned, for all the Purposes of this Act.

Trustees may bid at the letting of Tolls.

XXXII. And be it further enacted, That when the Tolls payable by virtue of this Act shall be put up to be let to farm, the said Trustees of the said Districts respectively putting up the same may, if they shall think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value; and in case, at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall be lawful for the said Trustees, or any Three or more of them, to accept a private Tender for the same for such Letting, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Rents of Tolls to be paid always One Month in advance.

XXXIII. And be it further enacted, That on every Letting of any Tolls, the said Trustees of the said Districts respectively, within which such Tolls shall arise, shall take from the respective Renters or Farmers thereof One Month's Rent, in advance, before they shall put such Renters or Farmers in Possession of the Toll Gate, Bar, Toll House, or Turnpike, at which such Tolls are to be collected; and that in every Agreement to

be entered into by any Trustees for letting any Tolls, the Rent or Money payable for such Tolls shall be reserved and made payable monthly, and in advance, and that there shall be contained and reserved in such Agreement Clauses and Conditions that if the Rent or Money to be paid at the Commencement of any Month shall not be paid within Three Days after the same shall become due and payable, the said Agreement shall be void, if the Trustees of the District shall think proper, and they shall be entitled to take Possession of the Toll Gate, Bar, Toll House, or Turnpike at which such Toll shall be received, and the respective Renters or Farmers of such Tolls shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls; and in every Case where the Terms of such Agreement shall not be fulfilled, but the Rent or Sum of Money to be paid at the Commencement of any Month shall not be paid when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, then and in every such Case, the Trustees making any such Agreement shall, and they are hereby empowered, if they shall think fit, to re-enter and take Possession of any such Toll Gate, Bar, or Toll House, and the Tolls there collected, and to relet the same in Manner herein-before directed, or to appoint a Collector or other fit and proper Person to collect and receive the same.

Weighing Engines may be let.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees of the said Districts respectively, at public Meetings, to let to farm, either together with or without the Tolls by this Act authorized to be taken, the additional Toll or Duty herein-after granted and made payable for every Hundred Weight of One hundred and twelve Pounds to the Hundred Weight, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh, at any of the Weighing Engines now or hereafter to be erected on any of the said Roads, over and above the Weights herein-after allowed: Provided that the said additional Tolls or Duties be let in the same Manner, and subject to such Conditions, as the Tolls arising at the said Gates or Turnpikes are by this Act directed or prescribed to be let.

Lessees, and Persons appointed by them, may collect the Tolls.

XXXV. And be it further enacted, That during such Times as the said Tolls or Duties, or any Part or Parts thereof, shall be let or agreed to be let to any Person or Persons whomsoever, it shall and may be lawful for the Farmer or Taker, Farmers or Takers thereof, or such other Person or Persons as he or they shall authorize and appoint, to demand and take the same Tolls or Duty, in the same way, and by and under the like Powers for Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees of the said Districts respectively, is hereby authorized and empowered to demand, take, and recover the same; and such Farmer or Taker, Farmers or Takers, or other Person or Persons as aforesaid, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Enabling Trustees to take Posses-

XXXVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Per-

son 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 such Lease or Agreement shall in any Manner or for any Cause become void, or the said Trustees of the said Districts respectively shall have any Right to re-enter thereon, then and in any of such Cases it shall and may be lawful for any Justice of the Peace for the County or Place where the Toll Gate or Weighing Engine shall be situate, upon Application made to him by the said Trustees of the said respective Districts, or their Clerk, Treasurer, or Surveyor, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House, Toll Gate, or Weighing Engine, and the Buildings, Outbuildings, Gardens, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and all other Persons whomsoever, from the Possession thereof, and from the Collection of such Tolls, and to give the said respective Trustees, or any Person acting by or under their Authority, Possession thereof, and that thereupon the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls, shall be utterly void to all Intents and Purposes whatsoever (save only as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees of the said respective Districts, in every such Case to demise or let to farm the said Tolls, Toll Houses, Gates, and Appurtenances again, to any other Person or Persons, or cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Provision of Toll Houses, in case of Non-performance of the Term of the Lease.

XXXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of any of the said Roads (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family, Servant or Servants), or if any Person or Persons, owning or occupying any Passage, Land, Ground, or Place situate as aforesaid (the same not being a public Highway or Road), shall knowingly or willingly permit or suffer any Person or Persons not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the Tolls hereby granted, or any of them, or any Part thereof; or if any Person shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons (except a Collector of the Tolls) any Note or Ticket by this Act directed to be given by the Collectors or Receivers of the said Tolls, or any Note or Writing purporting to be such, for the Purpose of evading the said Tolls, or any of them, or shall forcibly, fraudulently, or wilfully pass through or over any Turnpike Gate with any Horse, Carriage, Cattle, or Beast, without Payment of Toll, or shall not pay such Tolls upon Demand, or shall take off, or cause to be taken off,

Penalty on permitting private Passage, &c., or evading Tolls.

off, any Horse, Beast, or other Cattle from any Carriage, or after passing through any Turnpike on any of the said Roads, shall put on an additional Horse or Beast to any such Carriage, with Intent to evade the Payment of any of the said Tolls by this Act granted, or any Part thereof, all and every such Person or Persons so offending in any of the Cases aforesaid, shall for each and every Offence forfeit and pay any Sum not exceeding Five Pounds, over and besides such Damage or Punishment as he, she, or they shall be otherwise liable to by Law, and over and besides any Tolls or Duties which upon the hearing of any of the Matters aforesaid shall appear due from such Person or Persons, which Tolls or Duties shall be paid to the Collector or Person entitled thereto, and recoverable and enforced by such Means as any Penalty hereby inflicted can or may be recovered.

Penalty on unloading Goods, &c. to evade Toll.

XXXVIII. And be it further enacted, That if any Person or Persons shall unload or cause to be unladen any Goods, Wares, or Merchandize, from any Cart, Waggon, or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Engine, erected or to be erected by virtue or in pursuance of this or any of the said recited Acts, or shall load or lay upon such Carriage, after the same shall have passed any such Turnpike or Weighing Engine, any Goods, Wares, or Merchandize, taken or unladen from any Horse, Cart, or other Carriage belonging to or hired or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties payable for Overweight; each and every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted before one or more Justice or Justices of the Peace for the said County of *Lancaster* upon the Oath of one or more credible Witness or Witnesses, shall forfeit and pay the Sum of Five Pounds, to be levied upon the Goods and Chattels of the Owner of such Cart, Waggon, or other Carriage; and each and every Driver not being the Owner of such Waggon or Carriage so offending, and being thereof convicted as aforesaid, shall be committed to the House of Correction for the Space of Two Calendar Months.

Tolls paid on Waggons going empty for Manure or Road Materials to be repaid on their Return when laden.

XXXIX. Provided always, and be it further enacted, That for the Prevention of Frauds on Toll Collectors, by Waggons, Carts, or other Carriages passing empty, or loaded only with Implements necessary for the more convenient Carriage of or for loading or unloading Manure, or Materials for the Repair of any Turnpike Road or Highway, through any of the Turnpike Gates within either of the said Districts of Roads, under Pretence of going for such Manure or Materials, the Owner or Driver of every such empty Waggon, Cart, or Carriage claiming the same Exemptions, or any of them, shall in all Cases pay the Tolls in respect of such Waggon, Cart, or other Carriage, before the same shall be permitted to pass through such Turnpike Gate; and the Collector of such Tolls shall thereupon deliver to such Owner or Driver a Ticket to be marked 'Manure Exemption,' or 'Road Materials,' (as the Case may be), with the Name of the Gate, and the Date when delivered, and the Amount of the Tolls so paid; all which Sum or Sums so paid shall be repaid to the Owner or Driver of such Waggon, Cart, or other Carriage, upon his or their returning with such Waggon, Cart, or other Carriage so laden as aforesaid, and producing such Tickets; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, or refusing or neglecting

ing to return the same Toll, upon the Return of such Waggon, Cart, or other Carriage so laden, and Re-delivery of the 'Manure Exemption,' or 'Road Materials' Ticket (as the Case may be), shall for every such Offence forfeit and pay to the Owner of such Waggon, Cart, or other Carriage, a Penalty of not more than Five Pounds, upon Conviction thereof before One or more Justices of the Peace for the County or Place where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses.

Exemptions from Tolls.

XL. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act on the said Roads, for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom; or of or from any Person or Persons for any Horse or Horses or other Beasts or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any other Turnpike Road or public Highway, or for building, rebuilding, or repairing any present or any future Bridge or Bridges on the said Roads, or on any other such Road or public Highway; or of or from the Surveyor of either of the said Districts, or any other Person or Persons when engaged in executing or proceeding to execute the Powers of this Act, within the District for which they shall be appointed; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Sullage, Compost, or Manures of any Nature or Kind soever, employed in Husbandry for manuring or improving Lands, or for any other thing employed in the Draining or Management of any Farms or Lands (unless laden also with some other thing not hereby exempted from Toll); or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, and which has not been bought, sold, or disposed of, or is going to be sold or disposed of; or for any Horses or other Beasts of Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or passing from one Part of any Farm to any other Part of the same Farm, or going to be or returning from being shoed or farried, such Horses or other Beasts not passing on those Occasions more than Two Miles on the said Roads; or for any Horse, Beast, or other Cattle employed in carrying or conveying, or returning after having carried or conveyed, any Corn or Grain to any Mill or Mills within the Township wherein the Owner of such Corn or Grain shall then reside, or going or returning with the same from such Mill or Mills; or if there is no Mill in the said Township, then in going or returning with the same from any other Mill or Mills; or of or from any Person or Persons residing in any Parish, Township, or Hamlet through which such Roads shall lie, going to or returning from his, her, or their proper Parochial Church or Chapel, or usual Place of Religious Worship tolerated by Law, on *Sundays*, or any other Day on which Divine Service is by Authority ordered to be celebrated; or going to or returning from attending the Funeral of any Person who shall die

and be buried in any Parish, Township, or Hamlet in which the said Roads shall lie; or from any Rector, Vicar, or Curate going to or returning from visiting any sick Parishioner, or on other his parochial Duty, within his Parish; or for Horses, Carts, or Waggons employed only in carrying or conveying Vagrants sent by legal Passes, or from any Person or Persons carrying or conveying Prisoners in Custody under any legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages, 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 conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty, provided that such Person shall be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses or Carriages carrying or conveying any Freeholder or Freeholders to or from any Election or Elections of a Knight or Knights of the Shire to serve in Parliament for the County of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horses or Carriages which shall only cross the said Roads, and shall not pass above One hundred Yards thereon; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety to the Treasurer of the Trustees of the District of the Road on which the Penalty shall be incurred, and shall be applied to the Use of such Road; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

Power to reduce the Tolls.

XLI. And be it further enacted and declared, That the said Trustees of the said Districts respectively, or any Five or more of them, are hereby authorized and empowered, from Time to Time during the Continuance of this Act, if they shall think proper, to reduce or lower all or any of the several Tolls hereby granted and to arise within their respective Districts, and to raise the same again, so as that the same do not exceed the Tolls by this Act granted, and so that such Reduction be with

with the Consent of the several Persons who shall be entitled to Five Sixth Parts of the Money then due and owing upon the Credit of the said Tolls, and secured upon the Tolls intended to be reduced; but no such Reduction shall be made, unless Notice in Writing of the Meeting to be holden for that Purpose be given, specifying the Toll or Tolls intended to be reduced or lowered, by affixing the same upon all the Turnpike Gates which shall be then erected or set up on the said Roads, within the District for which such Meeting is to be held, and also by inserting the same in some public Newspaper printed or circulated in the Neighbourhood through which the said Roads pass, Twenty-one Days at least previously to such Meeting; nor unless a Majority of the Trustees present at such Meeting, such Majority to consist of Five Trustees at the least, shall concur in such Reduction; and such Tolls so reduced or lowered, shall be collected, levied, and applied respectively in the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied respectively.

Trustees empowered to compound for Tolls.

XLII. And be it further enacted, That the said Trustees of the said Districts respectively, within their respective Districts, may and they are hereby empowered from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with any Person or Persons, for the Toll of any Horses or other Cattle or Beast, drawing any Carriage, or not drawing, passing through any of the said Turnpikes within their District, so that no Composition shall be made with any Person or Persons for the Toll of any Horse or other Cattle or Beast, drawing any Carriage laden with Coal, Stone, Goods, or Merchandize, sold or disposed of, or carried for the Purpose of being sold or disposed of, or employed in carrying for hire; and all such Composition Money shall be paid in advance, otherwise such Agreement or Composition to be void.

The Tolls arising in each District to be applied to the Roads of that District.

XLIII. And be it further enacted, That the Tolls to be collected and received by virtue of this Act shall be applied by the Trustees of the said respective Districts, in the first Place, in paying the Expences of procuring and passing this Act, each District paying one Moiety thereof, and the Remainder of such Tolls shall from Time to Time be applied, first in discharging the principal Money now due on the Credit of the said Tolls, and the Interest thereof due and to become due thereon, each District paying one Moiety thereof, at any of their respective Meetings; and in the next Place, in paying the Interest of the Principal Money which for the Time being shall be due and owing upon the Credit of the said Tolls of the said Districts separately and respectively; and after Payment thereof, the Residue of the yearly Produce of the said Tolls, arising within each of the said respective Districts, shall from Time to Time be applied, under the Direction of the Trustees of the District where the same shall arise and be collected, towards the amending and improving the Parts of the said Roads within such District herein-before put under their Care and Management, and in erecting Gates or Turnpikes and Toll Houses, and for carrying the Purposes of this Act into Execution, as to the same Parts of the said Roads.

Trustees may borrow Monev.

XLIV. And be it further enacted, That the said Trustees of each of the said Districts respectively, or any Seven or more of them, shall and may, and

and they are hereby authorized and empowered, at any Time or Times, to borrow and take up at Interest such Sum or Sums of Money as they may think necessary, in the whole not exceeding a Sum the Interest of which at Five Pounds *per Centum per Annum* shall amount to more than One Half of the then present Income of the Trustees of the District for which the same shall be borrowed; and it shall and may be lawful for the Trustees of the District for the Use whereof the Money shall be borrowed, and they are hereby authorized and empowered, at any Meeting or Meetings to be holden for this Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks to the same Trustees, by affixing the same on all the Turnpike Gates then erected on the said Roads within such District, and also inserting the same in some one or more public Newspaper or Newspapers circulating in the Neighbourhood through which the said Roads pass, from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over and mortgage all or any of the Tolls to be collected, and arising under or by virtue of this Act within such District; and also the Turnpike Gates, Weighing Machines, Toll Houses, Erections, and Buildings for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, and his, her, or their Trustee or Trustees who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees, or any Seven or more of them, shall think proper and agree upon; and all and every Sum and Sums of Money so to be borrowed shall be applied and disposed of in such Manner as the said Tolls to arise or be collected at the said several Turnpikes are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, shall and may be in the Form following, or such other Form as the Trustees making the same shall think proper; (that is to say),

Form of Mortgage.

'BY virtue and in pursuance of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], and in consideration of the Sum of to *A. B.* the Treasurer appointed by the Trustees of the *Wigan* and *Preston* Roads South of *Yarrow* [*or* North of *Yarrow*, *as the Case may be*], having been on the Day of paid by *C. D.* of we whose Names are hereunto subscribed and Seals affixed, being Seven of the said Trustees, do grant and assign unto the said *C. D.* Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said District of Road South of *Yarrow* [*or* North of *Yarrow*, *as the Case may be*], and of the Turnpikes and Toll Houses, Weighing Machines and other Engines for collecting the said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon, for the Term of this Act, to have, hold, receive, and take such Proportion of the said Tolls, Turnpikes, and Toll Houses, Weighing Machines and other Engines and Premises, with the Appurtenances, unto the said *C. D.* Executors, Administrators, and Assigns, for the Residue and Remainder

'now to come of the Term for which the said Tolls are granted by the 'said Act, subject to the Proviso following; (that is to say) Provided 'always, that if the said Sum of shall be repaid to 'the said *C. D.* Executors, Administrators, or Assigns, to-'gether with Interest for the same, after the Rate of 'per Centum per Annum, without any Deduction whatsoever, on or before 'the Day of now next ensuing, then this 'Assignment shall be void, otherwise the same to be and remain in full 'Force. In Witness whereof we have hereunto set our Hands and 'Seals this Day of One thousand eight hundred 'and .'

Copies to be entered.

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Trustees of the said respective Districts for which the same shall be made; which said Clerk or Clerks shall be paid the Sum of Seven Shillings and Sixpence for the same, and no more; but nothing in this Act contained shall extend or be construed to extend to charge individually or personally, or subject the said Trustees or any of them, or the Persons appointed to receive the said Money or any Part thereof, to any Repayment of the same by reason of their or any of their signing any such Mortgages, Assignments, or other Securities to be made in pursuance of this Act; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same or to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person whomsoever, by Indorsement on the Back of such Security, or by any other Writing or Writings, before Two credible Witnesses, in the following Words, or in Words to the like Effect; (that is to say),

Trustees not liable in their private Capacities.

Mortgages may be assigned.

Form of Transfer.

'I do transfer this Mortgage, [*or*, a certain 'Mortgage, &c. [*as the Case may be*], with all my Right and Title 'to the Principal thereby secured, and to all Interest now due and to be-'come due upon the same, unto , Executors, 'Administrators, and Assigns. Dated this Day of 'One thousand eight hundred and *A. B.*'

All which Assignments or Transfers shall be produced and notified to the Clerk or Clerks to the said Trustees of the District to which the same shall relate, within Sixty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names and Additions of the Parties, and Sums of Money therein mentioned to be assigned or transferred, for which the said Clerk or Clerks 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 any Fee or Reward; and after such Entry so made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned or transferred, and to the Benefit thereof, and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign or transfer again, and so *toties quoties*; and it shall not be in the Power

of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

No Priority of Mortgages.

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

Granting fresh Mortgages to Creditors instead of paying them off.

XLVI. And be it further enacted, That if any Creditor or Mortgagee under any of the said recited Acts, shall be desirous of receiving a Mortgage under this Act, upon the Tolls hereby authorized to be collected in the said Districts respectively, and shall give Notice of such his Desire to the Trustees of the Roads North or of the Roads South of *Yarrow*, as the Case may be, who shall then be about to pay off such Creditor or Mortgagee under the Provisions herein-before mentioned, it shall and may be lawful for the said Trustees to whom such Notice shall be given, if they shall think fit, instead of paying off such Creditor or Mortgagee, to receive from her or him his or her Mortgage, or other Security granted under the said recited Acts, and to cancel the same, and in lieu thereof to grant such Creditor or Mortgagee a new Mortgage or Security under the Authority of this Act, charging the principal Sum then due to such Creditor or Mortgagee, and the Interest payable thereon, on the Tolls hereby authorized to be collected and taken within the District for which the Trustees giving such new Mortgage or Security shall act; such Mortgage to be in the same Form, and to be given and transferrable in the same Manner, as other Mortgages are to be given or transferred under the Provisions of this Act.

One Mortgagee may obtain Possession of the Toll Houses.

XLVII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Turnpike Gates, Weighing Machines, Engines, Toll Houses, and Buildings, within either of the said Districts, shall seek to obtain Possession of the said Turnpikes, Weighing Machines, Engines, Toll Houses, and Buildings, in order to pay himself, herself, or themselves, the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Turnpike Gates, Toll Houses, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees respectively.

Trustees may, at public Meetings, order Weigh-

XLVIII. And be it further enacted, That it shall be lawful for the Trustees of each of the said Districts at any Meeting to be held by them respectively, if they shall think proper, to order and cause to be built or erected,

erected, or set up, at any or as many Turnpike Gate or Turnpike Gates erected or to be erected upon any Part of the said Roads, or at such Distance from any Turnpike Gate, or at such other Place or Places on the said Roads as they shall think requisite and expedient within their several Districts, a Crane, Machine, or Engine, with a suitable House or other Building thereto, proper for the weighing of any Carts, Waggons, or Carriages conveying any Goods or Merchandize whatsoever, and to each such Crane, Machine, or Engine, to order and cause to be erected a Turnpike Gate across the said Roads; should the same be necessary; and to order all or any Carriage or Carriages, liable to be weighed, which shall pass through any Turnpike Gate erected or to be erected upon, across, or on the Side of the said Roads, or shall come upon any Part of the said Roads within the Distance of One hundred Yards from any such Crane, Machine, or Engine (although the same Carriage or Carriages shall not have passed through any Turnpike), to be weighed, together with the Loading thereof; and it shall be lawful for the said Trustees of the said respective Districts to order any Person or Persons to receive and take, over and above the Tolls hereby granted, the several Sums of Money herein-after mentioned, as additional Tolls for the Excess of Weight which any Waggon, Cart, or other Carriage, together with the Loading thereof, shall weigh, at any Crane, Machine, or Engine already erected or to be erected by virtue of this Act, over and above the Weights herein-after mentioned to be allowed to each of them respectively; (that is to say), to every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Six Tons Five Hundred Weight in Summer, and Five Tons Fifteen Hundred Weight in Winter; to every Cart, or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof of the like Breadth, together with the Loading of such Carriage, Three Tons Ten Hundred Weight in Summer, and Three Tons in Winter; to every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches, and less than Nine Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four Tons Ten Hundred Weight in Summer, and Four Tons in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such last mentioned Carriage, Two Tons Fifteen Hundred Weight in Summer, and Two Tons Ten Hundred Weight in Winter; to every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Four Tons Five Hundred Weight in Summer, and Three Tons Fifteen Hundred Weight in Winter; to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned at the Bottom or Soles thereof, together with the Loading of such Carriage, Two Tons Twelve Hundred Weight in Summer, and Two Tons Seven Hundred Weight in Winter; to every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Three Inches, and less than Four Inches and a Half at the Bottom or Soles thereof, together with the Loading of such Carriage, Three Tons Fifteen Hundred Weight in Summer, and Three Tons Five Hundred Weight in Winter; to

ing Machines to be set up for weighing Carriages, and may take Tolls for Overweight.

to every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth last mentioned, together with the Loading of such Carriage, One Ton Fifteen Hundred Weight in Summer, and One Ton Ten Hundred Weight in Winter; to every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels thereof of less Breadth than Three Inches at the Bottom or Soles thereof, together with the Loading of such Carriage, Three Tons Five Hundred Weight in Summer, and Three Tons in Winter; and for the several Purposes of this Act, it shall be deemed Summer from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive, and Winter from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive; and there shall be demanded and taken for Overweights the several Sums of Money following; (that is to say) for every Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or other such Carriage used for the Conveyance of Goods, together with the Loading thereof, shall weigh at any Weighing Engine over and above the Weights herein-before allowed to each of them respectively, (that is to say) for the First and Second Hundred of such Overweight, the Sum of Three-pence for each Hundred; for every Hundred of such Overweight above Two Hundred and not exceeding Five Hundred, the Sum of Sixpence; for every Hundred of such Overweight above Five Hundred and not exceeding Ten Hundred, the Sum of Two Shillings and Sixpence; and for every Hundred of such Overweight exceeding Ten Hundred, the Sum of Five Shillings: Which said additional Sums or Tolls hereby granted and made payable at any Weighing Engine, shall and may be levied and recovered, in any of the Cases aforesaid, in such Manner as any other Toll or Duty payable on the Road on which any such Weighing Engine shall be erected, is or shall be by Law to be levied and recovered, and the Monies arising therefrom shall be applied to the Repairs of the Turnpike Road on which the same shall be recovered.

Declaring what shall be deemed Summer and Winter for the Purposes of this Act.

Additional Tolls for Overweight.

Exempting Carriages conveying King's Stores from Overweight.

XLIX. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any additional Toll, Penalty, or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 the 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 Carriage, any thing in this Act contained to the contrary notwithstanding.

Carriages to which the Provisions respecting Overweight do not extend.

L. And be it further enacted, That none of the Powers and Provisions herein contained respecting the Overweight of any Waggon, Cart, or Carriage, shall extend or be construed to extend to any Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, which shall be laden with one Block of Stone, one Piece of

of Marble, one Cable Rope, one Piece of Metal, or one Piece of Timber, or one single Article of any Description.

No Toll but for Overweight to be taken at the Turnpike at any Weighing Machine.

LI. And be it enacted, That no Toll or Duty shall be collected or payable at any Turnpike or Toll Gate, erected or to be erected at any such Crane, Machine, or Engine, for the Use of any such Crane, Machine, or Engine only, for any Horse or other Cattle or Beast drawing any Carriage passing through the same, and weighed, except for Overweight as aforesaid, unless the said Turnpike or Toll Gate shall also be a Turnpike or Toll Gate for collecting Tolls hereby and herein-before granted for the Purposes of this Act.

The Person appointed by the Trustees shall weigh all loaded Carriages which he has reason to suspect carry Overweight;

LII. And be it further enacted, That the Keeper of every Crane, Weighing Machine, or Engine, erected upon the said Roads, or any other Person or Persons appointed by the said Trustees of the said respective Districts to the Care of such Crane, Weighing Machine, or Engine, shall, and he is hereby authorized and required to weigh all such Waggons, Carts, and other Carriages liable to be weighed by virtue of this Act, which shall pass loaded through the said Turnpikes or Toll Gates, or any of them, or shall come upon any Part of the said Roads within the Distance of One hundred Yards from any such Crane, Weighing Machine, or Engine, without passing through any such Turnpikes or Toll Gates, and which he shall suspect to carry greater Weights than are allowed to pass without paying such additional Toll, or which any of the said Trustees, or any Surveyor of any Part of the said Roads, or of any of the Highways within any Part of the Townships through which the said Roads pass, shall in their several Districts require or direct to be weighed; and if any Gate Keeper or Person so appointed shall agree with any Person or Persons not to weigh his, her, or their Waggon, Cart, or other Carriage, or shall take or agree to take any Money or other Consideration from any Person or Persons for not weighing his, her, or their Waggon, Cart, or other Carriage, or shall agree with any Person or Persons to carry, or connive at his, her, or their carrying, in any Waggon, Cart, or other Carriage, greater Weight, including the Weight of such Waggon, Cart, or other Carriage, than are allowed as aforesaid, without weighing the same, and the Lading thereof, or shall permit any Waggon, Cart, or other Carriage, which may be reasonably suspected of being, with the Lading thereof, of greater Weight than is allowed as aforesaid, to go or pass by any Crane, Weighing Machine, or Engine, erected or to be erected upon the said Roads, or through any such Turnpike or Toll Gate, without weighing the same, or shall permit any Waggon, Cart, or other Carriage whatsoever, which shall be required or directed by any Trustee or Surveyor as aforesaid to be weighed to go or pass by any such Crane, Weighing Machine, or Engine, or through any such Turnpike or Toll Gate, without weighing the same, or shall permit any Waggon, Cart, or other Carriage whatsoever, which shall have been weighed, and shall with the Lading thereof be of greater Weight than is allowed as aforesaid, to pass any such Crane, Weighing Machine, or Engine, or through any such Turnpike or Toll Gate, without demanding, receiving, and enforcing Payment of such additional Tolls as are allowed as aforesaid, every such Gatekeeper or Person so appointed as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Owner or Driver of any Waggon, Cart, or other Carriage,

or for his Neglect shall forfeit not exceeding 5*l.*

If any Owner or Driver shall refuse to permit his Carriage to be weighed, every Owner, or Driver being the Owner, shall forfeit not exceeding 10*l.*; and every Driver not being the Owner, not exceeding 5*l.*

Carriage, which shall pass loaded through any such Turnpikes or Toll Gates respectively, or shall come upon any Part of the said Roads within the Distance of One hundred Yards from any Crane, Weighing Machine, or Engine, erected or to be erected upon the said Roads, shall refuse to have his or her Waggon, Cart, or other Carriage weighed, or shall hinder or prevent, or do any Act whatsoever to hinder or prevent such Waggon, Cart, or other Carriage from being weighed, upon being thereto required by the Collector or Receiver of such additional Tolls, or by any of the said Trustees, or by any Surveyor of any Part of the said Roads in their several Districts, or of any of the Highways within any of the Townships through which the said Roads pass, or shall not wait a reasonable Time whilst any other Carriage shall be weighed which shall have come to the Weighing Engine before the Carriage of which he shall be the Driver; or if the Driver of any Waggon or Cart shall refuse or delay to remove or drive any such Waggon or Cart from the Bridge of any Weighing Machine, in order by such Neglect or Refusal to impede or delay the weighing of any such Waggon or Cart, or shall agree with any such Gate Keeper or Person so appointed as aforesaid, not to weigh his or her Waggon, Cart, or other Carriage, or shall pay or give, or agree to pay or give, any Money or other Consideration to such Gate Keeper or Person so appointed as aforesaid, or any other Person whatsoever, for not weighing or requiring to be weighed his or her Waggon, Cart, or other Carriage, every such Owner or Driver being the Owner of any such Waggon, Cart or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and every such Driver not being the Owner of such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Waggons, &c. allowed Privileges and Exemptions granted by 55 G. 3. c. 119.

LIII. Provided always, and be it further enacted, That all Waggons, Wains, Carts, or other such Carriages (in respect whereof, or of the Horses or Beasts drawing the same, the Tolls hereby granted are made payable), having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in or by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Cases*, shall be entitled to have and enjoy the Privileges and Exemptions granted by the said Act in Manner therein mentioned.

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

LIV. And be it further enacted, That the Regulations of Weight herein before mentioned shall not extend, or be deemed or construed to extend, to any Waggons, Carts, or other Carriages employed only in Husbandry, or carrying only Muck, Mould, Soil, Ashes, or Lime Ashes to be used in Husbandry, or Compost for Land, Hay, Straw, Fodder, or Corn unthrashed, excepting Hay or Straw for Sale.

Trustees may erect and set up Lamps, &c.

LV. And be it further enacted, That the said Trustees of the said respective Districts shall and may, if they think proper, and they are hereby empowered in their several Districts to cause such and so many Lamp Irons or Lamp Posts to be made, erected, or put up, upon the Wall or Palisade of any of the Toll Houses or other Buildings to be erected upon the said Roads or adjoining thereto, as they shall think proper, and also to cause such Number of Lamps to be provided with all necessary Materials, and supplied

supplied with Oil or otherwise, and lighted in such Manner and at such Times as they the said Trustees of the said respective Districts shall think necessary for lighting the said Roads: Provided always, that nothing herein contained shall empower the said Trustees to set up or provide any Lamp Irons, Lamp Posts, or Lamps, for the Purpose of lighting any of the Towns or Villages through which the said Roads pass.

Surveyors may make Causeways, &c.

LVI. And it is further enacted, That it shall be lawful for the said Surveyor or Surveyors of each of the said Districts, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the Trustees by whom he shall be appointed, or any Two or more of them), to make Causeways and Footpaths, and also Ditches and Drains in and upon the said Roads within the District for which he shall act as Surveyor, and also through any Grounds lying contiguous thereto, in order to conduct the Water off the said Roads, and also to make a Road through any Ground adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Park, Yard, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a public Highway whilst the old Road is repairing, and also by Order of the said Trustees, within which the same shall be situate, to build, erect, and repair, or keep in repair, any Bridge or Bridges, Arch or Arches, Culvert or Culverts, upon any Part of the said Roads, and across any River, Brook, Stream, Water, Ditch, or Drain thereon or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees of the same District respectively; and in case of any Difference concerning the Amount of such Damages, any Justice of the Peace for the County or Place where such Difference shall arise (on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode), shall hear, settle, and determine the Matter of such Damages, and the Costs attending the hearing and determining the same; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

Power to contract for Lands to get Materials.

LVII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees of the said Districts respectively, to contract and agree with any Person or Persons whomsoever, for the Purchase or Demise from him, her, or them of, and to hold any Land or Ground for the Purpose of digging Stones, Gravel, and Materials therefrom for the Repair or Use of the said Roads, and at any Time afterwards to sell the Land or Ground so purchased by public Auction or Tender: Provided also, that the entering into any such Contract or Agreement as last aforesaid, shall not be compulsory against any Person or Persons unwilling to enter into the same.

Power to get Materials.

LVIII. And be it further enacted, That it shall be lawful for the respective Surveyor or Surveyors to the said Trustees of each of the said

said Districts, and all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Materials for making or repairing any of the said Roads within their several Districts, or any Bridge or Bridges thereon, out of any Common, River, or Brook (not being within Fifty Yards of any Bridge, Dam, Wear, or Jetty), or out of or from any Waste or Common, in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials when got over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, such Damages to be ascertained as herein-after mentioned; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found, in any Parish, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Hamlet, or Place, (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall in their respective Districts judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds, (not being a Yard, Garden, Park, Paddock, Planted Walk, or Avenue to a House), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing any Part of the said Roads, or for building or repairing any present or future Toll House or Toll Houses on or by the Sides thereof, from any River, Stream, or Canal in any Parish, Hamlet, or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds for or with such Materials, such Sum or Sums of Money as the said Trustees of the said respective Districts shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Surveyors not to carry away Materials out of

LIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons acting under the Authority of this Act, to dig, gather, take or carry away any Materials

for repairing the said Roads out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County or Place where the Lands from whence such Materials are intended to be taken shall lie, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended, and the Order of such Justice or Justices shall be final and conclusive to and upon all Parties.

private Grounds without giving Notice to Occupiers.

LX. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited and broken, and whereupon the ground or worn Materials may be laid, be it also enacted, That it shall and may be lawful for the said Trustees to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of, and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments, adjoining to the said Turnpike Roads, or any Part thereof, for the Purchase, or for a Lease of so much thereof as they shall think necessary for any of the Purposes last herein-before mentioned, and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments: Provided always, that nothing herein contained shall authorize the said Trustees to take or purchase any such Lands, Grounds, or Hereditaments without the Consent of the Owner thereof.

For purchasing Land to lodge Materials.

LXI. Provided also, and be it further enacted, That if any Person whomsoever shall take and carry away any Stone or other Materials which shall have been digged or gathered for the Purpose of making, improving, and repairing the said Roads, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Roads, before the Surveyor or the Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on taking away Materials gotten by Surveyors.

Surveyors may remove all Annoyances.

LXII. And be it further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors to the said Trustees within the respective Districts for which they shall act, and such Person or Persons as he or they shall appoint, from Time to Time to remove all Nuisances and Annoyances on any Part of the said Roads under their Care, by Rails, Steps, Cellar Holes, Sign Posts, Walls, Window Shutters, Projections, Watering Troughs, or otherwise, and to turn, stop, or cover any Watercourses, Ditches, Sinks, or Drains running into, along, out of, or by the Side of any Part of the said Roads to the Prejudice or Injury thereof, and to open, scour, and cleanse any Sough, Ditch, or Watercourse adjoining to or leading into or out of any Part or Parts of the said Roads, and to make the same as deep and large as the said Trustees of the said Districts respectively shall think proper and necessary; and at proper Seasons of the Year to cut down, lop, or top any Branches of Trees, Shrubs, or Bushes growing in or by the Side of any Part of the said Roads, or in the Hedges or Banks adjoining thereto, not being Shrubs or Bushes planted as a Shelter or Ornament to a House or other Building, or not standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, (in case the Person or Persons occasioning such Nuisances and Annoyances, or who ought to remove the same, or ought to cleanse such Ditch or Watercourse, or to cut down or lop such Branches of Trees, Shrubs, or Bushes, shall neglect or refuse so to do for the Space of Fourteen Days next after Notice in Writing given for that Purpose, signed by any Three or more of the said Trustees of the said respective Districts, or by their Surveyor or Surveyors, to the Person or Persons refusing or neglecting as aforesaid; and in case any such Person or Persons shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any Penalty inflicted by this Act); and if after the Removal of any of the said Annoyances any Person shall offend again in like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds.

Power to widen any Part of the Roads.

LXIII. And be it further enacted, That it shall be lawful for the Trustees of the said respective Districts, and they are hereby authorized and empowered, within their respective Districts, to widen any Part or Parts of the said Roads to be repaired and kept in Repair by this Act within their respective Districts, so as to make such Parts of the said Roads not exceeding Sixty Feet in Width, for the Accommodation of Passengers, through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as are herein-after mentioned, and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and in like Manner to take in and inclose from such Commons or Waste Grounds such Quantities thereof as they may think proper and necessary, adjoining the said Roads, for the Purpose of laying, depositing, and preparing Materials thereupon for the Use of the said Roads, although the Width of such Roads may at such Places exceed Sixty Feet; and also that it shall be lawful for the said Trustees within their said respective Districts, and for their respective Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments, through which or whereupon the

the said Roads hereby authorized to be widened are intended to pass, and stake out and make the same in such Manner as the said Trustees of the said respective Districts shall think necessary or proper, without being liable or subject to be deemed Trespassers, or to any Fine, Penalty, or Punishment for entering and continuing upon any Part or Parts of such last mentioned Lands, Grounds, or Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

Trustees may divert the Road.

LXIV. And be it further enacted, That it shall be lawful for the said Trustees of each of the said respective Districts, or any Five or more of them, and they are hereby fully authorized and empowered to make the several Diversions of Road herein-before mentioned, and also from Time to Time to divert, shorten, vary, alter, and improve the Course or Path of any of the said several and respective Roads herein-before mentioned and described, or of any Part or Parts thereof lying within their respective Districts, and to divert and turn the same through any Waste Grounds or uncultivated Lands without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they shall sustain thereby; and such Roads, when diverted and turned, under the Authority of this Act, shall and they are hereby declared to be under the Controul and Management of the Trustees turning or diverting the same, and shall become Common Highways to all Intents and Purposes, and shall be thenceforward repaired and maintained by the Inhabitants of the respective Townships, Hamlets, or Places, in which the same are situate, by such Means as the common Highways of this Kingdom are by Law to be repaired and maintained by the Inhabitants of the Parishes or Townships in which they are situate.

Trustees not to pull down Houses, &c. except as herein mentioned.

LXV. Provided always, and be it further enacted and declared, That the Powers and Authorities hereby given to the said Trustees of the said respective Districts, shall not extend to the taking down of any Dwelling-house or other Buildings, or taking in the Site of any House or other Buildings, or to the taking in of any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners and Proprietors thereof respectively, save and except the several Hereditaments mentioned and described in the Third Schedule to this Act annexed, which Hereditaments, or so much thereof respectively as may be necessary, the said Trustees of the said respective Districts may, and they are hereby empowered within their several Districts to take down and use in such Manner as they may think proper, for the Purposes herein provided; the Trustees taking down the same paying such Compensation as shall be agreed upon between them and the Owners of such Hereditaments, or as shall, in case of Disagreement, be ascertained by a Jury in Manner herein-after mentioned.

For restricting Trustees from deviating beyond certain Distances.

LXVI. And whereas a Map or Plan describing the Hereditaments mentioned in the Third Schedule to this Act annexed, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Hereditaments, hath been deposited at the Office of the Clerk of the Peace of the said County of *Lancaster*; be it therefore enacted, That the

the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace aforesaid, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the said County of *Lancaster* One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees of the said respective Districts, in widening, diverting, or improving the Roads within their several Districts described in the said Map or Plan, shall not deviate more than Ten Yards from the Line thereof, on the West Side of so much of the proposed Diversion in the Township of *Whittle-le-Woods* as extends from the River *Lostock* to *Rotherham Top*, nor more than One hundred Yards from the Line described in the said Map or Plan of any other Part of the said Deviations, nor more than One hundred Yards from the Line or Path of any other Part of the present Roads, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, and Collegiate, through whose Lands or Grounds such Deviation shall be made.

Misnomers not to prevent the Execution of this Act.

LXVII. Provided always, and be it further enacted, That if any of the Lands, Houses, or Buildings, to be taken or used for the Purposes of this Act, shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands or Buildings described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description, shall not prevent or retard the Execution of this Act, but the several Premises and every Part thereof shall and may be purchased or used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named; provided it shall appear to any Two Justices of the Peace of the County wherein such Lands and Buildings shall be situated, and be certified in Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands or Buildings had Notice previously to the Application to Parliament for this Act, that such Lands or Buildings would be wanted for the Purposes of this Act.

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

LXVIII. And whereas by reason of the Purchases which the Trustees of the said respective Districts are hereby empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads or otherwise, they may happen to be seised of some Piece or Parcel of the said old Roads, or of some other Piece or Parcel of Land over and above what shall be necessary for effecting the Purposes of this Act; be it further enacted, That it shall be lawful for the said Trustees of the said Districts respectively to sell and dispose of the said Pieces of the the said old Roads or other Land, either together or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees of the said respective Districts, before they sell and dispose of any Piece or Pieces of the said old Road or other Land, shall first offer the same to the Person or Persons whose Land shall adjoin thereto;

Persons whose Land adjoin to have the Preference.

thereto; and that the said Trustees of the said respective Districts, before they shall sell or dispose of any Piece or Pieces of overplus Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or repurchase the same respectively, an Affidavit being made and sworn to before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County or Place where such Piece or Parcel of old Road or Ground shall lie, by some Person or Persons not interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on Behalf of the Trustees of the District within which the same shall lie, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Trustees of the said respective Districts, shall not agree with respect to the Price thereof, in such Case or Cases the Price or Prices thereof shall be ascertained by a Jury in Manner herein-after directed, with respect to the disputed Value of Premises to be purchased by the said Trustees of the said respective Districts in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-after directed, with respect to such Purchase made by the said Trustees of the said respective Districts, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of the said respective Districts, of such Piece or Parcel of old Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Trustees may purchase Lands for improving the Roads.

LXIX. And be it further enacted, That it shall be lawful to and for the said Trustees of the said respective Districts, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, which they are by this Act enabled to purchase for the Purpose of widening, diverting, altering, and improving the said Roads, for the Purchase thereof, and for the Loss or Damage such Owners or Persons may otherwise sustain; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, and all other Trustees whatsoever, not only for themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the Trustees of the District in which such Lands, Tenements, Hereditaments, or Premises shall lie, or any

any Five or more of them, for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees or any Five or more of them, all or any such Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat, the Value may be ascertained by a Jury.

LXX. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands, Tenements, Hereditaments, or Premises, or sustaining any such Damage as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Dwelling-houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in Possession of any such Lands, Tenements, Hereditaments, or Premises, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case, the said Trustees of the District in which the Lands, Tenements, Hereditaments, or Premises, the Subject of Dispute, shall lie, or any Five or more of them, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Lancaster*; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, (which Oath the said Trustees or any or either of them are and is hereby empowered to administer); and such Trustees of the said respective Districts, or any Five or more of them, shall by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, they the said Trustees of the said respective Districts, or any Five or more of them, shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested, according to the Verdict or Inquisition of such Jury; and such Verdict or Inquisition, and Judgment, Order, and Determination thereon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent

as present, Infants, Femes Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, as well as all and every Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees of the said respective Districts, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants in Writing to the Sheriff of the said County of *Lancaster*, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries, to appear before such Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and are hereby empowered and required to swear or cause to be sworn Twelve, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen, when they come to be sworn, but shall not challenge the Array; and the said Trustees of the said respective Districts, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and who without sufficient Excuse shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no one Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

How Expences of Jury and Witnesses are to be borne.

LXXI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Tenements, Hereditaments, or Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees of the said respective Districts, or any Five or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Treasurer to the said Trustees of the District summoning such Jury, out of any Money which shall then be in his Hands,

or

or out of any Monies to be received by virtue of this Act within the District for which such Treasurer shall act, for repairing and maintaining the said Roads; but if any such Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees of the said respective Districts, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands, Tenements, Hereditaments, or Premises, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom such Trustees shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed such Damages, and shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Trustees, or any Five or more of them, by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, in Manner aforesaid.

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

LXXII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid out of any Monies in the Hands of the Trustees taking the Lands, Tenements, Hereditaments, or Premises, or out of the Tolls granted by this Act for making and repairing the said Roads within the District for which such Trustees shall act, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties, or Person or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England*, in Manner by this Act directed (as the Case may be); and upon such Payment to such Parties or their Agents, or into the Bank of *England*, and after Thirty Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their respective Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, Hereditaments, and Premises, then such Lands, Tenements, Hereditaments, and Premises respectively shall and may be taken and used for the Purposes of this Act; and such Lands, and the Site of such Tenements, Hereditaments, and Premises, shall be laid into and made Part of the Road, in such Manner as the said Trustees agreeing for and taking the same, or any Five or more of them, shall direct, and when made Part of the said Roads shall be repaired and kept in Repair by such Trustees by the same Ways and Means as any other Part of the Roads under their Management is or ought to be kept in Repair, and all Parties and Persons whomsoever shall be divested of all Right

and

and Title to such Lands, Tenements, Hereditaments and Premises; and after such new Road shall be completed, the Lands and Grounds constituting any former Roads or Road, or so much and such Part or Parts thereof as in the Judgment of the said Trustees of the said respective Districts may thereby become useless or unnecessary, shall or may be stopped up and discontinued as public Highways, (unless leading over some Moor, Heath, Common, uncultivated Land, or Waste Ground, or to some Church, Mill, Village, Town, or Place to which such new Road or Roads doth not or do not immediately lead, and which may therefore be deemed proper to be kept open as a public or private Way or Ways for the Use of any Inhabitant at large, or any Individual or Individuals, and in which case the said respective Trustees shall be discharged from the Care thereof), and shall be vested in and may be sold and conveyed by the said Trustees of the said respective Districts, or any Five or more of them, in the Manner herein mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied for the Purposes of this Act, for repairing and maintaining such Roads; and all Conveyances, being executed by the said Trustees of the said respective Districts, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the said County of *Lancaster*, shall be good and effectual in the Law, to all Intents and Purposes whatsoever; or it shall be lawful for the said Trustees, or any Five or more of them, instead of making such Sale as aforesaid, to give up to the Owners or Proprietors of any adjoining Lands, Tenements, or Hereditaments, whose Building, Land, or Ground shall be had or taken for the Purposes of this Act, any Part or Parts of the present or old Roads in lieu and in exchange for the same, in such Way and Manner as such Trustees, or any Five or more of them, and the Owners or Proprietors, shall agree upon and think fit.

Application of Compensation Money exceeding 200*l.*

LXXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Ground purchased, taken, or used by virtue of the Powers of this Act, by the said Trustees of either of the said respective Districts, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Tenant for Life, or in Fee Tail general or special, 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 of the *Wigan* and *Preston* Roads South or North of *Yarrow* (as the Case may be) paying in the same, 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 Ground, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Ground, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or to the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents,

and Purposes, and in the same Manner as the Ground 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 or 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 said 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 the Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Settlement or Purchase were made.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

LXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Ground purchased, taken, or used for the Purposes aforesaid, 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 amount to or 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 Ground 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-after 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 Three or more of the said Trustees taking such Ground, (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 and Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than 20*l.*

LXXV. 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 Ground so purchased, taken, or used, in such Manner as the Trustees taking and using such Ground, or any Three or more of them, shall think fit, or in case of Lunacy or Infancy, 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.

If Compensation Money be refused, or

LXXVI. 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 Ground 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 Trustees purchasing or taking the same, or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Ground be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the 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 said 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 thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

the Titles to the Land cannot be made out satisfactory, or if Persons cannot be found, then Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

LXXVII. 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 said Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of 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 to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Ground 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 Ground, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made to 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.

Respecting disputed Titles to Money.

LXXVIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled

Court of Chancery to direct Payment of Expences in certain Cases.

settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said respective Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Roads to be measured, and Mile-stones or Posts to be set up.

LXXIX. And be it further enacted, That the said Trustees of the said respective Districts shall cause the said Roads within their several Districts to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of one Mile from each other, with such Inscription thereon, denoting the Number of Miles and Distances of Places, as they the said Trustees shall think fit; and also such and so many Direction or Guide Posts as the said Trustees shall think proper.

Penalty on Persons damaging Direction Posts, and for preventing Nuisances on the Road.

LXXX. And be it further enacted, That if any Person or Persons shall pull up or damage any Direction Posts, Mile Posts, or Mile Stones now erected or to be erected upon or on the Side or Sides of or adjoining the said Roads, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon, or shall break, throw down, damage, or injure the Lamps, Lamp Posts, or other Works to be placed upon or adjoining or near, or on the Side or Sides of the said Roads, or shall put out or extinguish the Lights therein, or shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Truck, Sledge, Wheel-barrow, Hand-barrow, or other Hand-carriage, or Carriage of any Description thereon, or shall cause any Damage to be done to such Footway, or the Hedges, Posts, Rails, or Fences thereof, or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made under the Authority of any of the said recited Acts or this Act, or repaired or repairable by the said Trustees, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon any Part of the said Roads, to drag or trail upon such Roads to the Prejudice thereof, or shall bait, drive, or worry any Bull or Bear with Dogs or otherwise upon the said Roads, or any Part thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer them to root up or damage the same, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage, shall not in meeting any other Carriage keep his Carriage on the Left Hand Side of the Middle of the said Roads, or if any Person having the Care of or driving any Waggon, Cart, or other such Carriage upon the said Roads or any Part thereof, shall ride within or upon the said Waggon, Cart, or other such Carriage, or shall ride upon the Shafts or either of them of such Waggon, Cart, or other Carriage; or if any Persons driving or riding upon any Horse or Beast of Draught carrying Milk Cans, Crates, Cans, or Panniers, shall not keep the said Horse or other Beast of Draught on the Left Hand Side of the Middle of the said Roads, or shall ride or drive his or her Horse or other Beast of Draught opposite to or abreast of any other Person driving or riding any other Horse or Beast of Draught carrying Milk

Milk Cans, Crates, Cans, or Panniers, so that Two or more such Horses, or other Beasts of Draught, shall be abreast or opposite to each other in travelling upon the said Roads; or if any Person, after having blocked up any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads, or any Part thereof, the Stone or other Thing used in such blocking; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall shoe, farry, or bleed any Horse or Cattle on the said Roads (except in case of Accident), or shall kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Sheep, Calf, Lamb, Pig, or other Cattle, in or upon the said Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on the said Roads, or any Part thereof respectively, or within Eighty Feet of the Centre thereof, or play at Football or any other Game, to the Annoyance of any Passenger or Passengers on any Part or Parts of the said Roads; or if any Person shall leave any Chaise, Coach, Waggon, Wain, Cart, or other Carriage, in, upon, or on the Side of any Part of the said Roads, without any proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Road as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever (except Materials for the Repairs of the said Roads deposited by or by the Order of the Surveyor thereof), on any Part of the said Roads, or on the Side or Sides thereof, or on the Footpaths or Causeways adjoining; or if any Person or Persons shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon such Road or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing upon any Part of the said Roads to be made into Manure, or other Matter or Thing whatsoever upon such Road, or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, whereby the said Roads, or any Part thereof, shall be damaged; or if any Blacksmith or other Person occupying a Blacksmith's Shop having Doors or Windows to the Front of the said Roads, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from shining into the said Roads; or if any Person driving any Horse or other Beast on the said Roads carrying Iron in Bars or Rods, or any other Matter or Thing, shall place such Bars or Rods, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with

or without any Horse, Mule, or Ass, shall pitch any Tent, or encamp upon, or by the Sides of any Part of the said Roads; or if any Person or Persons shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, or shall in any Manner whatsoever obstruct or impede the Passage upon the said Roads; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may direct Prosecutions for Nuisances, &c.

LXXXI. And be it further enacted, That the said Trustees of the said respective Districts of the said Roads at a public Meeting, and they are hereby empowered, if they think fit, to direct Prosecutions by Indictment against the Offender or Offenders for any Nuisance or other Offence done, committed, or continued in or upon any of the said Roads under their Care respectively, at the Expence of the Revenues belonging to the said respective Districts to be allowed by the Trustees of the said respective Districts, at some subsequent Meeting.

Punishing Persons making Encroachments.

LXXXII. And whereas Inconveniences having arisen from making Buildings, Hedges, or other Fences, and from breaking up the Surface of the said Roads, and ploughing and breaking up the Soil of Lands or Grounds near the Middle or Centre of the said Roads; for Remedy thereof, be it further enacted, That if any Person shall fill up or obstruct any Ditch at the Side of the said Roads, or shall encroach by making or causing to be made any Dwelling-house or other Building, or any Hedge, Ditch, or other Fence on the said Roads, or on any Commonable or Waste Land on the Side or Sides of the said Roads, or shall make any Gutter, Drain, Ditch, or Watercourse across or otherwise break up the Surface of the said Roads, or of any Part thereof, or make any other Encroachment on the said Roads, every Person so offending shall forfeit for every such Offence Forty Shillings, to such Person or Persons as shall make Information of the same; and it shall be lawful for the said Trustees, within their said respective Districts, to cause such Dwelling-house or Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down or filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall or may be lawful for any One or more Justice or Justices of the Peace of the County or Place where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down or filling up such Dwelling-house or other Building, Hedges, Ditches, Drains, or other Encroachments as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner on Demand.

Penalty on obstructing Surveyors, &c.

LXXXIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or procure to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor, or any other Person by them or any of them, or by the said Trustees of either of the said Districts respectively, employed in the Execution of this Act, every Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXIV. And

Cattle straying may be impounded.

LXXXIV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, or by the Side thereof, (except on such Parts of the said Roads as lead or pass through or over any Common or uninclosed Lands), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place as the said Trustees, within their respective Districts, shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Trustees to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Overplus of the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Gates not to open into the Roads.

LXXXV. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of the said Roads, so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and if the Occupier of any Land in which any Gate is or shall be so constructed so as to open or swing inward towards the said Roads, contrary to the true Meaning of this Act, shall not within Ten Days after Notice to him or her given in Writing from the Surveyor of the said Roads, within the District for which such Surveyor shall act, cause such Gate to be hung so that no Part of such Gate shall when open project over any Part of the said Roads, or any Footpath belonging thereto, then and in every such Case the said Surveyor of the said Roads is hereby authorized to cause the Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default, upon Complaint made to any Justice of the Peace acting for the County where the Cause of Complaint shall arise, shall, upon Conviction upon Oath of One credible Witness, pay to such Surveyor such Sum of Money as the said Justice shall direct, to defray the Expences of making the Alteration and hanging such Gate in a proper Manner, and shall also forfeit and pay a further Sum not exceeding Forty Shillings for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice before whom such Conviction shall be made; and such Penalty shall be levied, recovered, paid, and applied in Manner herein-after mentioned.

Punishment of Persons guilty of

LXXXVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live

Pound Breach.

Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other Live Stock or Cattle, which shall be impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded; or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of one credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

For securing transient Offenders.

LXXXVII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into 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, her, or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence shall have been committed, and residing near to the Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

Penalty on Witnesses not attending when summoned.

LXXXVIII. And be it further enacted, That if any Person or Persons, after having been summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or their Costs, Charges, and Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, then and in either of the said Cases every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Persons liable to the Repair of the present Roads to continue so.

LXXXIX. And be it further enacted, That all Owners or Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable by reason of any Tenure, Inclosure, Prescription, Custom, or other lawful Cause of Obligation

gation, to the amending, maintaining, or repairing, or to contribute to the amending or repairing of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall notwithstanding any thing herein contained, still remain liable and chargeable in such Manner as they were before the passing of this Act.

Parishes and Townships, &c. to be liable to Repairs.

XC. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Divisions, or Places through which the said Roads do pass, shall be liable to the Repair of such Parts of the said Roads as are within their respective Parishes, Townships, Hamlets, Divisions, or Places, in such and the same Manner as they are liable to the Repair of any other common Public Highways within the same.

Statute Work.

XCI. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees of the said respective Districts, or by their Treasurer, Clerk, or Surveyor, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, Hamlets, Divisions, or Places within each of the said Districts, through which the said Roads pass, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division, or Place, either as a Highway Rate or Assessment, or in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to or for the Use of the said Trustees of each of the said respective Districts; and in order thereto it shall be lawful for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division, or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, (within Ten Days next after the serving of such Summons, either personally or by leaving the same at his, her, or their Dwelling-house), of the Names of the several Persons who, within such Parish, Township, Hamlet, Division, or Place, are by Law, Custom, or otherwise, subject and liable to do Statute Work, or to the Payment of any Highway Rate or Assessment, or 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, Draughts, or otherwise, and also the Amount of the respective Sums to be paid, and the Assessment or Valuation by which such Statute Work or Sums are rated and calculated; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute for the Repair of the Public Highway; 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 do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads within each of the said Districts respectively, 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 Roads nevertheless within the said Township or Place wherein the Party resides, as the said Trustees of the said respective Districts, or their Surveyor or Surveyors, shall from Time to Time order, direct, and

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 Payment of any Highway Rate or Assessment, or 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 Surveyor or Surveyors of such Parishes, Townships, Hamlets, Divisions, or Places respectively, who shall collect and receive the same, for the Use of the said Trustees, and afterwards pay over the same to the said Trustees or their Treasurer or Surveyor, at such Time or Times as 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 such Surveyor or Surveyors, or of the other Persons respectively liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given or left for him, her, or them, at his, her, or their usual Place or Places of Abode, for that Purpose, by any Surveyor of the said Trustees of the said respective Districts) 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 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 Roads, or any Part thereof, shall be found idle or negligent by any Surveyor to the Trustees of the District within which such Person shall be sent to work, such Surveyor is hereby empowered to remove and discharge 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 or Surveyor to the said Trustees, and applied towards amending the said Roads; and if any Surveyor of the Highways for any of the said Townships or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and willingly give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Proportion of any Highway Rate or Assessment, or such Composition Money or any Part thereof in manner aforesaid, every such Surveyor, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that the full Amount of the Money received or gathered in any one Parish, Township, Hamlet, Division, or Place, and paid to the said Trustees as aforesaid, shall be laid out and expended in the Repair of that Part of the said Roads lying within the same Township or Place.

Trustees may compound for Statute Work.

XCII. Provided always, and be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors of any Township or Place through which the said Roads pass, or any other Person or Persons appointed for that Purpose (at any Vestry or other public Meeting of the Inhabitants of such Township or Place who shall be summoned together for that Purpose) to compound and agree from Time to Time with the

said Trustees of the said respective Districts within which the same shall be situate, for a certain Sum of Money, by the Year or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants upon any Part of the said Roads; which Composition Money shall always be paid in advance, and be applied to the Purposes of this Act; and such Surveyors and other Persons by whom such Composition shall be made on Behalf of any of the said Townships or Places as aforesaid, shall be reimbursed such Composition Money in such Manner as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for the repairing the Highways.

Trustees may contract for Repairs.

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

Trustees may compound for Penalties.

XCIV. And be it further enacted, That in all Cases where any Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall and may be lawful for the said Trustees of the said respective Districts, from Time to Time to compound and agree for the same, for such Sum or Sums as they shall think proper, instead of receiving the whole of such Penalty or Penalties; but the Sums compounded or agreed for shall not be less than One Half of such Penalty, and the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby.

XCV. And

Distress not to be deemed unlawful for want of Form.

XCV. And be it further enacted, That where any Distress shall be made for any Penalty or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case.

Plaintiff not to recover, if Tender of Amends.

XCVI. Provided always, That no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may, at any Time before Issue joined, pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Orders, or Judgments shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Trustees, &c. not incompetent Witnesses.

XCVII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity whatsoever, or before any Justice of the Peace under or by virtue of this Act, by reason of his being a Trustee of the said Districts, or either of them, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk or Surveyor or other Officer under this Act, or of acting under the Authority of the said Trustees, or an Inhabitant of any Township, Parish, Tything, or Place, through which the said Roads do or shall pass.

Penalties how to be recovered and applied.

XCVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovering whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any one Justice of the Peace for the said County of *Lancaster*, either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act) paid, One Half to the Informer and the other Half to any Five or more of the said Trustees of the said respective Districts, or to their Clerk, Treasurer or Treasurers, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice,

and

and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such case it shall be lawful for such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

For the more easy Conviction of Offenders.

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

Form of Conviction.

'County of } BE it remembered, That on the Day of
'(to wit.) } 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, Time and Place when and where the same was committed, (as*
'*the Case may be) without further setting forth the Information or Evidence*
'*against the Defendant.*] Given under my Hand and Seal the Day and
'Year first above mentioned.'

Proceedings not to be quashed for want of Form.

And that no Objection shall be made or Advantages taken for Want of Form in any such Conviction by any Person or Persons whomsoever; and that no Proceedings of any Nature or Kind soever, to be had touching any Offender or Offenders against this Act, shall be quashed, vacated, or discharged for Want of Form only.

Allowing an Appeal.

C. And be it further enacted, That if the said Trustees of the said respective Districts, or any Person or Persons, shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this Act, and for which no particular Method of Relief hath been herein-before appointed, such Trustees, or Person and Persons, shall and may appeal to the Justices of the Peace, at the First General Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise, within Three Calendar Months next after the Matter of such Complaint shall have arisen; such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring

Twenty-one Days Notice of Appeal to be given.

Recognizance to be entered into.

bring such Appeal, and of the Cause or Matter thereof; and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties, or quash and annul any Conviction or Convictions, Orders, or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise, as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties to all Intents and Purposes, and shall not be removed by any Writ of Certiorari, or any other Writ or Proceeding whatsoever.

Limitation of Actions.

CI. And be it further enacted, That no Suit or Action shall be brought or commenced by any Person or Persons for any thing done by virtue of this Act till after Fourteen Days clear Notice thereof in Writing shall be given to the Person or Persons against whom such Action or Suit shall be intended to be so brought or commenced, thereby fully setting forth the Cause of such Action or Suit and the Nature thereof, or left at his or their last or usual Place of Abode; and that every Action or Suit commenced or brought for any thing done as aforesaid shall be brought within the Space of Six Calendar Months next after the Cause thereof shall arise, and shall be tried in the County or Place where the Cause of Action shall have arisen and not elsewhere, and the Defendant or Defendants therein may plead the General Issue, and give this Act and the special Matter in Evidence, and that the same was done by virtue thereof; and if on the Trial of such Action it shall appear that the same was brought before the Expiration of Fourteen Days next after such Notice shall have been given or left as aforesaid, or after the End of Six Calendar Months next after the Cause thereof shall have arisen, or if such Action shall be brought or laid in any other County than as aforesaid, or if after sufficient Tender of Amends shall have been made to the Party or Parties aggrieved, then and in every of the Cases aforesaid the Jury on the Trial of such Action shall find a Verdict for the Defendant or Defendants therein; and in all Cases where any Verdict shall be found for any Defendant or Defendants in such Action, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, the Defendant or Defendants in such Action shall have Treble Costs, and also shall have the like Remedies for recovering the same as Defendants have for recovering their Costs in other Cases by Law.

May plead the General Issue.

Public Act.

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

CIII. And

CIII. And be it further enacted, That this Act shall commence upon the Eleventh Day of *April* One thousand eight hundred and twenty-two, and shall from thenceforth continue and be in Force and Effect for the Term of Twenty-one Years, and from thence until the End of the then next Session of Parliament. Term and Continuance of this Act.

The

The FIRST SCHEDULE referred to by this Act.

TRUSTEES SOUTH OF YARROW.

John Acton *of* Wigan, Roger Anderton, James Acton *of* Wigan, George Ainsley *of* Standish, William Anderton *of* Euxton, Ralph Bolton, James Bolton, *Reverend and Honourable* George Bridgeman, Thomas Barton *of* Pemberton, James Andrew Bolton *of* Wigan, Thomas Birch, James Baron, David Brown, James Bancks *Attorney*, James Brown, Henry Bullock, John Bullock *of* Millgate, James Bullock *of the* Market Place, Thomas Burrows *junior*, *of* Ince, Joseph Bevan *of* Springfield, Reece Bevan *of* Springfield, Richard Bevan, James Battersby *of* Wigan, Meyrick Banks *of* Winstanley, Banks *M. D. of* Wigan, Robert Banks *of* Standish, John Burdon, John Cartwright *of* Wigan, John Coates, Stret-tell Chadwick *of* Pemberton, George Caldwell *of* Ince, Robert Clayton *of* Larches, William Clayton *of* Grange, *Sir* Richard Clayton *Baronet*, Thomas Coope *of* Wigan, William Croudson, John Croudson, Thomas Case *of* Liverpool, James Cardwell *of* Wigan, Nehemiah Cowley *of* Wigan, Edward Clifton *of* Standish, William Caunce *M. D. of* Wigan, John Chaddock *of* Penketh, Prescott Corless, James Donaldson *of* Wigan, Thomas Darwell, John Daglish *of* Haigh, Peter Ditchfield *of* Hindley, Charles Dicconson *of* Wrightington, Richard Entwisle *of* Wigan, Henry Ellam *of* Standish, William Eccles *senior*, *of* Wigan, William Eccles *junior*, William Eckersley, James Eckersley, John Fogg *of* Wigan, John Fisher, Hugh Gaskell *of* Wigan, Henry Gaskell, John Greenough, Ralph Greenough, James Greenough, John Glover, Alexander Green, Richard Prescott German, James Fisher German *of* Pemberton, Birken-head Glegg *of* Chester, Thomas Green *of* Wigan, William Gidlow *of* Ince, *Sir* William Gerard *Baronet*, John Gerard, Nathan Gaskell *of* Upholland, John Hodson *of* Ellerbeck, James Alexander Hodson *of* Holland Grove, John Johnson Hodson, John Holt *of* Bispham, Richard Holmes *of* Wigan, Alexander Haliburton *of* Wigan, Thomas Hardman, Samuel Fogg Hopwood, John Hopwood *of* Wigan, Robert Holt, Ralph Hamersly *of* Wigan, James Hawarden, John Hargreaves *of* Hart Common, John Johnson *of* Arley, Christopher Irving *of* Wigan, William Jenner, John Chisnall Johnson *of* Liverpool, John Hodson Kearsley, Edward Kearsley *of* Hindley, Thomas Kearsley *of* Tyldesly, James Kearsley *of* Hulton, James Knight *of* Wigan, Ralph Knight *of* Wigan, *Sir* Robert Holt Leigh *Baronet*, Roger Leigh, Alexander Holt Leigh, *Right Honourable Lord* Lindsay, John Lord *junior*, *of* Wigan, William Lea *of* Wigan, Thomas Lowe *of* Wigan, Ralph Lowe, Thomas Legh *of* Haydock, William Legh, William Lamb *junior*, *of* Wigan, Richard Leigh *of* Wigan, Thomas Moore *of* Wigan, Robert Marsden, Thomas Marsden, Jonathan Marsden, Thomas Moorfield, John Fisher Moore, Robert Morris *of* Wigan, Christopher Morris, William Morris *of* Upholland, Nicholas Moore *of* Wigan, James

Neville *of* Wigan, William Neville, Thomas Newsham *senior of* Wigan, Samuel Newsham, King Street, James Newsham *of the* Market Place, *Reverend* Richard Perryn *of* Standish, Gerard Perryn, Richard Prescott *of* Dalton, John Pennington *of* Hindley, Henry Ranson *of* Wigan, Henry Robinson, George Robinson, Richard Rymer, Thomas Roby, William Rannicar, Rigbye Rigbye *Clerk*, *of* Harrock, Rigbye Rigbye, George Rice *of* Wigan, Thomas Ratcliffe, John Roocroft *of* Welsh Whittle, John Singleton *of* Wigan, Samuel Singleton, Aaron Stock, John Scott, Thomas Scott, Luke Smalley, Charles Standish *of* Standish, Frank Hall Standish *of* Duxbury, Gabriel Shaw *of* Wigan, Thomas Sumner *of* Hindley, Thomas Strickland *of* Sizirgh, Thomas Scarisbrick *of* Scarisbrick, Archibald Stuart, Richard Tenant *of* Wigan, John Thompson, James Thompson, Ebenezer Tickle, Ralph Thicknesse *of* Beech Hill, Ralph Thicknesse *junior of* Beech Hill, Thomas Taylor *of* Wigan, George Tenant *of* Wigan, *Reverend* Henry Unsworth *of* Bury, Thomas Woodcock *of* Wigan, John Woodcock, Edward Woodcock, William Woods, Queen Street, Charles Walmesley *of* Westwood, Charles Walmesley *junior*, John Willgoose *of* Wigan, James Wood *of* Aspul, William Wright *of* Wigan, Richard Woodward *of* Hulton, William Woolton *of* Wigan, Edward Bootle Wilbraham *of* Lathom, Richard Bootle Wilbraham *of* Lathom, William Wylde *of* Wigan, William Wiswell *of* Billinge, Thomas Whalley *of* Welsh Whittle, Thomas Whalley *junior of* Welsh Whittle.

The SECOND SCHEDULE referred to by this Act.

TRUSTEES NORTH OF YARROW.

John Adison, John Adison *junior*, Thomas Batty Adison, Thomas Ainsworth, Thomas Ainsworth *junior*, Ralph Alderson, Barton Fletcher Allen, Joseph Seaton Aspden, John Bairstow, Thomas Brade, James Blanchard, Robert Bickerstaff, William Clayton, Paul Catterall, Peter Catterall, Thomas Catterall, William Cross, William Saint Clare, William Saint Clare *junior*, Samuel Crane, Edward Clayton, Thomas Dewhurst *Manufacturer*, John Dalton, Edward Forshaw, Robert Friend, Nicholas Grimshaw, Edward Gorst, John Gorst, Septimus Gorst, Samuel Horrocks, Samuel Horrocks *junior*, John Haliburton, Joseph Harrison, George Horrocks, Robert Holmes, George Jacson, William Leighton, John Lawe, William Miller, Thomas Miller, Thomas Moore, Joseph Myers, James Mounsey, Edward Pedder, Richard Palmer, Thomas Petty, John Paley, Robert Park, John Ryley, Samuel Ryley, William Rawstorne, Robert Robinson, Watson Robinson, John Swainson, Townley Rigbye Shawe, William Shawe, John Smith, Edward Robert Travers, William Taylor, John Taylor, John William Richard Wilson, Richard Walmsley, John Walton, Jackson Walton, Robert Westmore, *and* Isaac Wilcockson, *all of* Preston.

Thomas Barton, William Bashall *junior*, George Clayton, Edward Clayton, Ralph Clayton, John Clayton, Thomas Clayton, Richard Calrow, John Boardman, George Brindle, John Fletcher, Thomas German, Henry Hoghton, James Livesey, Richard Martin, Richard Martin *junior*, Edward Pedder, Miles Rodgett, *Reverend* Edmund Strengfellow Ratcliffe, Robert Snell, Charles Swainson, James Tongue, *and* Richard Ward, *all of* Walton.

Reverend Nicholas Rigbye Baldwin, Edward Boardman, Thomas Addison, Hugh Dawson, William Farington, William Pollard, *and* John Winstanley, *all of* Leyland.

William Anderton, Hugh Holden, *and* James Leyland, *all of* Euxton.

Thomas Burgess, Arthur Dawson, Thomas Garstang, *and* James Scotson, *all of* Clayton.

Richard Legh, Peter Heatley, *and* John Cunliffe, *all of* Whittle.

James Pedder, Richard Pilkington, William Ormerod Pilkington, *and* Thomas Walmsley, *all of* Ashton.

Barton Beesley, Nathaniel Brownbill, James Christopher Crook, Thomas Coward, James Harrison, Thomas Hawkshead, Thomas Livesey, Timothy Lightoller, Jonathan Pendlebury, John Silvester *senior*, John Silvester *junior*, James Silvester, Edward Silvester, John Smethurst, Thomas Sumner, James Talbot, Abraham Turner, Richard Woodward, John Wilkinson, *and* John Withnell, *all of* Chorley.

Peter Horrocks *and* Laurence Rawstorne, *both of* Penwortham, Abraham Crompton *of* Lune Villa, Thomas Gillibrand *of* Gillibrand Hall, *Sir* Henry Philip Hoghton *Baronet of* Astley Hall, Robert Townley Parker *of* Cuerden, Frank Hall Standish *of* Duxbury, William Sharrock *of* Samlesbury, Edward Bootle Wilbraham, Richard Bootle Wilbraham, Robert Boyer, *and* Edward Boyer, *all of* Lathom, *and* James Teebay *of* Ingol Cottage.

The THIRD SCHEDULE referred to by this Act.

In the Township of Walton-in-le-Dale, in the Parish of Blackburn, in the County of Lancaster.

No. in the Plan deposited with the Clerk of the Peace.	DESCRIPTION OF PREMISES.	LAND OWNERS.	OCCUPIERS.
5	Building used as a Saw-pit on the East Side of the Road -	Sir Henry Philip Hoghton, Bart. -	Executors of the late Matthew Barton.
6	Carpenter's Shop - -	Ditto. - - -	Ditto.
7	Part of a Garden on the East Side of the Road -	Ditto. - -	Robert Webster.
8	Garden on the East Side of the Road - - -	Thomas Briggs - -	Thomas Briggs.
9	Several Dwelling-houses and Out-buildings, also a Warehouse and Butcher's Shop on the East Side of the Road -	Sir Henry Philip Hoghton, Bart. -	Thomas Heywood, Thomas Pimley, Edmund Higginson, Alice Whittle, John Bimson, John Fowler, John Smith, James Livesey, James Bailey and John Hartley.
The last-mentioned Premises are in Lease to Messrs. Livesey and Bailey.			
10	A Public House on the West Side of the Road - -	Sir Henry Philip Hoghton, Bart. - -	James Pearson.
11	A Warehouse on the East Side of the Road - -	Ditto. - -	Mary Cooper.
12	Two Dwelling Houses and Gardens on the East Side of the Road - - -	Ditto. - -	Robert Mansley and Robert Smith.
These last-mentioned Premises are in Lease to Agnes Sergent.			
13	Plantation on the West Side of Walton Brow - -	Sir Henry Philip Hoghton, Bart. - -	Sir Henry Philip Hoghton, Bart.
31	A Garden or Court on the West Side of the Road -	Thomas Blackburn -	John Chritchley.
32	Four Gardens or Courts on the West Side of the Road -	William Bashall -	Thomas Ashworth, Thomas Hall, Thomas Sumner and Helen Ward.
33	Fold Garden and Plantation on the West Side of the Road	The Heirs of the late John Clayton -	James Wilson.
34	A Court or Yard on the East Side of the Road -	The Trustees of the Methodist Chapel -	The Trustees of the Methodist Chapel.
35	A Court or Garden on the East Side of the Road -	William Hilton -	Edward Blackburn.
36	Two Courts or Gardens on the East Side of the Road -	John Rasbotham -	Thomas Barnes and William Turner.
37	Three Courts or Gardens on the East Side of the Road -	William Bancks -	Thomas Wearden, Thomas Sutcliffe, and Joseph Holland, late Thomas Whittle.
38	Two Gardens on the East Side of the Road - -	The Heirs of the late John Clayton -	William Bramwell and James Carr.
39	A Garden or Plantation on the South-west Side of the Road	Ditto - -	Mrs. Clayton.
55	Gardens, Fold, and Plantation on the South-west Side of the Road - -	Robert Townley Parker, Esquire - -	George Brindle.

Third Schedule—*continued.*

In the Township of Clayton-le-Woods, in the Parish of Leyland, in the said County.

No. in the Plan deposited with the Clerk of the Peace.	DESCRIPTION OF PREMISES.	LAND OWNERS.	OCCUPIERS.
60	Field	Edward Stock and Jennet Morris	John Connell.
61	Field	Ditto	Ditto.
62	Field	Ditto	Ditto.
63	Garden	The Township of Clayton-le-Woods	Richard Park.
64	Field	William Anderton, Esquire	John Seddon.
65	Field	Ditto	Ditto.
66	Field	The Devisees of the late Thomas Wilson	Now untenanted.
67	Field	James Scotson and Edmund Scotson, or one of them	James Scotson and Edmund Scotson.
68	Field	Ditto	Ditto.
69	Field	Ditto	Ditto.
70	Field	Ditto	Ditto.
71	Field	The Devisees of the late Thomas Wilson	Richard Holding.
72	Field	Ditto	Ditto.
73	Field	Ditto	Ditto.
74	Field	Thomas Harrison	Richard Wrennall.
75	Field	Ditto	Ditto.
76	Field	Ditto	Ditto.
77	Field	Ditto	Ditto.

In the Township of Whittle-in-le-Woods, in the Parish of Leyland aforesaid.

78	Field	Frank Hall Standish, Esquire	John Ryding.
79	Field	Elizabeth Woodroof	Messrs. Claytons & Co.
80	Field	John Fairclough's Devisees and Mortgagees	John Ryding.
81	Lane	Elizabeth Woodroof	Messrs. Claytons & Co.
82	Field	Ditto	Ditto.
83	Field	Frank Hall Standish Esquire	James Garstang.
84	Field	John Rasbottom	Henry Latus.
85	Field	Samuel Freeman	Thomas Beardsworth.
86	Field	Frank Hall Standish, Esquire	James Garstang.
87	Garden and Orchard	Elizabeth Woodroof	Messrs. Claytons & Co.
88	Field	Ditto	Ditto.
89	Field	Frank Hall Standish, Esquire	James Garstang.
90	Field	Samuel Freeman	Thomas Beardsworth.
91	Field	Elizabeth Woodroof	Messrs. Claytons & Co.
92	Field	Ditto	Ditto.
93	Field	Richard Legh, Esquire	Richard Legh, Esquire.
94	Field	Richard Tassiker	Thomas Parr.
95	Two Cottages and Gardens	Richard Legh, Esquire, and the Township of Whittle-le-Woods	Bridget Low, Elizabeth Longton, Helen Fairbrother, and Helen Holding.

Third Schedule—*continued.*

No. in the Plan deposited with the Clerk of the Peace.	DESCRIPTION OF PREMISES.	LAND OWNERS.	OCCUPIERS.
96	Field	Lady Hoghton	Hugh Ryding.
97	Field	Ditto	Ditto.
98	Field	Richard Legh, Esquire	John Metcalf.
99	Field	Ditto	Ditto.
100	Field	Lady Hoghton	Henry Hodgkinson.
101	Field	Ditto	Ditto.
102	Garden on the West Side of the Road	Mary Kenyon	Hugh Cooper.
103	Cottage and Garden on the East Side of the Road	Frank Hall Standish Esquire	Hugh Rigby.
	In the Township and Parish of Chorley in the said County.		
104	Plantation on the East Side of the Road	Thomas Coward	Thomas Coward.
105	Plantation	Robert Townley Parker, Esquire	Robert Townley Parker, Esquire.
106	Plantation	Ditto	Ditto.
107	Field or Park	Ditto	James Holcroft.
108	Field or Park	Ditto	Ditto.
109	Field or Park	Ditto	Ditto.
110	Field or Park	Ditto	Ditto.
110 *a*	Gardens	Ditto	John Higham, John Pearson, Thomas Moon and John Whitnell.
111	Plantations, Field, and Porter's Lodge	Lady Hoghton	Sir Henry Philip Hoghton, Bart.
112	Garden	William Gent	William Gent.
113	Garden and Orchard	Abraham Crompton, Esquire	The Reverend William Tate.
114	Three Dwelling Houses and Courts	Ditto	The Reverend William Tate, the Reverend Henry Brierley, and Jane Dawson.
115	House and Shop	Richard Pilkington, Trustee for Hugo Arnot and Margaret Arnot	John Pollard.
116	Public House and Premises on the East Side of the Road	Thomas Gillibrand, Esquire	Isaac Whittle.
117	Field	Ditto	James Marrow.
118	Field	John Cunliffe and Edmund Grundy Esquires	Ditto.
119	Field	Lady Hoghton	Adam Platt.
120	Field	Ditto	Ditto.
121	Field	Thomas Sumner	Thomas Sumner.
122	Garden and Fold	Ditto	Ditto.
123	Field	Ditto	Ditto.
124	Field	Ditto	Ditto.
125	Field	Lady Hoghton	James Watmough.
126	Field	Ditto	Ditto.
127	Garden, Orchard, and Fold	Ditto	Ditto.
128	Field and Road	Ditto	Ditto.
129	Field	Ditto	Ditto.

Third Schedule—*continued.*

In the Township of Euxton, in the Parish of Leyland aforesaid.

No. in the Plan deposited with the Clerk of the Peace.	DESCRIPTION OF PREMISES.	LAND OWNERS.	OCCUPIERS.
130	Field	William Talbot	William Farnworth.
131	Field	Ditto	Ditto.
132	Wood	Ditto	Ditto.
133	Field	The Heirs of the late—— Longworth Esquire.	John Platt.
134	Mill Dam	Ditto	Messrs. Layland & Co.
135	Field	Ditto	Ditto.

In the Township of Charnock Richard, in the Parish of Standish in the said County.

136	Wood	Lady Hoghton	Ellen Sibbering.
137	Field	Ditto	Whittle Fallows Whittle.
138	Lane	Ditto.	
139	Field	Ditto	Whittle Fallows Whittle.
140	Field	Ditto	Ditto.
141	Field	Ditto	Ditto.
142	Field	Ditto	Ditto.
143	Field	Ditto	Ditto.
144	Field	Richard Prescot German, James Fisher German, and Alice Fisher	James Corner.
145	Field	Ditto	Ditto.
146	Field	Ditto	Ditto.
147	Field	Ditto	Ditto.

In the Township of Walsh Whittle, and Parish of Standish aforesaid.

148	Field	Charles Dicconson, Esquire	John Whalley.
149	Field	Ditto	Ditto.
150	Field	Ditto	William Barker.
151	Field	Ditto	John Porter.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1822.