



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 31.

An Act for amending the Road from *Barton Bridge* into the *Manchester* and *Altrincham* Turnpike Road; and also a Branch therefrom, into the said Turnpike Road; all in the County of *Lancaster*.
[6th May 1811.]

WHEREAS the Road leading from or near to a certain Bridge over the River *Irvel*, called *Barton Bridge*, in the Township of *Barton* in the Parish of *Eccles*, through the several Hamlets or Divisions of *Dumplington*, *Bromyhurst*, *Croft's Bank*, *Davyhulme* and *Lostock*, all in the County of *Lancaster*, to the Guide Post situate in a certain Road called *Coal Pit Lane*, within the Township of *Stretford*, in the Parish of *Manchester* in the said County; and from the said Guide Post to the Junction of the said Road with the Turnpike Road from *Manchester* to *Altrincham* in the County of *Chester*, at or near to a Place in *Stretford* aforesaid called *Oldfield's Smithy*; and from the said Guide Post, by a Branch through a certain Lane called *Derbyshire Lane*, to the Junction of the said Lane with the said Turnpike Road from *Manchester* to *Altrincham* aforesaid; is in a ruinous Condition, narrow, and incommodious for Travellers and Passengers; and cannot be effectually amended, widened, improved and kept in repair, by the ordinary course of Law: but if the same were properly amended, widened, improved and kept in Repair, it would be of great Benefit to the Neighbourhood, and of public Utility; 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

[Loc. & Per.] 62 Parliament

Trustees.

Parliament assembled, and by the Authority of the same, That *Joseph Atkinson, Robert Haldane Bradshaw, William Rigby Bradshaw, William Bradshaw, Theophilus Barlow, Thomas Barlow of Eccles, John Barlow of Eccles, Thomas Barlow junior, Edward Barlow, Titus Barlow, John Barlow, of Flixton, the Reverend Robert Barker, Peter Bayley, Thomas Baxter, Amos Banister, James Bancroft, Jonathan Brettargh, Henry Brettargh, James Bent, Doctor of Medicine, James Bent, James Birch, James Birchall, John Brownkill, John Brundrit, Thomas Brundrit, the Reverend John Clowes, the Reverend Thomas Clowes, John Carrington, James Cooke, William Cooke, Charles Cooke, James Cooke junior, Henry Cooke, Bold Cooke, Samuel Collier, Josiah Collier, John Collier, Edmund Coupe, Richard Coupe, Joshua Coupe senior, Joshua Coupe junior, Samuel Crewdson, Isaac Crewdson, John Daine, Peter Daine, Henry Daine, Thomas Derbyshire, Wilbraham Egerton, Adam Falkner, Samuel Falkner, William Falkner, John Falkner, John Falkner of Lofstock, Lawrence Fogg senior, Lawrence Fogg junior, William Fogg, John Greaves, Thomas Goodier, William Gregory, John Gregory senior, John Gregory junior, William Harrison, Thomas Hampson, Joseph Hampson, Robert Hankinson, John Hankinson, Nicholas Hartley, James Harrop of Manchester, James Harrop, William Hesketh, Peter Heywood, Joseph Hesford, John Hesford, John Holcroft, William Hopper, Peter Hulme, Joseph Hulme, George Hulme, Jonathan Hulme, John Hulme, Peter Jackson, George Jackson, Joseph Jackson, Benjamin Johnson, Thomas Kay, John Kent, Jonathan Knight, John Leaf, William Leaf, John Leaf junior, John Ledger, Samuel Liggard, William Marsden, George Marsden, James Mee, William Millat, John Moss senior, John Moss junior, Thomas Morton, Henry Norris, Norris, Peter M'Niven, Charles M'Niven, James Ormrod, John Partington, James Parr, Richard Parr, John Parr, Richard Pearson, Falkner Phillips, William Pixton, William Roscoe, Parker Raingill junior, Samuel Renshaw, William Rogers, John Rogers, Thomas Richardson, Thomas Rogers, Matthew Royle, Thomas Royle, George Royle, Joshua Ryle senior, Joshua Ryle junior, Thomas Ryle, William Sergeant, Henry Sharlock senior, Henry Sharlock junior, Matthew Shawcross, William Shawcross, William Stevenson, Joseph Speakman, Benjamin Solbern, Christopher Simpson, John Smith senior, John Smith junior, John Trafford, Thomas Trafford, William Trafford, Henry Trafford, Edmund Trafford, Samuel Taylor senior, Samuel Taylor junior, John Taylor senior, John Taylor junior, Edmund Taylor Surgeon, Josiah Taylor, John Taylor of Bromburst, Ralph Wright, Richard Wright, James Wright, Thomas Walker, George Walker, William Walker, Peter Walkden senior, Peter Walkden junior, Richard Warburton, William Warburton, Jonathan Watson, Joseph Williamson, Thomas Wood, Samuel Wood, James Wood, Thomas Wroe, John Wroe, Richard Wroe, Joseph Yates, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Trustees for amending, widening, improving and keeping in repair the said Road, and for putting this Act in Execution; and the said Road shall for ever be deemed and taken to be a common Public Highway or Turnpike Road for Horses, Cattle and Carriages, to all Intents and Purposes whatsoever.*

Appointment
of new Trust-
tees.

II. And be it further enacted, That when and as often as any Trustee or Trustees hereby appointed, or to be elected in Manner hereinafter mentioned, shall die or refuse to act, it shall be lawful for the surviving or remaining

remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one or more Person or Persons to be a Trustee or Trustees, in the room or stead of such Trustee or Trustees so deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon the Turnpike or Toll Gate then erected upon or across the said Road, and also by inserting the same in one of the *Manchester* Newspapers, at least Twenty Days before every such Meeting shall be held; and all and every Persons and Person who shall be so elected, are and is hereby vested with the same Powers and Authorities for putting this Act in execution, as the Persons or Person, in whose Places or Place they or he shall be so respectively chosen, were or was vested with.

III. Provided always, and be it further enacted, That no Person hereby appointed, or hereafter to be appointed a Trustee as aforesaid, shall be capable of acting as such in the Execution of this Act (otherwise than in administering an Oath to the effect following to the other Trustees) unless at the Time of his acting therein he shall have, or be seised of in his own right, or in the right of his Wife, and in the actual Possession, Enjoyment or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, situate in the said County Palatine of *Lancaster*, of the clear Yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent to a Person seised and in Possession as aforesaid of such an Estate, situate in the said County, of the clear Yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate of the Amount of One thousand Pounds, nor before he shall have taken and subscribed the Oath following, before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say,)

‘ I *A. B.* do swear, That I truly and *bonâ fide* am seised of in my own right [or, in the right of my Wife, *as the case may be*] and in the actual Possession, Enjoyment or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, situate in the County Palatine of *Lancaster*, of the clear Yearly Value of Fifty Pounds [or, am Heir Apparent of a Person seised of such an Estate of the clear Yearly Value of One hundred Pounds, or, possessed of a Personal Estate of the Amount of One thousand Pounds] and that I will faithfully and impartially, according to the best of my Skill and Judgment, act in the Execution of the several Trusts, Powers and Authorities vested and reposed in me as a Trustee, by virtue of an Act, passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, [*here insert the Title of the Act.*]

‘ So help me GOD.’

Nor shall any Trustee hereby appointed, or hereafter to be appointed, be capable of acting as such during the Time he shall hold or enjoy any Office or Place of Profit under or by virtue of this Act, or have any Share or Interest in any Contract or Bargain relating to the Execution thereof; nor shall any Trustee hereby appointed, or hereafter to be appointed as aforesaid, act or interfere in the Direction or Management of the Tolls or Money arising from the Turnpike or Tollgate to be erected in pursuance or by virtue of this Act, or in the Execution of any

any of the Powers herein contained (except during such Time only as he shall have such an Estate as aforesaid, situate within Ten Miles of such Turnpike or Tollgate, as shall qualify him to act as a Trustee for the Purposes of this Act; and if any Person hereby required to be so qualified as aforesaid, and not being so qualified, shall presume to act as a Trustee in the Execution of this Act, (except in administering such Oath as aforesaid,) or, being so qualified, shall act as such Trustee, before he has taken and subscribed the said Oath; or if any such Trustee hereby appointed, or hereafter to be appointed, shall presume to act as such during the Time he shall enjoy any such Office or Place of Profit as aforesaid, or have any Share or Interest in any such Contract or Bargain; or if any such Trustee shall act or interfere in the Direction or Management of the Tolls or Money arising from and to be collected at the Turnpike or Tollgate to be erected in pursuance or by virtue of this Act, or in the Execution of any of the Powers herein contained, otherwise than whilst he shall have such Estate as aforesaid, situate as aforesaid; every such Person so offending, in all or any of the Cases aforesaid, shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to and for the Use of such Person or Persons as shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt, in His Majesty's Court of Common Pleas held for the said County Palatine of *Lancaster*; and in every Action so to be brought as aforesaid, the Proof of Qualification shall lie on the Person so sued or prosecuted, and it shall be sufficient for the Plaintiff in any such Action, to prove that the Person so sued or prosecuted had acted as such Trustee: Provided nevertheless, That such Acts and Proceedings as shall have been done and performed by any such Persons, touching this Act, previous to his being convicted of the Offence or Offences before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided always, That any Mortgagee or Assignee of any Mortgage or other Security, or any Lenders of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee; and that such Trustees as are or shall be in the Commission of the Peace for the said County Palatine of *Lancaster*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Justices.

Acts of Trustees, previous to Conviction, to be valid.

Mortgagees may act, and Trustees in the Commission of the Peace may act as Justices.

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

IV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may sue and be sued in the Name of their Clerk or Clerks, Treasurer or Treasurers, for the time being; and that no Action which may be brought or commenced against the said Trustees, or any Five or more of them, by virtue or on account of this Act, in the Name of their said Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, Treasurer or Treasurers; but the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees for the time being, shall always be deemed the Plaintiff or Plaintiffs, Defendant or Defendants in such Action, as the case may be: Provided always, that every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of

of this Act, all such Costs and Charges as by the event of any such Proceedings he or they shall be put to, or become chargeable with, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet between the hours of Ten and Two of the Clock on the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be, at the *Nag's-head* Inn, at *Croft's Bank* aforesaid, at which Time and Place the said Trustees shall proceed to the Execution of this Act, and to adjourn from time to time, and afterwards meet at the same Place, or at any other Place or Places in or near to the said Roads, as the said Trustees attending such respective Meetings shall think most convenient, as often as it shall be necessary for putting this Act in execution; and if it shall happen that there shall not appear at any such Meeting, a sufficient Number of Trustees to act or to adjourn, (Two Trustees being deemed sufficient for the purpose of Adjournment only,) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the Trustees shall, by public Notice in Writing, to be affixed on the Turnpike or Tollgate then erected upon the said Road, and also inserted in one of the *Manchester* Newspapers, at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or some other convenient House near to the said Road, on that Day Three Weeks from the Day on which such Meeting was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect or Prevention, of such Clerk or Clerks, by Notice in Writing under their Hands to be affixed and inserted in manner aforesaid, to appoint the Trustees to meet at some House near to the said Road, upon that Day Three Weeks after the Date of such last-mentioned Notice; and that the Trustees, at their Meetings, shall defray their own Charges and Expences: Provided always, that no Act, Order or Proceeding of the said Trustees shall be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act, (except in cases herein particularly provided for,) nor shall any Order made at any Meeting of Five or more of the said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration proposed to be made, be affixed upon the Turnpike or Tollgate then erected on the said Road, and also inserted in one of the *Manchester* Newspapers, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of the said Trustees present at such Meeting (such Majority to consist of Seven at the least) shall concur in such Revocation or Alteration.

Time and Place of Meetings of Trustees.

Trustees to pay their own Expences.

Acts or Orders of Trustees not valid except made at Meetings.

VI. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that Case the Clerk, upon an Order in Writing, signed by any Two or more of the Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall

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forth.

forthwith give Notice of such earlier Meeting in the Manner before directed, such time not being less than Fourteen Days after such Notice, and all Proceedings of the Trustees at such earlier Meeting shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of Adjournment.

Proceedings
of Trustees
to be entered.

VII. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept by the Clerk or Clerks to the said Trustees for that Purpose, and signed by the Trustees present at the Meetings or Meeting at which such Orders shall be from Time to Time made or Proceedings had, or by the major Part of such Trustees: and that such Book or Books shall be open, at all reasonable Times, to and for the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward; and such Entries, being signed by such Number of the said Trustees as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, and all Entries in such Book or Books, shall be admitted as Evidence in all Courts whatsoever.

Power to ap-
point Offi-
cers.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, Collector or Collectors, of the Tolls hereby granted, or other Officers respectively, as they shall think proper; and that a Notice or Notices of a Meeting or Meetings to be had or held for that Purpose, and of the Time and Place of such Meeting or Meetings, shall be given Twenty-one Days before the Time of holding the same; and that such Notice or Notices shall be in Writing, and signed by any Three or more of the said Trustees, and affixed upon the said Turnpike or Tollgate, and that the said Trustees or any Five or more of them, shall and may, at any Meeting or Meetings to be held for that purpose, pursuant to the like Notice or Notices to be given in the same manner, by any Writing or Writings under their Hands from Time to Time, remove such Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers, or any of them, as they shall see Occasion, and appoint new ones in cases of Death or such Removal; and the said Tolls shall be paid, after the Rates hereinafter mentioned, to such Person or Persons as shall be so appointed to receive the same, and the said Treasurers, Receivers, Collectors, Surveyors and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, at a General Annual Meeting, to be held on the First Day of May in every Year, unless that Day shall be Sunday, and then on the Day following, (which annual Meeting the said Trustees, or any Five or more of them, are hereby directed to hold,) and also at any other Meeting or Meetings to be appointed by the said Trustees for that Purpose, and whereof Notice in Writing shall be given to the Person or Persons so required to account, at least Fourteen Days before the Time appointed for such Meeting, give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Money which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they or any Five or more of them, at such General
Annual

Annual Meeting shall direct and appoint, and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any Two or more of the said Trustees are hereby empowered and required to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in manner as aforesaid, that then and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall be or reside, and such Justices are hereby empowered and required, upon Complaint made to them, by any Two or more of the said Trustees for that Purpose, to make Enquiry concerning such Default, in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of one or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer); and if such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of such County or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and verify such Account in Manner aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal, in a summary Way, in Manner aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any,) to such Person or Persons, on demand, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Justices, shall commit such Person or Persons to the Common Gaol of such County or Place, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they or any Five or more of them shall appoint to receive the same; which Composition the said Trustees respectively, or any Five or more of them assembled at any Meeting, are hereby empowered to make: Provided, that no Person shall be committed for want of sufficient Distress for a longer Time than Six Calendar Months.

IX. And be it further enacted, That as often as any Collector of the said Tolls shall die, refuse, or become incapable of performing his Duty, it shall be lawful for any Two or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands, to appoint any other Person or Persons to collect such Tolls, and the Person so appointed shall have the same Authority for the Recovery thereof as the Person he shall succeed was invested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls; but that no such Appointment shall continue in force for a longer Time than until a Public Meeting can be had and held, pursuant to the Directions herein contained.

Power to appoint temporary Collectors.

X. And

Salaries to
Officers.

X. And be it further enacted, That out of the Monies arising by the Tolls at the Turnpike or Tollgate to be erected by virtue of this Act, such Allowance shall be made to the Collector or Collectors of the Tolls at such Turnpike or Tollgate, as the said Trustees, or any Five or more of them, by whom such Collector shall be nominated and appointed in the Manner hereinbefore provided, shall think proper and direct; also such Allowances and Compensations to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Person or Persons as shall be assisting in and about procuring the said Roads to be repaired, widened or improved, by advancing any Money, or otherwise relating thereto, as the said Trustees by whom he or they shall be severally and respectively nominated and appointed in the Manner hereinbefore provided, shall order and direct.

Officers to
give Securities.

XI. Provided always, and be it further enacted, That the Treasurer or Treasurers, Receiver or Receivers, or any other Officer or Officers to be appointed as aforesaid, shall, before he or they enter upon the said Office or Offices, give such Security for the due Execution thereof, to the said Trustees, or any Five or more of them, as to the said Trustees, or any Five or more of them shall seem meet; which Security the said Trustees, or any Five or more of them, are hereby empowered and required to take, and such Security shall be lodged with the Clerk of the Peace for the said County Palatine of *Lancaster*.

Power to
erect and
continue
Turnpike
and Tollgate.

XII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to erect, provide and continue, or cause to be erected, provided and continued, a Turnpike or Tollgate at the Southerly End of *Barton Bridge*, and within Seventy Yards thereof, and not elsewhere; and also to erect, provide and continue, or cause to be erected, provided and continued, such Tollhouse, in, upon or adjoining to the said Road, at such Place where the said Turnpike or Tollgate shall be erected or set up, as the said Trustees, or any Five or more of them, shall think proper; and order and direct the Expences of setting up and erecting of such Turnpike or Tollgate, as the case may happen, and of building and erecting such Tollhouse and Appurtenances, and of keeping up and supporting the same, to be borne and paid by and out of the Monies to be raised and collected by and under the Powers and Authorities of this Act, in the Manner hereinafter mentioned.

Tolls.

XIII. And be it enacted, That the respective Tolls following shall be demanded and taken at the Turnpike or Tollgate to be erected and continued as aforesaid, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through the same; (that is to say)

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn

drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence: For every Waggon or other Four-wheel Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Five or Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four, or by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon or other Four-wheel Carriage, with the Wheels of the Breadth of Six Inches as aforesaid, drawn by Five or Six Horses or Beasts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four, or by fewer than Four Horses or Beasts of Draught the Sum of One Shilling and Sixpence:

For every Waggon or other Four-wheel Carriage, with Wheels of less Breadth than Six Inches, the Sum of Four Shillings and Sixpence:

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

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

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

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

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

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

Provided always, and it is hereby declared, That only One-half of the said respective Tolls shall be demanded or taken for the passing of any Waggon, Wain or Cart, belonging to any of the Inhabitants of the several Townships of *Urmston, Flixton, Barton and Stretford.*

XIV. And be it further enacted, That the said respective Tolls or Manner of Sums of Money shall be vested in the said Trustees, and shall be demanded and taken as and for, or in the Name of a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be

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lawful

lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses, or other Cattle, upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattels of such Person or Persons; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle and Goods so distrained, returning the Overplus (if any) on Demand, to the Owner thereof, after such Toll and the reasonable Charges shall be deducted, and the said Tolls shall be applied in the manner hereinafter mentioned.

Turnpike
and Tollgate
vested in
Trustees.

XV. And be it further enacted, That the Right and Property of the Turnpike or Tollgate, and Tollhouse, and other Buildings to be erected or provided in and upon the said Road, and of the Materials for altering or building the same, and all Materials and Things which shall be provided, collected, or made use of, for repairing the said Road, shall be and the same are hereby vested in the said Trustees, and they or any Five or more of them are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer and prosecute one or more Indictment or Indictments against any Person or Persons who shall steal, take, carry away or damage the same, or any Part thereof, or disturb them in the Possession of the same or any Part thereof; and that it shall, in all Cases, be sufficient in Law to describe the same as the Property of the Trustees for the Execution of this Act.

Disputes
concerning
Tolls, &c. to
be settled by
a Justice.

XVI. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining, to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the said County of *Lancaster*; who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose; all which Sums so determined and assessed, shall be paid to the said Collector before he shall be obliged to return the Goods so distrained, or the said Overplus, or any Part thereof.

Collectors of
Tolls deemed
competent
Witnesses.

XVII. And be it further enacted, That in case any Disputes, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be deemed incompetent to give Evidence therein, by reason of his or their being so appointed to collect the said Tolls, or of his or their acting under the Authority of the said Trustees.

Tolls to be
paid but once
a Day.

XVIII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Tollgate erected or to be erected by virtue of this Act, shall be subject to any Toll for returning through such Turnpike or Tollgate the same Day, before Twelve of the Clock at Night, with the same Horses, Mares, Geldings,

Geldings, Mules, Asses or other Cattle, not drawing any Cart or other Carriage, or with the same Coach, Waggon or other Carriage, but shall return Toll-free, (except any Coach or Carriage with Four Wheels, that shall be kept or used by or for any Person or Persons as a Public Stage Coach or Stage Coaches, or Stage Carriages employed in carrying Passengers for Hire to and from different Places) in case the Persons having the Charge of such Horse, Cart or Carriage shall produce a Note or Ticket to the Collector of the Tolls at such Turnpike or Tollgate, denoting the Payment of such Toll; which respective Notes or Tickets the Collector of the Tolls at such Turnpike or Tollgate is hereby required to deliver gratis on receipt of the Tolls.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any General Meeting to be called for that Purpose (whereof and of the Time and Place of such Meeting, Notice shall be given Twenty-one Days before the Time of holding the same, which Notice shall be in writing, and signed by any Three or more of the said Trustees, and affixed upon the said Turnpike or Tollgate, and inserted in one of the *Manchester* Newspapers) from Time to Time to lessen and reduce the respective Tolls by this Act granted and imposed, to any Sum or Sums not less than Two-thirds of their respective Amounts hereinbefore mentioned, and afterwards to raise and augment the same again, so that they do not exceed the Tolls hereby granted and imposed, and so that every such Reduction be made with the Consent of the Person or Persons for the Time being, entitled to Five-sixth Parts of the Money then due on Securities of the said Tolls; and such Tolls, so lessened and reduced, or raised and augmented, shall and may be collected and levied in such manner, and applied for such Purposes only, as the Tolls hereby granted and imposed are directed to be collected, levied and applied; and that in case all the Money which shall be borrowed by virtue hereof, shall be paid off and discharged, and for so long Time as there shall be no Money whatsoever owing upon the Security of the said Tolls, it shall be lawful to and for the said Trustees to reduce the said Tolls to the Amount of One-third thereof, and afterwards to raise the same as they shall in their Discretion think proper, giving the like Notice thereof as aforesaid; but the Inhabitants of the said Townships of *Urmston, Flixton, Barton and Stretford*, shall in no case be chargeable with more than One-half of the General Tolls for the Time being, for the Passage of their Waggons, Wains or Carts.

XX. Provided always and be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage laden only with Stone, Bricks, Lime, Gravel, or other Materials for repairing the said Road, or for repairing the Highways in any Township through which the same leads, or in any of the adjoining Townships; or laden only with Dung, Lime, or other Manure of any Nature or Kind whatsoever, to be used in manuring or improving of Land; or for any Cattle or Carriage laden with Hay or Corn in the Straw, in the Time of Harvest, to be laid up in the Houses, Outhouses, Barns, Yards or other Places belonging to the Owners thereof, or for any Ploughs, Harrows or Implements of Husbandry, belonging to any of the said Inhabitants, or going empty and unladen for, or returning empty and unladen after having carried such Stone, Bricks, Lime, Gravel, or other Materials for repairing any Part of the said Road, or for repairing the Highways in any Township

Power to
lessen the
Tolls.

Allowing
certain Ex-
emptions
from Tolls

ship through which the same leads, or in any of the adjoining Townships; or such Dung, Lime, or other Manure of any Kind or Nature whatsoever, to be used in manuring or improving of Land, or any Hay or Corn in the Straw in the Time of Harvest, to be laid up in the Houses, Outhouses, Barns, Yards or other Places, belonging to the Inhabitants of the said Townships, or any Ploughs, Harrows or Implements of Husbandry belonging to the said Inhabitants; nor shall any Toll be demanded or taken of or from any Person or Persons residing in any of the said Townships through which the said Road leads, for passing through the said Turnpike or Tollgate on *Sundays*, to or from his, her or their Parish Church or Chapel, or other Place of Religious Worship, nor from any Rector, Vicar or Curate, going to or returning from his Church or Chapel on *Sundays*, or any other Day on which Divine Service shall by Authority be celebrated, or visiting his sick Parishioners; or for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person who shall die within any of the said Townships through which the said Road leads, to be interred in any Place within the said Townships; or for Cattle going to or returning from Pasture or Water, or for any Cattle or Carriage belonging to any Inhabitants of any Township wherein such Turnpike or Tollgate shall be erected, which shall only be passing to the Smith's Shop in order to be shoed or farried; or for the Return of any such Cattle or Carriage unladen, or for any Cattle or Carriage belonging to any Inhabitant of any Township through which the said Road leads; going to or returning from any Corn Mill in such Township, for or with any Corn, Grain, Malt, Meal or Flour; or for any Cattle or Carriage belonging to any of the Inhabitants of the several Townships of *Flixton* and *Urmston*, going to or returning from any Corn Mill erected or to be erected in *Barton* or *Stretford* aforesaid, for or with any Corn, Grain, Malt, Meal or Flour; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails and Expresses, or in returning back from conveying or guarding the same; or for the Horses of Officers or Soldiers upon their March or upon Duty, or for Horses, Cattle or Carriages attending them, laden only with their Arms and Baggage, or in conveying any sick, wounded, or disabled Officer or Soldier, or any Ordnance, Barrack, or Commissariat or other publick Stores; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for Coaches or other Carriages, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County Palatine of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by them in going to or returning from the Place appointed for, and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from Toll in this Act contained, not being entitled to the same, every Person so offending, and
being

being fully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds.

XXI. Provided nevertheless and be it further enacted, That if any Waggon, Cart or other Carriage, which hath or shall have Wheels of less Breadth than Six Inches on the Sole or Bottom thereof, and upon which the Tire shall not lie flat, or so as not to deviate more than half an Inch from a flat Surface, and shall not have the Nails countersunk so as not to rise above the Surface, and shall be of greater Weight than is allowed by an Act passed in the thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into one Act of Parliament; the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes,* to Waggon, Carts, or Carriages, of the same kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls thereby imposed; it shall be lawful for the said Trustees, or any Five or more of them, to order all such Waggon, Carts or other Carriages, to be weighed in like manner, and with the same Powers and Authorities as is directed for the weighing of Carriages by the said last-mentioned Act.

Carriages with Wheels of less Breadth than Six Inches, not to be entitled to Exemptions.

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

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

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

Horses, &c. carrying Milk, exempted from Toll.

XXIV. And be it further enacted, That if any Person or Persons shall offer or dispose of any Note or Ticket to any Person or Persons, in order to evade the Payment of the said Tolls, every such Person or Persons so offering or disposing of such Note or Ticket, and the Person or Persons receiving or making Use of the same, shall respectively forfeit any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on Persons disposing of Tickets, to evade the Toll.

Penalty on
Persons eva-
ding the
Tolls.

XXV. And be it further enacted, That if any Person or Persons owning or occupying any Land or Grounds near to the said Turnpike or Toll Gate, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Coach, Waggon or other Carriage, Horse or other Cattle; or if any Person or Persons shall pass through any such Gate, Passage, Inclosure or private Way, with any Cattle or Carriage as aforesaid, with an Intent to evade the Payment of any of the said Tolls, or any Part thereof, whereby such Toll shall be evaded; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle, with an Intent to evade paying any of the said Tolls, or shall leave or cause to be left upon or near to the same Road, any Cattle or Carriage for such Purpose as aforesaid, or shall, with such Intent, unload any Goods from or out of any Carriage, or in any Manner whatsoever, evade or attempt to evade the Payment of any of the Tolls hereby granted; every such Person or Persons so offending, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Application
of the Mo-
nies.

XXVI. And be it further enacted, That all Monies and other Effects which shall or may be collected or received under the Powers or Authorities of this Act, shall be by the said Trustees, or any Five or more of them, applied in Manner after mentioned; that is to say, that out of the Monies to be collected or received by virtue or under the Authority of this Act, the Expences of and attending the procuring and passing of this Act, shall, in the first Place, be paid, satisfied and discharged; and that after such Payment thereof, the Remainder of such Monies, and all the Money which shall or may be borrowed on the Credit thereof, shall be applied in paying and discharging the Expences of setting up or erecting such Turnpike or Toll Gate, and of erecting and providing a Toll-House for the same, and in paying off and discharging all such Sums of Money as shall hereafter be borrowed under the Authority of this Act, upon the Credit of the said Tolls, and all Interest to grow due thereon, until the same shall be fully paid and satisfied; and after the full Payment and Satisfaction of all such several Sums before mentioned, then the Remainder of the said Monies or Tolls hereby granted, shall be applied in, for, and on account of the repairing, widening and improving the said Road hereinbefore described.

Power to
compound
for Tolls, &c.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, 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 all or any of the Inhabitants of the several Parishes, Townships, Hamlets or Places, to or through which the said Road leads, for the passing of their Horses, Cattle or Carriages through such Turnpike or Toll Gate as aforesaid.

Power to
mortgage
the Tolls.

XXVIII. And be it further enacted, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the Turnpike or Toll Gate then erected upon the said Road, and to be inserted in one of the *Manchester* Newspapers, in Manner aforesaid, may and they are hereby empowered from Time to Time, by any Instrument or Writing under their Hands and Seals respectively, to assign over or mortgage the Tolls by this Act granted, or any Part thereof, and

and also the Toll-House and the Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Nine or more of them, upon the Credit of such Tolls, to such Person or Persons, or his or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with Interest, as the said Trustees, or any Nine or more of them, shall think proper; which Money, so to be borrowed, shall be applied and disposed of in such Manner as the Tolls hereby granted are herein directed to be applied and disposed of; and that such Mortgage or Mortgages, or Assignments, may be in the Form following, or such other Form as the said Trustees making the same shall think proper:

BY virtue and in pursuance of an Act, passed in the Fifty-first Year of the Reign of His Majesty King George the Third, 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 for putting the said Act into Execution, having been this Day paid by C. D. of _____ We, whose Hands and Seals are hereunto subscribed and set, being Seven of the Trustees for executing the said Act, do hereby grant and assign unto the said C. D. his Executors, Administrators and Assigns, the Tolls arising or to arise by virtue of the said Act, at or from the Turnpike or Toll Gate at _____ and also the Toll House erected at _____ afore said, to have, hold, receive and take the said Tolls, Toll House and Premises, with the Appurtenances, unto the said C. D. his 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 a Mortgage for securing the Sum of _____ to _____ as the Case may be] and also 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. his Executors, Administrators or Assigns, together with Interest for the same, after the Rate of _____ per Centum per Annum, without any Deduction whatsoever, on or before the Day of _____ next, then this Assignment shall be void; or else, shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals, this _____ Day of _____ in the Year of Lord One thousand eight hundred and _____

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer of the said Trustees; but no Money shall be borrowed on the Credit of the said Tolls, at any Meeting, unless Notice in Writing expressing the Purpose of such subsequent Meeting, be previously affixed upon the Turnpike or Toll Gate then erected upon the said Road, at least Fourteen Days before such Meeting; and all Persons to whom such Mortgage shall be made as afore said, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her or their Right, Title, Interest or Benefit, to the said Mortgage, and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever by Indorsement on the Back of such Security, or by any other Writing or Writings, before

fore one credible Witness, in the following Words, or Words to the like Effect; *videlicet* :

Form of
Transfer.

‘ I DO transfer the within Mortgage [*or, a certain Mortgage, &c. as the Case may be*] with all my Right and Title to the Principal Money thereby secured, and to all Interest now due upon the same, unto _____ Executors, Administrators and Assigns.
‘ Dated this _____ Day of _____ ‘ A. B.’

Which Transfer shall be produced, and notified within Thirty Days after the Date thereof, to the Clerk or Treasurer of the said Road; who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them shall appoint, not exceeding the Sum of Five Shillings, and such Transfer shall then entitle such Assignee, his, her or their Executors, Administrators and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again and so *toties quoties*; and all Persons to whom any Mortgage or Transfer shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference with respect to the Priority of any Monies advanced.

Power to turn
or alter any
Part of the
Road, and to
make Foot-
ways.

XXIX. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting, of any Nine or more Trustees, at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to divert, widen, turn or alter the Course or Path of any Part or Parts of the Road to be made, repaired and kept in Repair by virtue of this Act, for the Accommodation of Passengers, and any Footways adjoining or near to the same, through any private Lands, Grounds or Hereditaments, under such Terms and Satisfaction as are hereinafter mentioned; and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds and Hereditaments, through which, or whereupon the said Road hereby authorized to be made, widened, turned or altered, is intended to pass; and to stake out and make the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or subject to any Fine, Penalty or Punishment, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds and Hereditaments respectively, for any of the Purposes of this Act; first making and tendering Satisfaction to the Owner thereof and Persons interested therein, for the Damage they may thereby sustain; and also to make Footways on the Side or Sides of the said Road, for the Accommodation of Passengers.

Thirty Days
Notice to be

XXX. Provided always, and be it enacted, That in case the said Trustees, or any Five or more of them, shall, at a Meeting or Meetings to be convened

vened under the Authority of this Act, signify by an Order in Writing under their Hands, their Intention or Desire of diverting, widening, turning or altering any Part or Parts of the said Road, then that Thirty Days Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon the Turnpike or Toll Gate then erected in or upon the said Road, and also by inserting the same in one of the *Manchester* Newspapers, of the Time, Place, and Purpose of the said Meeting.

given of di-
verting
Roads.

XXXI. And be it further enacted, That for the Purposes aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to contract with the Owners of, and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, diverting, widening, turning or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owner or Persons may sustain by making, diverting, turning or altering the Course or Path of any Part or Parts of the said Road, through such Lands, Grounds or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations aggregate or sole, and all Feoffees in Trust, Executors and Administrators, Guardians or other Trustees whatsoever, for or on behalf of any Infants, Females Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and that all Persons shall be, and are indemnified for what they shall do by virtue and in pursuance of this Act.

Trustees may
purchase, and
incapacitated
Persons sell
Lands and
other Here-
ditaments
wanted for
the Purposes
of this Act.

XXXII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode, of such Person or Persons, or of the head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Lands, Grounds and Hereditaments, intended to be taken in and added to the said Road, and through which the same shall be intended to be made, diverted, turned or altered, as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the respective County in which such Lands, Grounds or Hereditaments shall be (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer) what

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

[Loc. & Per.]

7 C

Damages

Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Person as aforesaid, for or on account of the making, diverting, widening, turning or altering such Road, through such Lands or Grounds; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer,) and they the said Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises; and such Trustees shall order, adjudge and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, Tenements or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgment, Order and Determination, shall be binding and final, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out a Warrant or Warrants for the Sheriff of such of the said Counties in which such Lands, Grounds or Hereditaments shall be, thereby commanding him to impanel, summon and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by or that can speedily be procured to attend that service, to the Number of Twelve.

Juries may be challenged, and Sheriffs fined for Default.

XXXIII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen, and the said Trustees, or any Five or more of them, acting in the Premises, shall have power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, without some sufficient Excuse, or, appearing, shall refuse to be sworn on the said Jury, or being sworn, refusing to give or not giving their Verdict, or in any other manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any Persons who

who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, without some sufficient Excuse, or refuse to be examined and give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any one Person for such Offence.

XXXIV. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the said Road, or on the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid thereout accordingly, to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the said Trustees, for the Use of such Persons, and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to enter into possession of, and to lay such Land or Ground into the said Road, and to do all and every such Act, Matter and Thing, with relation to such Lands, Grounds or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the Lands, Grounds or Hereditaments, so taken into or made Part of the said Road, shall be deemed and taken to be, and shall be, to all Intents and Purposes, a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be made, repaired and widened, are by this or any other Laws to be repaired; and after any such new Roads shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste or to some Town or Place to which such new Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Monies arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road so to be sold as aforesaid are directed to be applied; and all Deeds of Conveyances executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Place in which such Lands lie, shall be good and effectual in the Law to all Intents and Purposes.

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

XXXV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Rights, Interest or Property of any Person or Persons in any Lands, Grounds or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a recompence and Satisfaction for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then and in such case the Costs and Expences of summoning and returning the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the said Trustees,

How the Expences of the Jury shall be paid.

or

or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses and all other Expences attending the hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the respective County or Place, not interested in the Matter in question (who is hereby authorized and required to examine into, hear, and determine 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 Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise, such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures.

In case of not
making out
Titles.

XXXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, Grounds or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Grounds, Tenements, or Hereditaments, be not known or discovered; then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, Grounds or Hereditaments, [*describing them*] subject to the Order, Control and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and vested 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, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXXVII. And

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds or Hereditaments, purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, 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 said Trustees, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds or Hereditaments, or affecting other Lands, Grounds or Hereditaments standing settled therewith, to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds 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 Lands, Grounds and Hereditaments, so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds or Hereditaments, purchased, taken or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective hands, be paid into the Bank of *England*, in the Name and with the Privity of the said

[*Loc. & Per.*]

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Accountant

Application
of Compensation,
where
exceeding
200l.

Not exceeding
200l.
nor less than
20l.

Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise, the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 20l.

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

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

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

Court may Order the Payment of Expences.

XLI. Provided also and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Grounds or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences

of

of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLII. Provided always, and it is hereby enacted and declared, That the Power and Authority hereby given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, and Persons interested therein respectively. Not to pull down Houses without Consent.

XLIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury, to be paid for the Purchase of the said Lands, Grounds or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made or executed, proper and effectual Conveyances, Surrenders, Assignments and Assurances in the Law, to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint, of the said Premises for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters and Things, necessary or requisite to make a good, clear and perfect Title thereunto; and such Conveyances, Surrenders, Assignments and Assurances, shall contain such usual and reasonable Covenants as shall on Behalf of the said Trustees be required; and when and so soon as the Sum or Sums of Money so hereinbefore directed to be invested in the publick Funds, shall be invested therein, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim and Demand whatsoever, in Law and Equity, of all and every Person or Persons who shall be entitled to such Money, of, in, to, from and out of the same Premises or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands and Equity of Redemption whatsoever, either in Law or Equity, to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from and out of the same Premises, had actually conveyed the same by Lease or Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever. Upon payment of Purchase Money, Conveyances to be executed.

XLIV. And whereas by reason of the diverting, altering or turning the Roads to be made by virtue of this Act, agreeably to the Power hereinbefore given for that Purpose, or by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Grounds or Soil which formed the Roads so diverted, altered or turned, Trustees empowered to sell Ground, &c. not wanted for the Purposes of this Act.

turned, or to be diverted, altered or turned by virtue of this Act, or some Piece or Pieces of Ground, over and above what may be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Grounds or Soil, Piece or Pieces of Ground, together or in Parcels, either by publick Sale or private Contract, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same.

Persons from whom such Grounds, &c. have been purchased, to have the Preference.

XLV. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Roads so diverted, altered or turned, or to be diverted, altered or turned, by virtue of this Act, or such Piece or Pieces of Ground, over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands and Hereditaments lying on both Sides of such diverted Roads, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands on both Sides of the said diverted Roads or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase, as the Case may happen to be, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such diverted Roads or Piece or Pieces of Grounds shall be, by some Person or Persons no way interested in the said diverted Roads, Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of repurchasing the Ground or Soil of such diverted Roads, or repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like manner as hereinbefore directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Roads, Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Persons chargeable to Statute

XLVI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be

be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Lancaster*, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fifteen Days after the serving of such Summons) of the Names of the several Persons, who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are or may be directed by any Law or Statute in force and effect for the Repair of the publick Highways; and out of such Lists such Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any other Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them, at his, her or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her or their Default or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any

[*Loc. & Per.*]

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Team

Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team and Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such List as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

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

Trustees to prefer Indictments, &c.

XLVIII. And be it further enacted, That the said Trustees, or any Five or more of them, at a publick Meeting to be held pursuant to this Act, whereof Twenty-one Days Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike or Tollgate hereby authorized to be erected, and inserted in One of the *Manchester* Newspapers, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted, at the Expence of the Revenues and Tolls arising from the said Road, against the Inhabitants of all or any of the Parishes, Townships or Places, through which the said Road shall pass, and against every Person or Persons liable, by reason of his, her or their Tenure or otherwise, to repair and make any Part of the said Road, who shall have neglected or refused to repair or make the same.

Power to remove Annoyances.

XLIX. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose, to remove and prevent all Nuisances

Nuisances and Annoyances on any Part of the said Road by Filth, Dung, Ashes Rubbish or otherwise, and to turn any Watercourses, Sinks or Drains, running into, along, or out of the said Road, to the Prejudice thereof (except such as are used for the Purpose of working and using any Collieries, Mills or other Works, and of supplying Reservoirs and Conveniences hereinafter described), and to open, scour and cleanse any Watercourses or Ditches adjoining to the said Road (except as aforesaid, and as hereinafter mentioned and described), and to make the same as deep and large as he or they shall think proper and necessary; and to cut down, lop or top, at proper Seasons of the Year, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down and carry away such Trees or Bushes as aforesaid, or to open, cleanse or scour such Watercourses or Ditches, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges thereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers; and in case of Non-payment of such Charges on Demand, the same to be recovered in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and recovered; and if, after Removal of any of the said Nuisances or Annoyances, any Person shall again offend in the like kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

L. Provided also and be it enacted, That nothing herein contained shall extend or be construed to extend to give the said Trustees, or any of them, any Power or Authority to turn, alter or vary any Watercourses, Stream of Water, Sough, Drain, Tunnel, Ditch or Dam, near to, in or under the said Road, or any Part thereof, made and used for the Conveyance or Supply of Water to any Reservoir or Pond, or belonging to, or for the Purpose and Use of, any Navigation, Canal, Colliery, Mines, Mills, Steam Engines or other Engines, or any other Works of any Person or Persons whomsoever; nor to turn, alter or prejudice the Course and Water of any Stream of Water or Watercourse used for any of those Purposes.

Restraining
the Trustees
from turning
any Water,
&c. supply-
ing Canals or
Reservoirs.

LI. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, to dig, gather and take away, or search for any Gravel, Furze, Heath, Sand or Stones, or other Materials for repairing the said Road, out of any River or Brook, or out of any Waste or Common Grounds in any Parish, Town Village or Hamlet, in which any Part of the said Road doth lie, without paying any thing for such Materials, such Surveyor or Surveyors levelling or fencing off, or causing to be levelled or fenced off, such Holes and Pits from whence any such Materials shall be dug, gathered or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers, and paying for the Damages done by landing, and for going over and through any Lands, Grounds and private Lanes, for or with such Materials, to be ascertained as hereinafter mentioned; and it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an

Power to get
Materials,
&c.

Order

Order in Writing from the said Trustees, or any Five or more of them for that Purpose) to search for, dig, gather and take away such Materials out of the several Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted and set apart as a Nursery for Trees,) paying such Sums for such Materials, and for the Damage done to the Owners or Occupiers of such Grounds, 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, or any Five or more of them, shall judge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, or the Major Part of them assembled at the Next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County of *Lancaster*, shall and may adjudge and determine the same; which Determination shall be final: Provided always, that nothing herein contained shall extend to authorize or empower the said Surveyor or Surveyors, or any other Person or Persons to be employed in the Execution of this Act, to dig or gather any Gravel or other Materials out of the Rivers *Mersey* and *Irwell*, or either of them, so far as the same are made navigable by Law, within the Distance of Two hundred Yards of any Lock or Weir erected on either of the said Rivers, unless with the Consent of the Committee or Managers elected or appointed by the Undertakers of the Navigation of the said Rivers for the Time being; or to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of either of the said Rivers, or of any other River or Brook whatsoever.

Notices to be given before Materials are taken.

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

Penalty on taking away Materials.

LIII. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever shall take away any Materials which shall have been got or gathered in any Ground, River or Brook, for the Purpose of repairing the said Road,
or

or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein, for the Space of Forty Days (except the Owner or Occupier of any private Ground for his private Use, and Persons authorized by him to get Materials therein for his proper Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds, the same to be recovered, levied and applied in Manner hereinafter mentioned.

LIV. And be it further enacted, That the said Trustees or any Five ^{Milestones} or more of them shall cause the said Road to be measured, and Stones ^{or to be erected,} Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees or any Five or more of them shall think proper, and order and direct; and if any Person shall wilfully pull up or damage any of such Posts or Stones, or any Part thereof, or shall obliterate or deface any of the Letters, Figures or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining ^{Riding on} to the said Road, or shall drive any Horse or other Cattle, or any Swine, ^{Footways.} or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footways; or if the Driver of any Waggon, Wain, Cart or other such Carriage shall wilfully or carelessly pull up, break or damage any Posts or Stones erected for the Security of the Horse Causeway, or drive the Wheel of his Carriage against the same, or shall wilfully or carelessly drive the Wheel of his Carriage upon any Horse Causeway made or to be made in any Part of the said Road or against the Side thereof; or if any Person or Persons shall haul or draw or cause to be hauled or drawn upon any Part of the said Road, any Tree or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw or other Matter or Thing upon any Part of the said Road, to be made into Manure, 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 Road, with an Iron Cow-Rake or other Instrument with Sharp Points, whereby the said Road or any Part thereof shall be damaged; or if any Person or Persons shall leave any Waggon, Wain, Cart or other Carriage in, upon or on the Sides of any Part of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, longer than may be necessary to load or unload the same, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish or other Matter or Thing whatsoever in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon, and be convicted thereof respectively by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace of the County of *Lancaster* (which Oath the said Justice or Justices is and are hereby empowered and required upon Application made to him for that Purpose to administer), every Person so offending shall forfeit a Sum not exceeding Forty Shil-
 [Loc. & Per.] 7^F lings

lings for every such Offence, to be levied by Distress and Sale of the Goods and Chattels of such Offender, One Moiety whereof shall be awarded and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize until the Expiration of the said Time, or until he, she or they shall have paid the Sum adjudged by the said Justice or Justices to have been so forfeited.

LV. And be it further enacted, That Convictions for Offences against this Act, shall be drawn up in the Form or to the Effect following: that is to say,

Form of
Conviction.

‘ To wit. } **BE** it remembered, that on the Day of
 ‘ in the Year of our Lord
 ‘ *A B.* is convicted before me One of His Majesty’s
 ‘ Justices of the Peace for the County of on his own Con-
 ‘ fession [*or, on the Oath of* a credible Witness, or, on
 ‘ the Oaths of and Two
 ‘ credible Witnesses, *as the Case may be*] of [*here specify the Offence, and*
 ‘ *the Time and Place when and where the same was committed*] contrary to
 ‘ an Act passed in the Fifty-first Year of the Reign of His Majesty King
 ‘ *George* the Third, intituled, [*here insert the Title of this Act,*] and I the
 ‘ said Justice do adjudge the said to have thereby incurred
 ‘ the Penalty of to be paid, recovered and applied in
 ‘ Manner directed by the said Act. Given under my Hand and Seal, the
 ‘ Day and Year first aforesaid.’

Which Conviction, in the Form or to the Effect aforesaid, shall be valid and effectual in Law to all Intents and Purposes.

For Recovery
of Penalties.

LVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender’s Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Lancaster*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is or are hereby empowered and required to administer); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the aforesaid Road; and for want of Distress, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals to commit such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize, until he, she or they shall have paid

paid such Penalty or Penalties, Forfeiture or Forfeitures, or until the Expiration of the said One Calendar Month.

LVII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath already been hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be held in and for the said County of *Lancaster*; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to such Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and if they see Cause may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction and set the Party at liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and to make such Orders and Judgments in regard to the Premises as they shall think proper; but the Person so appealing shall give Notice in Writing to the Clerk or Clerks for the Time being to the said Trustees, of such his or her Intention of bringing such Appeal, Ten Days before the said Quarter Sessions, and shall also enter into sufficient Bail before One or more Justice or Justices of the Peace for prosecuting such Appeal, and abiding by such Order as shall be made thereon.

Allowing
Appeal to
Persons
aggrieved.

LVIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for want of Form, or be removeable by *Certiorari* or any other Process into any of His Majesty's Courts of Record at *Westminster* or *Lancaster*, any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
want of Form.

LIX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Lancaster*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall or may plead the General Issue, and give this Act and the special Matter in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants, and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs and have the like Remedy for the same as any Defendant or Defendants hath or have in such Cases.

Limitation of
Actions.

LX. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards amending, widening, altering,

Subscribers
to pay their
Subscription
Money.

ing, diverting, improving, repairing and keeping in Repair the said Road shall and are hereby required to pay the Sum or Sums so by them respectively subscribed in such Parts and Proportions, within such Time and Times, and to such Person or Persons as the said Trustees, or any Five or more of them, shall direct or appoint; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Names or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas for the County Palatine of *Lancaster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Effoign, Protection, Wager of Law or more than One Impar lance shall be allowed.

Public Act.

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

Commence-
ment and
Duration of
the Act

LXII. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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