



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 54.

An Act for making and maintaining a Road from
Balderston to Burscough Bridge in Walton-in-le-Dale,
in the County Palatine of *Lancaster.*

[18th May 1814.]

WHEREAS the Road leading from or from near a Public House (occupied by *Thomas Ashworth*) in *Balderston*, through or into the Townships of *Balderston, Samlesbury, Cuerdale,* and *Walton-in-le-Dale*, to *Burscough Bridge*, within *Walton-in-le-Dale* aforesaid, all in the Parish of *Blackburn*, in the County of *Lancaster*, is very much out of Repair, narrow, and incommodious; and it would be advantageous to the Neighbourhood, and to the Public in general, if the said Road were amended, widened, diverted, altered, improved, made Turnpike, and kept in Repair, so as to communicate with the Turnpike Road leading from *Preston* to *Wigan*, in the said County of *Lancaster*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Henry Philip Houghton* Baronet, *Edmund Alker, Thomas Alston, William Asheton, William Asheton the younger, Richard Baldwin, James Barnes* Clerk, *William Barton* Clerk, *Matthew Barton, Thomas Barton, Joseph Baxendale, Wilson Gale Braddyll, Thomas Braddyll, Richard Calrow, William Calrow, Thomas Calrow, John Calvert, Richard Cardwell, William Carr, Thomas Carr, George Clayton, Thomas Clayton of Carr Hall, Ralph Clayton, John Clayton,*
[Loc. & Per.]

Clayton, Adam Cottam, William Cross, Thomas Cross, Thomas Eccles, William Eccles, Henry Feilden, William Feilden, John Fletcher, Peter Fletcher, James Fowler, Jeremiah Garnett, Thomas Gillibrand, John Gregson, Alexander Gregson, Thomas Gregson, John Harper, William Harper, Roger Haworth, Cuthbert Heatley, William Heatley, Henry Hoghton, John Hornby, William Hubbersty, Thomas Hubbersty, John Jones, Richard Legh, Richard Grimshaw Lomax, Richard Martin, Richard Martin the younger, William Maude, Richard Noble Clerk, Robert Townley Parker, John Parker, Edward Pedder the younger, George Petre, Henry Petre, Philip Petre, William Petre, James Quartley Clerk, Edmund Stringfellow Radcliffe Clerk, Daniel Salisbury, Thomas Shorroch of Balderstone, William Shorroch, William Slater, Robert Slater, Joseph Slater, James Smith, Le Gendre Starkie, Henry Sudell, Charles Swainson, James Taylor, James Teebay, Richard Ward, Robert Whalley, Joseph Whittle, Matthew Wilkinson, Matthew Wilson, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, diverting, improving, maintaining, and keeping in Repair, the said Road leading from or nearly from the said Public House in *Balderston* to *Burscough Bridge* in *Walton-in-le-Dale*, so as to communicate with the *Preston* and *Wigan* Turnpike Road as aforesaid; and for otherwise carrying this Act into Execution.

Power to
appoint
additional
Trustees.

II. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Twenty in the Whole, to be Trustees for the Purposes of this Act, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Power to
choose new
Trustees.

III. And be it further enacted, That in case any of the Trustees named in or to be appointed by virtue of this Act, shall die, or become bankrupt or insolvent, or refuse, decline, or become incapable to act, it shall be lawful for any Five or more of the surviving or remaining Trustees, by Writing under their Hands, (at any Meeting, whereof at least Ten Days Notice shall be given upon all the Toll Gates to be erected upon the said Road, specifying that an Appointment of new Trustees is intended to be made at such Meeting) to nominate and appoint some other Person or Persons to be a Trustee or Trustees in the room of such Trustee or Trustees so dying, becoming bankrupt or insolvent, or refusing, declining, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required) shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person had in whose stead he shall be appointed.

Qualification
of Trustees.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be possessed of an Estate in Lands, Tenements, or Hereditaments, in the said County of *Lancaster*, of the clear yearly Value of One hundred Pounds above Reprises, or possessed of or entitled to a Personal Estate of the Amount or Value of Two thousand Pounds, or unless such Person shall

be Heir Apparent to a Person possessed of an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds, in the said County of *Lancaster*; nor shall any such Person be capable of acting as a Trustee in the Execution of this Act (save and except in administering the Oath or Affirmation following to the other Trustees) until he (except Heirs Apparent, who shall be exempt from swearing to a Qualification, but shall in like Manner take and subscribe that Part of the Oath which relates to the due Execution of this Act) shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are and each or either of them is hereby authorized to administer the same; that is to say,

‘ I do swear, That I truly and *bond fide*
 ‘ I am in my own Right, or in the Right of my Wife, in the actual
 ‘ Possession and Enjoyment or Receipt of the Rents and Profits of Lands,
 ‘ Tenements, or Hereditaments in Fee [*or, being Freehold, Leasehold, or*
 ‘ Copyhold, *or, being a Rectory or Vicarage*] in the County Palatine of
 ‘ *Lancaster*, of the clear yearly Value of One hundred Pounds above
 ‘ Reprises [*or, am possessed of or entitled to a Personal Estate to the*
 ‘ Amount or Value of Two thousand Pounds]; and that I will faithfully
 ‘ and impartially, and to the best of my Knowledge and Judgment, exe-
 ‘ cute the Trusts and Powers reposed in me by virtue of an Act, passed
 ‘ in the Fifty-fourth Year of the Reign of His Majesty, intituled *An Act,*
 ‘ [*insert the Title of this Act.*] So help me GOD.’

And if any Person, not qualified as aforesaid, shall presume to act in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; and no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall hold any Place of Profit under this Act, or in any Case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act: Provided always, that all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of any Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified to act according to the Directions of this Act.

Penalty on acting if not qualified.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of *George Waddington*, the *Barred Gate*, in the Township of *Samlesbury* aforesaid, on the Second *Thursday* in the Month next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act; and shall or may adjourn from Time to Time, and afterwards meet there or at any other Place on or near the said Road, as the said Trustees, or any Five or more

First Meeting of Trustees.

Power to
adjourn.

more of them, shall think proper and appoint, as often as it shall be necessary for carrying this Act into Execution: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for a Meeting of the Trustees for carrying this Act into Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn, then and in either of the said Cases it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes and Toll Gates which shall then be erected upon the said Road, and inserted in some Newspaper which shall be then circulated in the said County, at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was appointed to have been held, on such future Day as shall be specified in such Notice, not exceeding Three Calendar Months after the Day on which such Meeting was held or was to have been held as aforesaid; and in case such Clerk or Treasurer respectively 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 of the said Trustees, although not assembled at a Meeting, at any Time or Times after such Refusal, Neglect, or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the *Barred Gate* aforesaid, or at some convenient House on or near the said Road, upon some convenient Day within Four Weeks next after the Date of such last-mentioned Notice; and the said Trustees, at all their Meetings, shall defray their own Expences.

Majority of
Trustees
assembled to
concur in all
Orders; and
fixing the
Quorum.

VI. And be it further enacted, That all the Orders and Determinations of the said Trustees, shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein otherwise provided or mentioned); and no Order or Determination shall be made, unless Five Trustees at the least shall be present, nor unless the major Part of the Trustees present at any Meeting shall concur therein; and in all Cases in which any Justices of the Peace are required or authorized, in the Execution of this Act, to examine any Person or Persons upon Oath, it shall be lawful for such Justices of the Peace of the said County to administer such Oath.

Orders of
Trustees may
be revoked
or altered.

VII. And be it further enacted, That no Order made by any Five or more of the said Trustees respectively, shall be revoked or altered, but at a Meeting to be held as herein-after mentioned; nor unless the Number of Trustees present and revoking or altering the same, shall exceed the Number of Trustees by whom such Order shall be made, and unless Twenty-one Days Notice shall be given by Five Trustees, to the Clerk of the said Trustees, of their Desire to have a Meeting, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a view to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice shall be given by the Clerk Fourteen Days at the least before such Meeting, to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order.

VIII. And

VIII. And be it further enacted, That if, after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the respective Meetings shall have been adjourned, the Clerk to the said Trustees, being authorized by an Order in Writing, signed by Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place and Purpose of such Meeting, shall forthwith give Notice thereof in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Twenty Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called, or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment; and such Meeting shall and may be adjourned, or be appointed to be held, in such Manner as other Meetings under this Act are herein-before directed to be adjourned or appointed to be held, notwithstanding any former Adjournment to the contrary.

Meetings on
Emergencies.

IX. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or the major Part of them; which said Book or Books, and also the Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls, or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any Thing done or to be done by virtue or in pursuance of this Act, or in anywise relating thereto; and the Meeting or Meetings at which such Orders or Proceedings shall be made or had, shall be deemed to have been regularly and legally held, and such Orders and Proceedings regularly and legally made or had, without any other Evidence than the Book or Books containing such Orders or Proceedings, unless such Meeting or Meetings, Orders or Proceedings, shall on the Face of such Book or Books appear to be irregular or illegal.

Proceedings
to be entered
in a Book,
and signed.

X. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, may by Writing under their Hands elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors, of such Money as shall arise and may become due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them, shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and every Officer and Person who shall be appointed as aforesaid, shall from Time

Trustees may
appoint Offi-
cers and re-
move them.

to Time, when thereunto required by the said Trustees, or any Five or more of them, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they or any Five or more of them shall for that Purpose appoint, a true and perfect Account, in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose, the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One of the said Trustees, being a Justice of the Peace, or any Justice of the Peace who is not a Trustee, is hereby empowered to administer); and every such Officer or Person shall and he is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance thereof, when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall appoint, within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings, in his or her Custody or Power, relating to the Execution of this Act; then and in every such Case, Complaint being made thereof by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before the said Justice, at the Time and Place appointed for that Purpose, without some reasonable Excuse, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid, (if so required by the said Justice), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid; then and in any

of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made; or until he or she shall have compounded with the said Trustees, or any Five or more of them, for such Money and Charges, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make) and shall have delivered up as aforesaid, all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof, to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Five or more of them, shall seem meet; and may also, if they think fit, take such Security from any other Officer to be appointed by virtue of this Act.

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees, appointed by virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case such Collector or Receiver of the Tolls shall die, the said Trustees, or any Two or more of them, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the stead of such Collector or Receiver who shall so die or be discharged; and such Person, so nominated and appointed, shall have the like Power and Authority, and be answerable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees (although
not

not assembled at a Meeting) or by the Clerk or Treasurer to the said Trustees for the Time being, then and in any of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in the Possession of such Toll Gate or Toll House, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any One of them, or such new appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

Trustees may sue and be sued in the Name of their Treasurer or Clerk, &c.

XIII. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, by virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk, without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act; but that the Treasurer or Clerk for the Time being to the said Trustees shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages, and Expences, as by the Event or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Power to erect Toll Gates, &c.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, as they shall think proper, erect and set up, or cause to be erected and set up, any Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Road, and upon the Sides thereof, across any Lane or Way leading into or out of the same, such Lane or Way not being a Turnpike Road; and may also erect or provide a Toll House, with suitable Out-buildings and Conveniences, at or near each Toll Gate; and may from Time to Time afterwards remove, alter or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees, or any Five or more of them, shall think expedient; and also may take in and inclose from the Side of the said Road, convenient Garden Spots for the Toll Houses respectively, not exceeding One Fourth Part of an Acre to each Toll House.

Limiting the Number of Gates and the Distance between them.

XV. Provided always, and be it further enacted, That no more than Two Toll Bars or Gates shall be erected across the said Road, by virtue of this Act, and that such Toll Bars or Gates shall be so situated or erected as not to be nearer to each other than Three Miles; and provided also, that no more than Two Toll Bars or Gates shall be erected upon the Sides of the said Road, by virtue of this Act.

XVI. And

XVI. And be it further enacted, That the Right and Property of all the Turnpike Gates, Bars, Chains, Rails, and Fences, Toll Houses and Buildings, which shall be erected by virtue of this Act, with their Appurtenances, and of the Materials for building or repairing the same, and for completing and repairing the said Road, and all such Materials or other Materials made use of for the Purposes of this Act, or collected to be made use of, shall be and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby authorized and empowered to dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, in the Name of their Clerk for the Time being, or to prefer or cause to be preferred any Bill or Bills of Indictment, against any Person or Persons who shall steal, take away, break, or damage the same, or any Part or Parts thereof, or disturb the said Trustees or their Agents or Servants in the Possession thereof.

Turnpikes
vested in the
Trustees.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act, Collector or Collectors, or Receiver or Receivers as aforesaid, to demand and take the several Tolls and Duties following, at each and every of the several and respective Turnpikes or Toll Gates or Toll Houses, or Turnpike or Toll Gate or Toll House, or Side Bar or Side Gate, or Chain or Bar, to be erected or placed, in, upon, across, or on the Side or Sides of the said Road, by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Power to
take Tolls.

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

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in Proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in Proportion for any greater or less Number:

For every Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage, drawn by Five, Six, or more Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence:

For every Chaise or Chair, or other such like Carriage, drawn by One Horse, or other Beast of Draught, the Sum of Four-pence:

For every narrow-wheeled Waggon, Wain, or other such Four-wheeled Carriage, drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Five or Six Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

[*Loc. & Per.*]

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For

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, drawn by Seven or Eight Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five or Six Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Two Horses, or other Beast or Beasts of Draught, the Sum of Four-pence:

For every Nine-inch-wheeled Waggon, Wain, or other such Four-wheeled Carriage, rolling a flat Surface of Sixteen Inches, drawn by Four, Five, Six, Seven, or Eight Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or Two or Three Horses, or other Beast or Beasts of Draught, the Sum of Eight-pence:

For every narrow-wheeled Cart, or other such Two-wheeled Carriage, drawn by Three Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Four Horses or other Beasts of Draught, the Sum of Eight-pence; and drawn by Three Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of Four-pence; and drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of Four-pence; and drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

Double Toll
on Sunday.

For every Coach, Chariot, Landau, Berlin, Hearse, Litter, Chaise, Chair, Caravan, Curricule, or Calash, Waggon, Wain, Cart, or other such Carriage; and for every Horse, Mare, Gelding, Mule, Ass, or other Beast; and for every Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, which shall pass through any of the said Gates, Bars, or Chains, on a *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) Double the Tolls herein-before mentioned, for the passing of every such Carriage, Horse, Mare, Gelding, Mule, Ass, or other Beast or Cattle, Calves, Sheep, Lambs, or Swine.

Penalty on
refusing to
pay Toll.

And the said respective Tolls shall be demanded and taken before any Horse, Mare, Gelding, Mule, Ass, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage whatsoever, be permitted to pass through any Turnpike or Toll Gate, or Side Bar or Side Gate, to be erected by virtue of this Act, upon or across the said Road, or any Part thereof, or upon or across any Lane or Way leading into the same; and upon Payment of any of the said Tolls, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment; and which said respective Tolls or Duties shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, as herein-after is directed; 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

shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horses or other Cattle or Beasts, Carriage or Thing, upon which such Toll is hereby imposed, or the Bridles, Saddles, Gears, Harness, Accoutrements thereof (except the Bridles or Reins apart from any Horse or Beast) or any Carriage in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed; and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle or other Things so distrained, or a sufficient Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress, and keeping and selling the same, shall be deducted and paid; to be ascertained, in case of Dispute concerning the same, by some Justice of the Peace for the said County of *Lancaster*, as herein-after mentioned.

XVIII. Provided always, and be it further enacted, That all Carriages with Four Wheels, upon which or in respect whereof any Toll is by this Act made payable, Two whereof shall be of a less Breadth than Six Inches, although the other Two shall be of a greater Breadth, which shall pass through any Gate or Turnpike erected or to be erected upon the said Road, shall be liable to and charged with the Tolls and Duties by this Act imposed upon every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches.

Toll upon Four-wheeled Carriages having Two Wheels of less Breadth than Six Inches.

XIX. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons, for passing and repassing Four Times the same Day, to be computed from Twelve of the Clock in one Night, to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriages (or with the same Horses or Cattle drawing any other Carriage of the same Description as the Carriage for which Toll had been paid, with such Horses or Cattle, the previous Time of passing) through any one of the said Gates or Turnpikes; and that all and every Person and Persons having paid such respective Tolls, and producing a Note or Ticket, Notes or Tickets, denoting the Payment thereof (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*) shall be allowed to repass Four Times on the same Day, with the same Horses, Cattle, Beasts, and Carriages, Toll-free, through the Turnpike or Toll Gate at which Tolls shall have been so paid; but if any Person or Persons shall pass through such Gate or Turnpike a Fifth Time on the same Day, with the same Horses, Cattle, Beasts, or Carriages, then and in that Case, such Person or Persons shall again be liable to pay the said Tolls for such Fifth Time of passing with the same Horses, Cattle, Beasts, or Carriages, and so (*toties quoties*) for every Fifth Time he or they shall pass such Gate or Turnpike on the same Day, with the same Horses, Cattle, Beasts, or Carriages, as aforesaid.

What Toll to be paid for passing and re-passing on the same Day.

XX. Provided always, and be it further enacted, That no more than Two Tolls shall be demanded or taken for or in respect of any Horse, Beast, Cattle, or Carriage, which shall in any One Day (to be computed from

Limitation of Tolls.

from Twelve of the Clock at Night, to Twelve of the Clock on the succeeding Night) pass through all, or any greater Number than Two of the Turnpikes or Toll Gates to be erected upon or across or on the Sides of the said Road or any Part thereof.

Penalty on
avoiding
Tolls.

XXI. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle, or Carriage, through or over any Gate, private Passage, Land, Ground, or Place, lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land or other Premises, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any Land, Ground, or Place, situate as aforesaid (the same not being a public Highway or Road to or from some Mill) shall knowingly or wilfully permit or suffer any other Person or Persons (except as aforesaid) to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Gate, private Passage, Land, Ground, or Place, in order or with Intent thereby to evade the Payment of the said Tolls, or any Part thereof, or whereby or by means whereof any such Evasion shall take place or be effected; or if any Person or Persons shall take off, or suffer to be taken off, any Horse or other Beast from any Carriage, either before or after having passed through any Toll Gate, or, having passed through any Toll Gate, shall afterwards add or put any Horse or Beast to any Carriage, for the Purpose of drawing the same upon any Part of the said Road, or shall leave upon or near any Part of the said Road any Horse or Horses, or other Beast or Cattle, or any Carriage, chargeable with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, without Payment of Toll; all and every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Disputes
concerning
Tolls to be
settled by a
Justice.

XXII. And be it further enacted, That in case any Dispute shall happen about the Amount of Toll due, or the Charges of keeping any Distress, it shall be lawful for the Collector, or Person distraining, to retain the same, or the Money arising by the Sale thereof (as the Case may happen) until the Amount of such Toll, and the Charges of making such Distress, and of keeping and selling the same, shall be ascertained by some Justice or Justices of the Peace of the said County; who, upon Application to him or them made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls due; and shall also assess the Charges of such Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums, so determined or assessed, shall be paid to the said Collector or other Person, before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Collectors of
Tolls com-
petent Wit-
nesses.

XXIII. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls,

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

XXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials, for making or repairing the said Road, or any of the Roads within any Parish, Township, Chapelry, Hamlet, or Place, in which any Part of the said Road lies, or for rebuilding, building, or repairing any present or any future Bridge or Bridges on the said Road; or with Seed for seeding the Ground; or Hay, Grass, Sainfoin, Fodder, Straw, or Corn in the Straw only, Turnips, or Potatoes, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out Houses, or Yards, or on the Lands of the Owners thereof, or for the Use of the Owners thereof; or for any Horse, Beast, or other Cattle, or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Soil, Marl, Compost, or Manure, (Lime only excepted) employed in Husbandry, for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, not beyond the Distance of Four Miles, or going to be, or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Day on which Divine Service is ordered to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any Parish, Township, Chapelry, Hamlet, or Place, in which the said Road lies; or from any Clergyman going to visit or returning from visiting any Sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, or Barrack or Commissariat, or

Exemptions
from Toll.

[*Loc. & Per.*]

10 S

other

Passengers,
on Election
Days for
Knights of
the Shire,
exempted.

other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Carriage conveying Volunteer Infantry; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps, of Yeomanry or Volunteer Cavalry or Infantry, and rode by him, in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of His Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for Horses, Carts, or Waggon, travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches, or other Carriages, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Lancaster*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence 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; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Exempting
Carriages
conveying
King's
Stores, &c.
from Penalties for
Overweight.

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

Tolls may be
leased.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (at any Meeting whereof Fourteen Days Notice shall have been given in Writing, and affixed upon all the Toll Gates then erected on the said Road, and inserted in some Newspaper circulated in the Neighbourhood of the said Road) from Time to Time to demise or let to farm, or agree to demise or let to farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses and the Conveniences and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon Public Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees, or any Five or more of them, shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied.

XXVII. And

XXVII. And be it further enacted, That during such Time as the Tolls, or any Part or Parts thereof, shall be leased, demised, or let, to any Person or Persons whomsoever, it shall and may be lawful to and for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he or they shall, by Writing or Writings under his, her, or their Hand or Hands. authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purposes whatsoever, as any Collector of the said Tolls appointed by the said Trustees, is hereby authorized and empowered to demand, take, and recover the same; and such Lessee or Lessees, Farmer or Farmers, Collector or Collectors, or other Person or Persons as aforesaid, shall be subject to the Regulations of this Act, and to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls, appointed by the said Trustees, is subject or liable to.

Lessees, or Persons appointed by the ⁿ, may collect Tolls.

XXVIII. And be it further enacted, That if any Farmer, Renter, or Collector of the said Tolls, shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees, or any Five or more of them, shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings; such Forfeitures respectively to be recovered in Manner herein-after mentioned: Provided always, that if the Justice, by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

Penalty on Renters, &c. taking greater or less Tolls than allowed.

XXIX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid pursuant to the Agreement for demising or letting thereof; then and in either of those Cases, the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized, to enter upon and take Possession of any Toll House or Toll Houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers, of the Tolls arising thereat respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, or any Five or more of them (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly

Enabling the Trustees to take possession of Toll Houses when let to farm.

utterly void to all Intents and Purposes (save as to Obligations, Covenants, or Agreements, for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part) as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees, or any Five or more of them, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement, had been made relative thereto.

Power to
reduce Tolls.

XXX. 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 assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times, as they the said Trustees, or any Five or more of them, shall think proper; and from Time to Time afterwards, to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Tolls herein-before mentioned; and also from Time to Time to direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts or Proportions at the several Turnpike Gates to be erected upon the said Road, in pursuance of this Act, as they shall think proper; and that such reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied, and applied, in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be erected upon the said Road: Provided always, that until the whole Money subscribed or borrowed on the Credit of this Act, shall have been paid off or discharged, the Tolls hereby granted shall not be lessened or reduced without the Consent of the Person or Persons entitled to Two-thirds of the Money which shall remain due upon the Credit of the said Tolls or this Act.

Tolls may be
compounded
for.

XXXI. 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 to compound, for any Term not exceeding One Year at any One Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts, or Cattle, travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle; and such Composition Money shall be paid in advance, quarterly or otherwise, as the said Trustees shall think fit; and in default thereof, the Composition shall be void.

Power to
borrow
Money and
to assign
Tolls.

XXXII. And be it further enacted, That the said Trustees, or any Five or more of them, at any of the Meetings to be holden under or by virtue of this Act, may, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at every such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or
any

any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same; which Mortgage shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

BY virtue of an Act, passed in the Fifty-fourth Year of the Reign of His Majesty King George the Third, intituled [here insert the Title of this Act] We of the Trustees for putting the said Act in Execution, in Consideration of the Sum of to the Treasurer of the said Trustees in hand paid, do grant, bargain, sell and demise unto A. B. his [her or their] Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, and of the Toll Gates and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole of the Monies owing and secured on the Credit thereof; to be had and holden from this Day in the Year of our Lord for and during the Continuance of the said Act, unless the said Sum of with Interest at the Rate of Pounds per Centum per Annum, shall be sooner paid and satisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Form of Mortgage.

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 to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, 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 Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing, before one credible Witness, an Instrument, whether indorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

Copies of Mortgages to be entered in a Book.

I A. B. do transfer this Mortgage or Security [or, a certain Mortgage or Security, shortly stating it, as the Case may be] with all my Right and Title to the Principal Money thereby secured, and all the Interest now due thereon, unto C. D. his [or, her or their] Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord
Witness E. F. ' A. B.'

Form of Transfer

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may in like Manner assign or transfer the same again, and so toties quoties; and it shall not be in the Power of any Person or Persons.

which must be entered with the Clerk.

(except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

No Preference among Creditors for the Money raised under this Act.

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

Application of Monies.

Costs of the Act to be first paid.

XXXIV. And be it further enacted, That all the Monies subscribed or to be subscribed, or which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the First Place, in Payment of all the Costs, Charges, and Expences, incident to or attending the obtaining and passing of this Act; in the Second Place, in paying the Interest to accrue upon the several Principal Sums of Money which, at the Time of the Commencement of this Act, and from Time to Time thereafter, shall be subscribed for, or be borrowed, due or owing, on Mortgage or Security of the Tolls granted by this Act, at the Rate of Five Pounds *per Centum per Annum*, or at such lower Rate of Interest as shall be agreed upon between the said Trustees, or any Five or more of them, and the several Persons for the Time being entitled to such Principal Sums; in the Third Place, in defraying the Expences of altering, widening, turning, repairing, and improving the said Road, and of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging such Principal Sums as aforesaid.

Subscribers to pay their Subscriptions.

XXXV. And be it further enacted, That the several and respective Persons who have subscribed, or who shall subscribe, for any Money, for and towards the making or amending, widening, and repairing the said Road, shall and they are hereby required (after Twenty Days Notice in Writing for that Purpose, under the Hand of the Treasurer to the said Trustees) to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of their Clerk, and to recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than one Impar lance, shall be allowed; and all such Monies shall be vested in the said Trustees for the Purposes of this Act.

XXXVI. And

XXXVI. 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, and at any Time or Times during the Continuance of this Act, to make, repair, widen, divert, alter, or turn, the Course or Path of any Part or Parts of the said Road, within the Limits herein-after mentioned, upon or over any Commons or Waste Lands, without making any Satisfaction for the same; and also upon, over, or through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises through which or whereupon such Road or Alterations is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out such Road or Alterations in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment, for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy, any of the Stakes or other Marks used in laying out such Road or Alterations, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXXVII. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments, and Premises through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County; be it therefore enacted, That the said Map or Plan, and the Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate or Collegiate, through whose Lands or Premises such Deviation shall be made.

XXXVIII. Provided always, and be further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Land or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mistated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

XXXIX. Provided

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owners.

XXXIX. Provided always, and be it further enacted, That the Powers and Authorities hereby given, shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, 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 Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Plan and Book of Reference; any Thing in this Act contained to the contrary in anywise notwithstanding.

The Purchase of Lands.

XI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree, with the Owners of and Persons interested in any such Private Lands or Grounds or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners and Persons, interested, or any of them, shall or may anywise sustain by such making, widening, turning, or altering the said Road, or any Part or Parts thereof; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or any Tenant in Tail or for Life, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infant, Feme Covert, Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Grounds, or Hereditaments, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to the said Trustees, all or any of such Lands and Grounds, and Hereditaments, as Occasion shall be and require; and all Contracts, Sales, and Conveyances, which shall be so made, shall, without any Fine or Fines, Common Recovery, or Common Recoveries, be valid and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Corporations and incapacitated Persons empowered to sell, &c.

When Persons neglect or refuse to treat,

XLI. And be it further enacted, That if any Body or Bodies Politic, Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, Tenant in Tail or for Life, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to the said Road, and through which any Part of such Road is to be made, varied, widened, diverted, turned, or altered, shall, for the Space of Ten Days next after such Notice given or left, 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 such Damage or Recompense to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Lancaster*; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more of the Trustees is and are hereby empowered to administer); and such 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 said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompense, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgement, Order or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, may and are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Lancaster*, requiring him to impanel, summon, and return, Twenty-four Persons qualified to serve on Juries, 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 such 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 summoned, impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen so returned, the said Sheriff, or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to

[Loc. & Per.]

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appear,

Damages to
be settled
by a Jury.

appear, without any reasonable and sufficient Excuse, or appearing shall refuse to be sworn or examined or give Evidence, so that no such Fine be more than Ten Pounds on any One Person for One Offence.

How Expences of the Jury shall be paid.

XLII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage, as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Treasurer to the said Trustees, 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 than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage, as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said County, not interested in the Matter in Question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose, 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 and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees, out of the Money to be raised or received under or by virtue of this Act.

Upon Payment of the Purchase Money, Lands to be laid into the Road, &c.

XLIII. And be it further enacted, That every Sum of Money or Recompence to be agreed or awarded to be paid for any Lands or Hereditaments to be purchased, taken, or used for the Purposes of this Act, or made for any Loss or Damages as aforesaid, shall be paid by the said Trustees, or any Five or more of them, out of the Tolls or other Money arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, to the Person or Persons entitled thereto, or on depositing the same in the Bank of *England*, in Manner by this Act directed, as the Case may

may be, and after Fourteen Days Notice given to such Parties or Persons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, such Lands or Hereditaments shall be laid into and made Part of the Road, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after such new Road shall be formed and completed, then the Land (not being Common or Waste Land) comprised in or constituting the old or former Road, shall be vested in the said Trustees, and shall or may be stopped up and left unrepaired (unless the same may be wanted for any Public Use, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the same may lead), or shall be sold and conveyed by the said Trustees, for the best Price or Prices that can be gotten for the same, or exchanged for other Lands used for the Purposes of this Act; and the Money arising by such Sale shall be applied to the Purposes of this Act; and the Conveyance to be made of such Lands, being executed by the said Trustees, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual to all Intents and Purposes; and that in all Places where the Course of any Part of the present Road shall be diverted by virtue of this Act from the old Line of Road, or a new Road shall be made (except over or through any Common or Waste Land) or where the old Road shall be widened, in all such Cases (except as aforesaid) the said Trustees, or any Five or more of them, shall and they are hereby required to cause good and sufficient Mounds, Rails, Walls, or Fences to be made and provided, or Quicksets to be planted in an husbandlike Manner, or sufficient Stone Walls to be built, on both Sides of such new Road, where the same is necessary.

Trustees to fence off the new Road.

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

First Offer to whom to be made.

Justices may determine Differences.

the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same County or Place, next after such Difference shall arise; and on Fourteen Days clear Notice thereof to be given by the said Trustees, to such Owner or Owners, Occupier or Occupiers, or be left at his, her, or their respective Places of Abode, the said Justices shall hear, settle, and determine the Matter of the said Difference, and also the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties; and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
of Money
above 200l.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act for the Purposes thereof; which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said High 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

of the said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

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

Where the Compensation is less than 200l. and exceeds 20l.

XLVII. Provided also, and be it further enacted, That when such Money, so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased 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.

Application when the Money is less than 20l.

XLVIII. 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 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 or Hereditaments be not known or discovered; then and in every such Case, it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments, [describing them] subject to

In case of not making out Titles, &c.

[Loc. & Per.]

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the

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 invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, or Interest, of the 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, is and are hereby required to give a Receipt or Receipts for the same, 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.

Respecting
disputed
Titles.

XLIX. 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 High 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 of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly; unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Court may
order reason-
able Ex-
pences to be
paid by the
Trustees.

L. 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, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act; who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting
Materials to
repair the
Road.

LI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, get, and take away any
Stones,

Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials, for making, amending, altering, improving, or repairing the said Road, or building, rebuilding, or repairing any Toll House or Toll Houses, or any Bridge or Bridges, on the said Road or the Sides thereof, out of any Waste or Common, or out of any common River or Brook, in any Parish, Hamlet, Township, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, within the said County, without paying any Thing for the same; they the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such common River or Brook, then and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the said County, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away any such Materials, in and out of the Lands, Fields, or Grounds, of any Person or Persons, in any Parish, Hamlet, Township, or Place, in which any Part of the said Road shall lie or be situate, where the same may be had or found (such Lands, Fields, or Grounds, not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials, for amending, altering, improving, or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Two or more Justices of the Peace acting in and for the said County, shall and may adjudge and determine to be reasonable; which Judgement or Order of the said Justices therein shall be final and conclusive to all Parties: Provided also, that no such Stone or other Materials as aforesaid, shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatsoever.

LII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away, any Materials for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before any Justice or Justices of the Peace acting in and for the said County, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall

Notice to be given before Materials taken.

neglect or refuse to appear by himself or Agent, such Justice or Justices may, (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Penalties on
taking away
Materials.

LIII. And be it further enacted, That if any Person whomsoever shall take away any Materials, which have been dug, gathered, or got, in any Lands, Fields, Grounds, Wastes, or Commons, Rivers, or Brooks, for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of any Private Ground, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For removing
Annoyances.

LIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, and such Persons as he or they shall appoint, by Direction of and under the Hands of Five or more of the said Trustees, from Time to Time to remove all Nuisances and Annoyances made on any Part of the said Road, by Timber, Stones, Carriages, Sawpits, Hovels, Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running along, into or out of the said Road, to the Prejudice thereof; and to open, scour, cleanse, widen, and make deeper, any Watercourses or Ditches adjoining or near thereto, and make the same as deep and large as such Surveyor or Surveyors shall think necessary; and to cut down, lop, or top, at proper Seasons of the Year, any Branches, Shrubs, or Bushes, growing or to grow on the said Road, or in the Hedges or Banks adjacent thereto (except Trees or Shrubs planted for Ornament to any House or Building, or in any Garden or Court Yard to any House) and to cut, take, and carry away the same Shrubs, Bushes, or Cuttings, in case the Persons occasioning such Nuisances and Annoyances shall neglect to remove the same within the Space of Ten Days, or the Owners or Occupiers of the Lands shall neglect to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or to lop or top, and remove such Boughs, Bushes, or Lops, or reduce such Hedges, for the Space of Ten Days next after Notice in Writing given for those respective Purposes, under the Hand of such Surveyor or Surveyors, or so near thereto as the proper Season will allow for such reducing of Hedges, the Charges whereof (to be settled by any Justice or Justices of the Peace for the said County) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and shall be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered; and every Person so neglecting or refusing shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Penalty and Charges before mentioned.

Penalty for
erecting
Encroach-

LV. And be it further enacted, That if any Person shall, from and after the passing of this Act, encroach by making or causing to be made any Dwelling

Dwelling House or other Building, Hedge, Ditch, or other Fence, within the Distance of Fifteen Feet from the Middle or Center of such Road (except Turnpike Houses erected by Order of the said Trustees) every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands, made at a public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences, to be taken down or filled up at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any one or more Justice or Justices of the Peace in and for the said County, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up of the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner or Owners on Demand.

ments on the
Side of the
Road.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to make and keep in Repair, or cause to be made and kept in Repair, any Causeway or Causeways, for the Use of Foot Passengers, along any Part of the said Road, in such Manner as they shall see convenient, and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in repair Bridges and Arches upon the said Road, or across any such Ditches or Drains where necessary; and also to make, or cause to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the said Road, (such Grounds respectively not being the Scite of or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such ruinous or narrow Part of the said Road be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompense to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions of the Peace for the said County, or at their Second Quarter Sessions of the Peace at the furthest, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompense shall be made to such Owners and Occupiers, for the Damages they shall have sustained as aforesaid; which Determination shall be final and conclusive to all Parties.

Power to
make Cause-
ways and
Drains.

LVII. 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, when and as often as they shall think necessary, to cause the said Road to be

Road to be
measured,
and Mile-
stones affixed.

[Loc. & Per.]

10 Y

measured,

measured, and Stones or Posts to be placed in or near the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Milepost or Stone to be erected or fixed in or near the Side or Sides of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks, inscribed thereon; or if any Person or Persons shall cause to be hauled or drawn upon any Part of the said Road, any Timber, Stone, or other Thing, otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage, Waggon, Wain, or Cart, upon the said Road, and meeting another Carriage, Waggon, Wain, or Cart, shall not keep his or her Carriage, Waggon, Wain, or Cart, upon his or her left or nearest Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage, Waggon, Wain, or Cart, under his or her Care upon the said Road; or if any Person shall make, or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Road, or on the Banks or Lands adjacent or lying open thereto; or if any Person shall leave any Carriage, Waggon, Wain, or Cart (except in case of Accident), upon any Part of the said Road or on the Side or Sides thereof, longer than may be necessary, either with or without any Horse or Beast of Draught harnessed or yoked thereto, except only with regard to such Waggon, Wain, Cart, or other such Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of such Road as conveniently may be; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon the said Road or any Part thereof, and shall not, within the Space of Fourteen Days, take and carry the same away, or cause the same to be taken or carried away; or if the Surveyor or Surveyors of the said Road, or any Contractor or Contractors for the Repairs of the said Road, or any Part thereof, or any Person or Persons acting by or under their Authority, shall lay or cause to be laid upon the said Road or the Sides thereof, any Heaps of Stones or other Materials for repairing the said Road, or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons liable to repair the Road or maintain Bridges, to continue so:

LVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, and Hereditaments, liable to the amending or maintaining of any Part or Parts of the said Road, or any Bridge or Bridges, Causeway, Drain, Arch, or Sewer thereon, or any Part or Parts thereof, shall still remain liable and chargeable to the Repair thereof, in such Manner, and to the same Extent, as they would have been liable and chargeable in case this Act had not been passed.

LIX. And

LIX. 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 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 be lawful for any Two or more Justices of the Peace for the said County, 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, Townships, Hamlets, 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, Township, Hamlet, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish 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 Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and 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 may also order and direct the Persons who by such Lists shall appear to be subject or 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 or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized 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 Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team

Statute
Labour.

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

Trustees may compound for Statute Labour.

LX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways, or the Churchwardens or Overseers of the Poor of any of the said Parishes, Townships, or Places, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or Public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road.

For enforcing the Payment of Composition Money, &c.

LXI. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll Gate, or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for any Justice or Justices of the Peace for the said County, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Justice or Justices, that the same have been demanded and remains due, which Oath such Justice or Justices are hereby respectively empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highways of the Parish, Township, or Place, so agreeing to make such Composition in lieu of any such Repairs for Statute Work as aforesaid, as the Case may be, returning the Overplus (if any) upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors, &c. may recover the same.

LXII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor, who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by

or recovered of them respectively, with the Costs and Charges attending such Recovery, by the several Ways and Means and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Trustees may contract for making and repairing the Roads, &c.

LXIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees or any of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

LXV. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or any other Way or Ways to be made upon the said Road, for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, Carriage or Carriages, Cattle or Swine, upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; and if any Horse or Horses, Cattle or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Road, the Owner or Owners of such Horse or Horses, Cattle or Swine, shall respectively forfeit and pay any Sum not exceeding Ten Shillings to the said Surveyor or Surveyors; and he and they is and are hereby authorized and required to cause all such

Penalty on Persons riding or driving Cattle, &c. on the Causeways.

[Loc. & Per.]

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Horses,

Horses, Cattle, or Swine, as shall be found wandering or depasturing upon the said Road, or on the Sides thereof, to be impounded until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, over and above the usual Fee to the Proprietor or Keeper of the Pound where such Horse or Horses, Cattle or Swine, shall be so impounded; and if any Proprietor or Keeper of any such Pound shall refuse to receive, or after being impounded as aforesaid shall release, any such Horse or Horses, Cattle or Swine, without the Consent of such Surveyor or Surveyors, every such Proprietor or Keeper shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them, in leading or driving such Horse or Horses, Cattle or Swine, to Pound as aforesaid, he or they shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Recovery and Application of Penalties.

LXVI. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) with the Costs and Charges attending the Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said County, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same; which Warrant such Justice is hereby empowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of One or more credible Witnesses or Witnessess, and such Penalties and Forfeitures, when so levied, shall be paid, the One Half to the Informer, and the other Half to the Surveyor of the said Road, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the Whole shall be applied towards the Repair of the said Road; and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid.

Trustees, being Justices, may act as such.

LXVII. And be it further enacted, That such of the said Trustees hereby nominated or to be appointed by virtue of this Act, as are or shall be in the Commission of the Peace for the said County of *Lancaster*, shall not, by being such Trustees, be thereby disqualified from acting as Justices of the Peace in the Execution of this Act; except only in such Cases where they shall be individually interested.

For securing transient Offenders.

LXVIII. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Surveyors, or other Officers) who shall commit any Offence or Offences against this Act, and take him, her, or them, before any Justice or Justices of the Peace for the said County, near to the Place where the Offence

Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall, and is and are hereby required to proceed and act, with respect to such Offender or Offenders, according to the Provisions of this Act.

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

Form of Conviction.

Lancashire } ' BE it remembered, That on the Day of
to wit. } ' in the Year of His Majesty's
' Reign, and in the Year of our Lord
' A. B. is convicted before of His Majesty's Justices of
' the Peace for the said County, by virtue of an Act of the Fifty-fourth
' Year of the Reign of King George the Third, intituled *An Act, &c.*
' [here set forth the Title of this Act, and specify the Offence when and where
' committed.] Given under our Hands and Seals [or, my Hand and Seal]
' the Day and Year first above written."

LXX. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue hereof, shall be quashed, set aside or vacated, for Want of Form only, nor shall be removed or removable by *Certiorari* or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made, or any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they shall not on that Account be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby, in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made by or on behalf of the Party distraining, before such Action brought.

Proceedings not to be quashed for want of Form.

LXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may, within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden for the said County, unless such Complaint shall arise within Twenty-eight Days preceding such Session, in which Case such Appeal may be brought at the Second Session after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause, shall and may, by Order of such Session, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set
the

Appeal to Quarter Sessions.

Notice of
appealing to
be given.

the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable; and the said Justices are hereby authorized and required to levy, by their Order or Warrant, such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress to commit such Person or Persons to the Common Gaol for the said County, for any Time not exceeding Six Calendar Months, or until such Payment of such Costs: Provided always, that the Person or Persons so appealing as aforesaid, shall, and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Road, of such his or their Intention of bringing and prosecuting an Appeal, Fourteen Days before the said Quarter Session, and shall, before such Notice given, enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said County, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Limitation of
Actions.

LXXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done or pretended to be done in pursuance of this Act, until after Fifteen Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof shall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the same shall be committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

Public Act.

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

The Com-
mencement
and Term
of this Act.

LXXIV. And be it further enacted, That this Act shall commence upon the Second *Thursday* in the Month next after the passing thereof; and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.