

ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

An Act for making and maintaining a Turnpike Road from near the Town of Manchester in the County of Lancaster to Hyde Lane Bridge in the County of Chester. 17th March 1818.

THEREAS the making and maintaining of a Turnpike Road from the present Turnpike Road at or near Ardwick Green in the Parish of Manchester in the County of Lancaster, through Gorton, Denton, and Haughton in the said County, to the Canal Bridge in Hyde in the Parish of Stockport in the County of Chester, commonly called Hyde Lane Bridge, would be of great Advantage and Convenience to the Land Owners and Inhabitants of the Neighbourhood, and likewise of great public Utility; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 James Ackers, Trustees. Thomas Ashton, Samuel Ashton, James Ashton, Joseph Ashton, John Ashton, John Arden, Thomas Andrew, George Andrew, William Ashworth, Francis Dukenfield Astley, Benjamin Ashton, the Right Honourable Richard Grosvenor commonly called Lord Viscount Belgrave, Samuel Barker, Thomas Brierley, James Brierley, Thomas Bateman, Thomas Brown, William Beever, Ralph Booth, John Bentley, Richard Bond, William Bromley,

1 1 12 1 3 1 m

Röbert Bentley, George Hyde Clarke, Edward Clarke, John Hyde Clarke, George Hyde Clarke the younger, Edward Clarke the younger, Joseph Clay, Edward Chessbire, William Clayton, John Cheetham, D. S. Clayton, Davies Davenport, Richard Denham, Wilbraham Egerton, John Entwisse, William David Evans, William Fox, Samuel Greg, James Grimshaw, John Grimshaw, John Hyde, Thomas Hervitt, Edward Hobson, James Hobson, Joseph Horsfield, Randal Hibbert, John Howard, Charles Howard, William Hallsworth, William Hope, Richard Hancock, Otho Hulme, Joseph Howard, Samuel Jowett, John Kennedy, John Loman, William Loman, Gabriel Lupton, Peter Moss, the Honourable Augustus Moreton, John Moon, James M'Connell, Richard Matley, James Antrobus Newton, John Newton, Samuel Oldknow, Lawrence Peel, Robert Peel, Francis Philips, George Philips, John Peacock, Thomas Pownall, Richard Potter, William Phillips, Robert Rider, Robert Rider the younger, Joseph Redfern, Oswald Ravald, George Smith, James Smith, William Slack, John Sherratt, Thomas Sherratt, William Sidebottom, George Sidebottom, Joe Sidebottom, James Sidebottom, Nathan Sidebotham, John Sidebotham, Joseph Sidebotham, Henry Sidebotham, Thomas William Tatton, Richard Titley, Josiah Twyford, Joseph Turner, Thomas Turner, Samuel Walker, Thomas Watkins, Edward Bootle Wilbraham, Hugo Worthington, Nathaniel Wright, John Wright, John Wood of Ashton, John Wood of Gorton, Francis Woodiwis, Benjamin Wilson, John Wilson, John White, and Thomas Scholes Worthington, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, repairing, and otherwise improving the said intended Road, and for otherwise carrying this Act, and all the Matters and Things herein contained, into full and complete Execution and Effect.

Power to appoint additional Truftees.

M. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Ten Days Notice shall be given in the Manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons, not exceeding Ten in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed, and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this as if they had been appointed in and by this Act.

Election of new Truftees. HI. And be it further enacted, That upon the Death, Refusal, or Disability to act in the Execution of this Act of any of the said Trustees or their Successors, then and in every such Case it shall and may be lawful to and for any Five or more of the surviving or remaining Trustees, from Time to Time, at any Meeting of the said Trustees (of the Time and Place of which Meeting Notice shall have been inserted Once in some public Newspaper printed or circulated in the Neighbourhood through which the said Road passes, or affixed on all and every the Turnpike Gates then standing on the said Road, at least Ten Days previous to such Meeting, to elect and appoint one other Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, refusing, or becoming incapable to act as aforesaid; and every Person so to be elected and appointed (being qualified as herein-after mentioned) shall be and he is hereby empowered to act in the Execution of this Act in as sull and ample

ample Manner to all Intents and Purposes as the Trustee in whose Room or Stead he shall be so elected could or might have done.

IV. Provided always, and be it further enacted, That no Person shall Qualificabe capable of acting as a Trustee in the Execution of this Act, unless he tion of Trustshall be in his own Right, or in the Right of his Wife, in the actual Pos- tees. session or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments, situate in the said Counties of Lancaster and Chester, or one of them, of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, or shall be Heir Apparent of some Person possessed of some Estate in Lands, to be situate as aforefaid, of the clear yearly Value of One hundred Pounds, nor shall any such Person be capable of acting in the Execution of this Act, not being such Heir Apparent as aforesaid (save and except in administering the Oath or Affirmation following to the other Trustees), until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say),

do swear (or, being one of the People called Quakers, Oath. do solemnly affirm), That I truly and bond fide am in my own Right (or in the Right of my Wife, as the Case may be) in the actual Posses-'s sion or Enjoyment of Lands, Tenements, or Hereditaments, situate in the said Counties of Lancaster and Chester, or one of them, of the clear yearly Value of Fifty Pounds (or possessed of or entitled to a Personal Estate of the Amount or Value of One thousand Pounds), or am Heir • Apparent of A. B., who to the best of my Knowledge and Belief is possessed of such an Estate of the clear yearly Value of One hundred Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed 'in the Fifty-eighth Year of the Reign of King George the Third, intituled An Ast [here set forth the Title of this Ast.] So help me GOD.

And if any Person not being so qualified shall act as a Trustee in the Penalty on Execution of this Act, every such Person shall for every such Offence acting not forfeit and pay the Sum of Fifty Pounds to any Person or Persons who being qualishall sue for the same, to be recovered in any of His Majesty's Courts of fied. Record at Westminster or elsewhere, by Action of Debt dr on the Case, or by Bill, Suit, or Information, wherein no Effolgn, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every fuch Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts All Acts of and Proceedings of any Person or Persons acting as a Trustee or Trustees Trustees not in the Execution of this Act (although not duly qualified as aforefaid), qualified, if previously to his or their being convicted of the said Offence, shall, notwith- Conviction, standing such Conviction, be as good, valid, and effectual as if such valid. Person or Persons had been qualified according to the Directions of this Act.

V. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, ing any Place of Profit not who shall have or accept of any Place or Office of Profit arising out of or

Perfoss holdto act as by Trustees.

58° GEORGII III. Cap. vi.

by reason of any Tolls or Duty by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Trustee or Trustees in the Execution of this Act.

Victuallers, &c. incapable of acting.

VI. Provided always, and be it further enacted, That no Perfon or Perfons who shall keep any Victualling-house, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Prosit under the said Trustees, or of collecting the Tolls hereby granted and made payable, and to be collected on the said Road, during such Time as he, she, or they shall keep such Victualling-house, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider or Beer, Ale, Spirituous or other Strong Liquors, by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Trustees
may act as
Justices, except where
interested.

Mortgagee
or Assignee
may act as
a Trustee.

VII. And be it further enacted, That such of the Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

First Meeting of the Trustees.

VIII. And be it further enacted, That the said Trustees or any Five or more of them shall meet and assemble at Fisher's Tavern in Manchester on the Third Monday next after the passing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, for the Purpose of carrying this Act into Execution, and shall then and from Time to Time afterwards adjourn themselves to meet at the Place aforesaid, or at any other Place or Places that the said Trustees shall think proper or convenient, so often as it shall be necessary for carrying this Act into Execution; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act (Two Trustees being deemed sufficient for the Purpose of Adjournment only), the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Thirty Days then following, to be holden at the same Place; and the said Clerk shall cause public Notice thereof to be inserted Once in some Newspaper or Newspapers published in the said Counties of Lancaster and Chester, or affixed on all the Turnpike Gates that shall be standing on the faid Road, Ten Days at least before the Day to which such Meeting shall be so adjourned, and that the said Trustees shall at their several Meetings pay and defray their own Expences.

No Act valid unless at a Meeting.

IX. And be it further enacted, That no Act of the said Trustees hereby nominated and appointed, or to be elected by virtue of this Act, shall be or be deemed to be good, valid, or effectual, unless the same be made or done

done at some Meeting to be holden in pursuance of this Act (except as herein excepted); and that all the Powers and Authorities by this Act The Majority granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act (the Number of Trustees present at such Meeting not being less than Five, except where otherwise directed); and all the Orders and Proceedings of the major Part of such Trustees present at fuch their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as herein excepted); and at every Meeting of the faid Trustees, Chairman to a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every Vote. such Case the Chairman shall have, and he is hereby empowered to give, the decisive or casting Vote.

may act, the whole Number not being less than Five.

be appointed, and to have the casting

X. Provided always, and be it further enacted, That on the First Mon- Annual day in the Month of May in every Year, a General Meeting of the said Meeting of Trustees shall be holden at Fisher's Tavern in Manchester, or at some other Place within the Distance of Two Miles from the Line of the said for auditing intended Road, as the said Trustees may appoint, for the Purpose of ex- the Accounts. amining the Accounts of the Clerk, Treasurer, Surveyor, and Collector of Tolls, and other Persons employed in the Receipt or Expenditure of any of the Monies belonging to the said Road; and it shall and may be lawful to and for the said Trustees then and there assembled to allow and pass such Accounts, or so much thereof as they shall think proper, and to choose new Trustees in the room of such as shall be dead, or have refused, or become incapable to act in manner herein-before mentioned, and to do such other Acts, Matters, and Things in the Business of the Trust, which shall at any such Meeting occur: Provided also, that nothing herein contained shall extend or be construed to extend to prevent the faid Trustees from calling for and examining the said Accounts when and as often as they shall think proper so to do.

the Trustees to be held

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a cial Meeting, Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration purposed to be made, be inserted Once in such Newspaper or Newspapers as aforesaid, or affixed upon all and every the Turnpikes that shall be standing on the said Road, at least Fourteen Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in favour of such -Revocation or Alteration.

No Order to be revoked and by a Majority of the Trustees present.

XII. And be it further enacted, That if, after the Adjournment of any Meetings on Meeting of the said Trustees, it shall be thought necessary that an earlier Emergencies. Day of Meeting should be appointed than the Day appointed by any Adjournment, or if for want of proper Adjournment, or otherwise, it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the faid Trustèes, upon an Order in Writing, signed by any Seven or more of the said Trustees, mentioning the Time, Place, and Purpose of fuch Meeting, shall forthwith give Notice, in the manner herein-before Local.

58° GEORGII III. Cap.vi.

directed, of the Time and Place of holding a Meeting, according to such Order of the said Trustees (the Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at any such Meeting shall be as valid and effectual to all Intents and Purposes as they would have been in case such Meeting had been held in pursuance of Adjournment.

Proceedings to be entered in a Book.

XIII. And be it further enacted, That the faid Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, Actions, Prosecutions, and Proceedings touching or concerning any Thing done in pursuance of this Act; and that such Book or Books shall at all seasonable Times be open and liable to the Inspection of all and every the said Trustees, and of the Creditors on the Tolls hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding One hundred Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

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

XIV. And be it further enacted, That the said Trustees or any Five or more of them shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls thereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the faid Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Trustees not to be concerned in Contracts.

XV. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forseit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

XVI. And be it further enacted, That the said Trustees or any Five Trustees to or more of them shall and may, at their First or any subsequent Meeting, appoint Of-by Writing under their Hands, elect and appoint a Clerk or Clerks, ficers. Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors, and such other Officers as they the said Trustees shall think proper; and also that it shall and may be lawful to and for the said Trustees or any Five or more of them from Time to Time to remove fuch Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion, and from Time to Time to appoint others in the Room of such of them as shall be so removed, or as shall die, resign, or resuse or neglect to perform, or become incapable of performing their Duty; and that the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries, or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and also to any other Person or Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers to Officers and other Persons shall from Time to Time, as often as they account. shall be called upon for that Purpose, produce and give up to such Trustees full, true, and perfect Accounts, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and all fuch Officers and other Persons shall and they are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons, or for fuch Uses and Purposes, as they the said Trustees shall direct and appoint; and if any such Officer or Officers, or other Person (being required Proceedings fo to do as aforesaid), shall refuse or neglect to produce and give up such against Offi-. Account or Accounts as aforesaid, or to produce and deliver up to the to account faid Trustees the Receipts and Vouchers relating to the same, or to pay or deliver up as aforesaid any Sum or Sums of Money which shall appear to re- Books, &c. main in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, then and in any of the said Cases any One or more of His Majesty's Justices of the Peace for the County where the Offence shall be committed shall, upon Complaint of the said Trustees, or any One or more of them, or of fuch Person or Persons as they or any Five or more of them shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or Person to appear before him or them, and upon such Officer or Person appearing, or having been summoned and not appearing, or in case it shall appear that such Officer or other Person hath not been found, such Justice or Justices shall make Inquiry concerning such Default, and the Matter of Complaint, and shall hear and determine the same in a summary Way; and if upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath '(which Oath such Justice or Justices is and are hereby empowered and required to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act shall

shall remain due from such Officer or other Person, such Justice or Justices may, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of fuch Officer or other Person; and if no Goods or Chattels of such Officer or other Person can be found sufficient to satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or other Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices is and are hereby empowered to commit fuch Officer or other Person to the Common Gaol for the County or Place where such Officer or other Person shall live or reside, there to remain without Bail or Mainprize until such Officer or other Person shall have produced, given up, and made a true and perfect Account as aforesaid, and shall have made such Payments as shall appear to be due from him as aforesaid, or until he shall have compounded with the said Trustees for the same (which Composition the said Trustees or any Five or more of them are hereby empowered at any Meeting to make and accept), and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers, or to such other Person as the said Trustees shall appoint, or until such Officer or other Person shall have delivered up all fuch Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed as aforesaid shall be confined or detained in Prison for want of sufficient Distress, by virtue of this Act, for any longer Time than Six Calendar Months.

Treasurer and rity for the faithful Execution of their Duty.

XVII. And be it further enacted, That the said Trustees or any Five or other Officers more of them shall and they are hereby required to take such sufficient to give Secu- Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, or other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees or any Five or more of them shall think proper; and that no such Treasurer, Receiver, Collector, or other Officer, shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Clerk not to act as Treafurer, and vice veriâ.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XIX. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, neglect, or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although porary ones. not affembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be Collector or Receiver of the said Tolls, until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner in all Respects, as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, Collectors who shall be discharged from his Office by virtue of this Act, or the Wife refusing to or Widow, or any of the Children, Family, or other Representatives of Toll Houses, any Collector or Receiver who shall die or be discharged, or any other &c. Person or Persons who may have the Possession of any Toll House, or Building, or Appurtenances to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Four Days next after Demand thereof made by Notice in Writing, figned by any Five or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers, for that Purpose given to such Collector or Receiver, or other Person or Persons, or left at any such Toll House, Building, or Premises, then and in any of Justices emthe said Cases it shall be lawful for any One or more Justice or Justices of powered to the Peace for the County where the Offence shall be committed, by Warrant grant Warunder his or their Hand and Seal or Hands and Seals, to order any Con- Constable to stable or other Peace Officer for the said County, with such Assistance as enter and may be necessary, to enter such Toll House, or other Building in the Day- remove such time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and put the said Trustees or any Two or more of them, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

remove Collectors, and appoint tem-

XX. And be it further enacted, That the said Trustees may sue and be Actions to be sued in the Name or Names of their Treasurer or Clerk, or in the Name brought in or Names of any One of the said Trustees on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be of Trustees, brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees or any Five or more of them at a Meeting to be holden in pursuance of this Act; but no Treasurer, Costs. Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Debt, Costs, or Expenses on account thereof, but all such Debt, 'Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Trustees.

the Name of the Treasurer or Clerk, or who are not to be perfonally liable to

XXI. And be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them from Time to Time to erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or [Local.] Parts

Trustees may erect Toll Houses, &c.

Parts of the said Road, and across any Lane or Way leading into, from, or out of the same, and also such Toll House or Toll Houses, Weighing Engine or Weighing Engines, to each Gate or Turnpike, or otherwise, as they shall think necessary, with suitable Outbuildings thereto; and also may inclose from the said Road and Waste Grounds thereunto adjoining convenient Garden Spots to the said Toll Houses, not exceeding in the whole One Quarter Part of an Acre for each Toll House, as they may judge proper; and that the following Sums of Money shall and may be demanded and taken as Tolls, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpike or Toll Gate, Turnpikes or Toll Gates respectively; (that is to say),

Tolls.

For every Coach, Chariot, Berlin, Landau, Hearfe, Chaife, or other such Carriage having more than Two Wheels, drawn by Six or more Horses or Beasts of Draught, the Sum of Two Shillings and Four-pence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Eightpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by a less Number than Three Horses or Beasts of Draught, the Sum of One Shilling:

For every Curricle, Chaise, Gig, or other such Carriage having Two Wheels only, and drawn by One Horse or Beast of Draught, the Sum of Sixpence; and drawn by more than One Horse or Beast of Draught, the

Sum of One Shilling:

For every Waggon, Wain, or other such Carriage, having more than Two Wheels, the Fellies and Tire of such Wheels being not less than the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, the Sum of Two Shillings:

And for every Waggon, Wain, or other such Carriage having more than Two Wheels, the Fellies and Tire of such Wheels being less than the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof,

the Sum of Four Shillings:

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies and Tire of such Wheels being not less than the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, drawn by Four or more Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies and Tire of such Wheels being less than the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, drawn by One Horse or Beast of Draught, the Sum of Eight-pence; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by more than Two Horses or Beasts of Draught, the Sum of Two

Shillings:

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

For every Drove of Oxen or Neat Cattle the Sum of Ten-pence a Score,

and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs (except a fingle Calf, Swine, Sheep, or Lamb, for which the Sum of One Halfpenny shall be paid), the Sum of Five-pence a Score, and so in proportion for any greater or less Number.

And

And that One Half-over and above the said respective Tolls shall and may be demanded and taken on every Sunday during the Continuance of this Act: Provided always, that where such additional Half Toll shall be less in Amount than the Sum of One Halfpenny, then the Sum of One Halfpenny shall and may be demanded and taken in lieu thereof.

Which said respective Tolls shall be and they are hereby vested in the Recovery faid Trustees; and if any Person or Persons subject to the Payment of any of Tolls. of the said Tolls shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, or his or their Servant or Agent, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Persons whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast, or other Cattle, or upon any Carriage upon which any such Tolls are by this Act imposed, or the Loading, Harness, or Accoutrements of any such Horse, Beast, or other Cattle belonging to any Person or Persons so neglecting or refusing and liable to pay the Tolls as aforesaid (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Beast, or Cattle, and other Property, or any Part thereof so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall have been deducted.

XXII. And whereas it frequently happens that Carts drawn by One One Horse Horse, passing upon and along the said Road, carry a greater Weight than Carts may is by Law allowed for Carts drawn by Two or more Horses, be it therefore further enacted, That all Carts passing upon the said Road, drawn by One Horse only, shall and may be weighed at any Machine to be erected on the said Road; and that, in case the said Trustees or any Seven or more of them shall so order and direct, the like additional Sums or Tolls as are payable by virtue of any Law or Laws now in force for the Overweight of any Waggon, Cart, or other Carriage, and the Loading thereon, shall and may be demanded and taken by the said Trustees or any Seven or more of them, or their Collector or Collectors, in respect of Carts drawn by One Horse only, and which, with the Loading thereon, shall exceed the Weights herein-after mentioned; (that is to fay), Carts having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, Two Tons and Twelve Hundred Weight, of One Hundred and Twenty Pounds to the Hundred, in Summer, and Two Tons and Seven Hundred Weight, of One Hundred and Twenty Pounds to the Hundred, in Winter; and Carts having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, One Ton and Ten Hundred Weight in Summer, and One Ton and Seven Hundred Weight in Winter; and that all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the faid Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

XXIII. And

58° GEORGII III. Cap. vi.

Carriages to pay after passing and repassing.

XXIII. And be it further enacted, That if any Person or Persons shall pass or go a Third Time on the same Day with any Horse, Cattle, or Carriage, through all or any of the Toll Gates or Turnpikes to be erected by virtue of this Act, then every such Person or Persons shall be liable and compellable again to pay the Tolls and Duties hereby imposed on such Horse, Cattle, or Carriage, in such and the same Manner as he, she, or they are and would have been liable to pay the same, in case he, she, or they had not before on the same Day paid any Tolls, or passed through any of the said Gates or Turnpikes.

Persons may return Once Toll-free. XXIV. And be it further enacted, That no Person who shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates erected or set up by virtue of this Act, shall be subject to any Toll for returning Once through the several Toll Gates erected or to be erected on the said Road, the same Day (to be computed as aforesaid), with the same Horses, Mules, Asses, or other Cattle, or with the same Coach, Chaise, Waggon, Cart, or Carriage, but shall return Toll-free, upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate.

Trustees to provide Tickets denoting Payment of Tolls, &c.

XXV. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver gratis to the Person paying such Toll a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Trustees may reduce the Tolls,

XXVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and also fixed on all and every the Turnpike Gates then standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls in such Manner as to them shall seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said Trustee's shall think proper; and afterwards, at any Meeting to be holden and appointed as aforesaid, from Time to Time, if they the said Trustees or any Seven or more of them, shall see occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with respect to Overweights or otherwise: Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of the said Tolls.

wards advance them again to any Sum not exceeding the Rates before granted; provided no Reduction be made without the Consent of Creditors.

and after-

XXVII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than One sull Toll and a Half to be demanded or taken for the going and returning of the same Horse, Beast, Cattle, or Carriage

Only One and a Half full Toll to be taken.

Carriage through all the Toll Gates erected or to be erected on the faid Road, on the same Day (such Day to be computed from Twelve of the Glock at Night to Twelve of the Clock in the next succeeding Night); nor more than Two Half Tolls to be demanded or taken for the going and returning of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road between Ardwick Green and Crown Point in Denton, on the same Day (to be computed as aforesaid); nor more than One Half Toll to be demanded or taken for the going and returning of the same Horse; Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road between Ardwick Green and the Canal Bridge in Gorton, on the same Day (to be computed as aforesaid).

XXVIII. And be it further enacted, That all and every Toll Collector, For preventbeing Lessee of the said Tolls, or appointed either by the said Trustees, or ing Toll Colby any such Lessee or Lessees, to collect the Tolls by this Act granted; lectors from shall and he is hereby required to place his Christian and Surname, painted Tolls. on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon fuch Duty; and if any Collector of the faid Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the faid Toll, and naming and specifying the several Gates freed by such Payment, or, upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every fuch Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

XXIX. And be it further enacted, That the Right and Property in all Toll Gates, the Toll Gates, Toll Houses, Weighing Machines, and the several Con- &c. vested in veniences and Appurtenances thereto belonging, which shall be erected or made upon or on the Sides of the said Road by virtue of this Act, and the Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things which shall be [Local.] purchased,

taking undue

58° GEORGII III. Cap. vi.

purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees, and they or any Seven or more of them are hereby authorized and empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall steal, take away, break down, or damage any such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

No Toll for croffing the Road only.

XXX. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate or Turnpike to be erected by virtue of this Act on the Side or Sides of any Part of the said Road, for any Horse, Cattle, or Carriage which shall only cross the said Road or any Part thereof, or shall not pass above One Hundred Yards thereon.

Penalties on Collectors taking greater or less Tolls than allowed.

XXXI. And be it further enacted, That if any Farmer or Renter of any of the faid 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 Forty Shillings, such Forfeiture to be recovered in Manner hereinafter mentioned.

For fettling Disputes concerning Tolls.

XXXII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein fuch Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar
Keepers not
to be deemed
incompetent
Witnesses.

XXXIII. 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 so appointed or interested under such Appointment.

Appointment, or being paid to collect the Tolls, or acting, or being paid to act, under the Authority of the said Trustees.

XXXIV. And be it further enacted, That if any Person or Persons shall Penalty for with any Horse, Cattle, Beast, or Carriage pass through any Lands, Grounds, evading or Hereditaments (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants), lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a Public Highway); or if any Owner or Occupier of fuch Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent to evade the said Tolls or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the said Tolls or any Parts thereof; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or, having passed through any such Turnpike or Toll Gate, shall afterwards add or put an additional Horse or Horses, Beast or Beasts to such Carriage, with Intent to evade the Payment of the said Tolls; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXV. And be it further enacted, That no Toll shall be demanded or Exemptions taken for any Carriage, Horse, or other Cattle going unladen for, or being from Toll. only laden with, or returning after having gone laden only with any Materials for making and repairing the said Road, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads; or for any Carriage or Cattle carrying any Grass, Hay, Clover, Fodder, Straw, or Corn in the Straw (not bought, sold, or disposed of, or going to be fold or disposed of), and passing to be laid up in the Houses, Outhouses, Barns, Yards, or Closes of the Owner or Owners thereof, or returning empty therefrom; or for any Horses, Cattle, or Carriages going for or returning with any Ploughs, Harrows, or other Implements of Husbandry belonging to any of the Inhabitants of the Parishes, Townships, Hamlets, or Places wherein any Part of the faid Road lies; or for any Cattle going to or returning from Plough or Harrow, or for any Carriage or Cattle carrying any Lime, Lime Ashes, Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry; or for manuring or stocking of Land, but for no other Purpose; or for any Horses or other Cattle or . Carriages employed in the conveying of any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Lancaster or Chester, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; or going to or returning (on Sundays, or on any other Days on which Divine Worship is ordered by Authority to be celebrated) from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets, or Places in which the said Road, or any Part thereof hereby directed

directed to be made, lies; or from any Clergyman going to perform or returning from performing his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Carriages or Horses 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 from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to or returning from any Pasture or other Work in Husbandry upon or in any of the Lands within any of the said several Parishes, Hamlets, or Places, or from any Watering-place, or from being shoed or farried; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty; or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any fick, 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, which shall be employed in carrying or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse 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 Accourrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after having been so employed; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and 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 thereof to be paid to the Informer, and the other Moiety thereof to be applied to the Purposes of this Act.

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

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

Trustees may let Tolls.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Twenty-eight Days Notice shall have been given in Writing, affixed upon all the Toll Gates or Turnpikes then erected by virtue of this Act, and inserted in some Newspaper circulated in the Neighbourhood of the said Road, from Time to Time, by Writing

under

under their Hands and Seals to let or demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, 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 Time, and to such Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit, and the Money arising thereby shall, be applied in such Manner as the Tolls so leased are directed to be applied.

XXXVIII. And be it further enacted, That during such Time as the Lesses of said Tolls or any Part or Parts thereof shall be leased, demised, or in Tolls may farm to any Person or Persons, it shall and may be lawful to and for the appoint Per-Lessee or Lessees, Farmer or Farmers thereof, or such other Person or ceive the Persons as he or they shall authorize or appoint, to demand and take same. the said Tolls so leased, demised, or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes, 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, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, and to such Rules and Regulations, as any Collector of the said Tolls appointed by the said Trustees is hereby made subject or liable to.

fons to re-

XXXIX. And be it further enacted. That it shall be lawful for the said Power to bor-Trustees or any Seven or more of them from Time to Time to borrow row Money. and take up at Interest such Sum or Sums of Money as they shall think fit upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to assign over the faid Tolls or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls), to any Person or Persons, for any Term during the Continuance of this Act, as a Security or Securities for the Payment of the several Sums, as well those already subscribed or agreed to be advanced towards the making and repairing the faid Road, as those hereafter to be borrowed, with the Interest thereof; which Assignments or Mortgages shall be in the Words or to the Effect following; (that is to fay),

BY virtue of an Act passed in the Fifty-eighth Year of the Reign of King Form of George the Third, intituled An Act [here set forth the Title of this Assignment. Act], we, Seven of the Trustees acting in the Execution of the said

Act, in consideration of the Sum of to the Treasurer of the faid Road in Hand paid by , do hereby

grant, bargain, sell, and demise unto the said

his Executors, Administrators, and Assigns, such Proportion of the

Tolls arising by virtue of the said Act, as the Sum of

doth or shall bear to the whole Sum advanced or to be advanced on the

Credit of the said Tolls, to be had and holden from the

for and during the Continuance of the said Act, · Day of with lawful Interest for the same, unless the said Sum of

' shall be sooner repaid and satisfied.' Given under our Hands and Seals, this Day of in the Year of our

Lord [Local.]

Kk

And.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be provided and kept for that Purpose by the Clerk to the said Trustees, but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said Counties of Lancaster or Chester, and also affixed upon the Turnpikes or Toll Gates which shall be then standing upon the said Road, at least Twenty-one Days before the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid shall be good, valid, and effectual in Law to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time by Writing under their respective Hands and Seals transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Security, to be executed in the Presence of one or more credible Witness or Witnesses, which Transfer shall be in the Words or to the Effect following; (that is to fay),

Form of Transfer.

do transfer the within Mortgage, and all the Principal and Interest now due thereon, unto

Executors, Administrators, and Assigns. Witness my Hand " and Seal, this Day of

All which Transfers shall be produced and notified to the Clerk to the said Trustees, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall receive the Sum of Five Shillings and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees, or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof: on Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned Creditors, on such Tolls, Turnpikes, and Toll Houses, in equal Degree one with another; and no Person shall have any Preserence in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application

XL. And be it further enacted, That all Monies which shall arise and of the Money. be produced by or from the several Sums already subscribed or agreed to, be advanced towards the making and repairing the faid Road as aforefaid, and by and from the Tolls by this Act granted and made payable, together. with the Monies which shall from Time to Time be borrowed upon the Credit of the Tolls to be collected thereon, and all other Monies which shall arise or be produced under or 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 shall be applied in the Order and Manner following; videlicet, in the first Place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and passing this Act, and of preparing Securities for the Sums so subscribed or to be subscribed and borrowed;

borrowed; in the second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same; and of erecting and making necessary and convenient Bridges upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; in the third Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Roads; and lastly, in reducing, paying off, and discharging the same several principal Sums; and it shall be lawful for the said Trustees from Time to Time, if they shall think sit, to ascertain the Order and Priority in which the same several principal Sums shall be reduced or paid off and discharged by Ballot.

XLI. And be it further enacted, That it shall be lawful for the said Power to Trustees or any Five or more of them, and for their Surveyor or Sur-enter Lands veyors and Workmen, with or without Carriages and Cattle, from Time Road. to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Road hereby authorized to be made is intended to pass, and to stake out and make the same of such Width (not exceeding Sixty Feet) and in such Manner as the said Trustees 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 any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of fuch Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the faid Road whilst the fame shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of fuch Road, every Person so offending shall forfeit and pay for every fuch Offence any Sum not exceeding Forty Shillings.

rized and empowered, to make and repair, and from Time to Time to widen, Road. divert, shorten, vary, and alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road through any Waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they shall sustain thereby; and for that Purpose 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 Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road, through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special,

or for Years determinable on any Life or Lives, Husbands, Guardians,

Trustees, or Feosses in Trust, Committees, Executors, Administrators,

and all other Trustees and Persons whomsoever, not only for and on

behalf of themselves, their Heirs and Successors, but also for and on be-

XLII. And be it further enacted, That it shall be lawful for the said Trustees may Trustees or any Five or more of them, and they are hereby fully author make and direct and empowered, to make and repair, and from Time to Time to widen, Road.

half

half of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all other Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any fuch Lands or Hereditaments, to contract and agree with the faid Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid, and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or Lessees for Years, determinable on any Life or Lives, Husbands, Guardians, Trustees, Feossees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

For restraining the Trustees from deviating beyond certain
Distances of
the Line
described in
the Plans,
&c.

XLIII. And whereas Maps or Plans describing the Line of the said Road, and the Lands through which the same is intended to be carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the said Counties of Lancaster and Chester; be it therefore enacted, That the faid Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the faid Counties, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerks of the Peace for the Time being of the said Counties the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of fuch Copies or Extracts of the faid Maps or Plans and Books 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 Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate and Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Road through Grounds, although the Owners Names are not in the Books of Reference.

Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for either of the said Counties of Lancaster or Chester, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Where Perfons interested neglect or refule to treat,

XLV. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feosfees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments,

upon

58° GEORGII III. Cap. vi.

upon Notice to him, her, or them given or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every fuch Case the said Trustees shall cause such Damage, Value, or Recompence to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County in which the Land shall be situated, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall by ordering a View or otherwise use all lawful Ways and Means, as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of and affessed such Damages and Recompence, they the said Trustees 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 or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; and such Verdict and Inquisition, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or Remainder, in Fee, or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and Trustees to returning such Juries the said Trustees are hereby empowered to issue their issue a War-Warrant to the Sheriff of the County in which the Lands shall be situated, rant to the Sheriff to im-requiring him to impannel, summon, and return an indifferent Jury of pannels Jury. Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon 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 impannel, summon, and return such Number of Persons accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the Local.

Trustees may impose Fines on Sheriff, Jurymen, or Witnesses making Default, &c.

said Jurymen, when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be fworn and examined, or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence, so that no one Fine be more than Five Pounds on any one Person for any one Offence.

Expences of the Jury and Witnesles how to be paid.

XLVI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Direction or Authority of this Act shall give in and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any Lois or Damage to be by him or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforefaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of fuch Difference, shall be borne and paid by the Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in fuch Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some one Justice of the Peace for either of the said Counties of Lancaster or Chester, not interested in the Matter in question, (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of fuch Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been

been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

XLVII. And be it further enacted, That every Sum of Money or Re- Money alcompence to be agreed for or assessed as aforesaid shall be paid out of lowed for the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or tendered. or to their Agents; and upon Payment thereof, or depositing the same in the Bank of England as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons, or to their Agents, or left at their or any of their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, senced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a Common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Lands how to be charged

XLVIII. Provided always, and be it further enacted, That the Power Trustees not or Authority by this Act given to the said Trustees shall not extend to to take down the taking down or injuring any Dwelling House or other Building, or to Houses, &c. the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Plantation or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained, fave and except the several Tenements, Hereditaments, and Premises particularly mentioned and described in the Schedule hereunto annexed.

XLIX. And be it further enacted, That if any Money shall be agreed Application or awarded to be paid for any Lands, Tenements, or Hereditaments of Compenpurchased, taken, or used by virtue of the Powers of this Act, for the fation Money when Purposes thereof, which shall belong to any Corporation, Feme Covert, amounting to Lunatic, or Person or Persons under any Disability or Incapacity, such or exceeding Money shall, in case the same shall amount to or exceed the Sum of 2001. 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, or any Five or more of them, to the Intent such Money shall be applied under the Direction and with the Approbation of the faid Court, to be fignified 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, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the

like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or fuch of them as at the Time of making fuch Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant-General in his Name, in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the meantime, 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 faid Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement had been made.

When amounting to or lefs than 200l.

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

When amounting .20l.

LI. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less to or 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, and Hereditaments so purchased, taken, or used as aforesaid, 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 or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

the Court.of

LIII. Provided always, and be it further enacted, That where any Persons in Question shall arise touching the Title of any Person to any Money to be Possession to paid into the Bank of England, in the Name and with the Privity of the presumptively Accountant General of the Court of Chancery, in pursuance of this Act, entitled, &c. for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under the Possession of such Person or Persons shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

LIV. Provided also, and be it further enacted, That where by reason of The Court of any Disability or Incapacity of the Person or Persons or Corporation en-Chancery titled to any Lands, Tenements, or Hereditaments to be purchased under the Payment the Authority of this Act, the Purchase Money for the same shall be re- of Expences. quired

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

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

Persons of whom it was bought, or whose Lands adjoin, to have the first Offer.

LV. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner hereinbefore mentioned, they may happen to be seised of some Piece or Pieces of Ground or Hereditaments, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of Ground as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case of diverting any Part or Parts of the said Road, to the Person or Persons whose Lands shall adjoin to the old Road; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situated (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, mutatis mutandis; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Parcel of 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.

LVI. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby authorized and empowered to contract with any Person or Persons for making, altering, raising, widening, improving, or repairing the said. Road or any Part or Parts thereof, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

Trustees may contract for; Work, &c.

LVII. And be it further enacted, That it shall and may be lawful to For getting and for the Surveyor or Surveyors of the said Road, and to and for all Materials to make and refuch Person or Persons as he or they respectively shall appoint, to search for, pair the cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Road. Sand, or other Materials for making and repairing the said Road, out of and from any Commons or Waste Ground, Common River, Brook, or Pit, in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any adjoining Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County in which the Lands shall be situated, search for, cut, dig, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, 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 same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the laid Trustees, Surveyor or Surveyors, or other Persons employed as aforefaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace for the County in which the Lands shall be situated, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive, to all Parties.

LVIII. Provided nevertheless, and be it further enacted, That it shall Notice to be not be lawful for any Surveyor or Surveyors, or other Person or Persons given to the under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing such Road, out of or from any inclosed Lands before Lands or Grounds, until Notice in Writing, signed by the Surveyor or Materials Surveyors, shall have been given to the Owner and Occupier of the Pre- are taken for

Owners and

making and repairing the Road.

mises, or the known Agent of any such Owner, from which such Materials are intended to be taken, or lest for such Owner and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the County in which the Lands shall be situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner and Occupier, or One of them, or their or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or resule to appear, by himself or his Agent, without sufficient Excuse, such Justices shall and may make such Order therein as they respectively shall think sit, as sully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials, &c. got by Order of the Surveyor.

LIX. And be it further enacted, That if any Person or Persons whomfoever shall take away any Stone or other Materials which shall have been dug, gathered, or taken for the Purpose of making or repairing the said Road, or other the Purposes by this Act authorized or directed, or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Stone, Gravel, or other Materials, before the faid Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made, and Persons so authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, such Owner or Occupier or other Person not taking any of the Stone, Gravel, or other Materials which may have been dug or gathered for the Purposes aforesaid, and which may remain in such Pit or Quarry, without the Confent of the Surveyor or Surveyors of the said Road), every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds.

Surveyors may make Drains, &c.

LX. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and to and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees or any Five or more of them, to cut and make any Causeways or Foot-paths upon the Sides of the said Road, or to cut Drains or Ditches through or into any Lands or Grounds, not being a Garden, Orchard, Park, Yard, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted or fet apart as a Nursery for Trees, adjoining or lying contiguous to any Part of the said Road, and to erect Bridges and Arches over any Drains or Watercourses, in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending or keeping in Repair any Part of the said Road; and also to make a Way or Ways through the Lands and Grounds adjoining to any narrow or ruinous Part or Parts of the said Road (not being a Garden, Orchard, Park, Yard Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted or let apart as a Nursery for Trees) to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are widening or repairing, and until the same shall be convenient and safe for the Passage

of Travellers and Carriages; and also to make Watercourses, and to carry and divert the Water in, through, and under any Lands adjoining or lying near to the said Road, for the Convenience of the Owners or Occupiers of such Land, or of any other Lands lying near to the said Road, making such reasonable Satisfaction to the Owners and Occupiers of the on making Lands respectively through and into which any such Drains or Water-Satisfaction courses shall be cut, or on or over which any such temporary Road shall for Damages be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case any Difference shall and in case happen to arise between such Owners or Occupiers and such Trustees of Difference touching such Damage, then and in such Case any Two or more Justices concerning of the Peace for the said Counties of Lancaster and Chester, within their the same, respective Jurisdictions, next after the Expiration of Twenty-one Days Sessions to from the Time of doing such Damage, shall and are hereby authorized determine. and required to hear and determine the same, and their Determination therein shall be final and conclusive.

LXI. Provided always, and be it further enacted, That all Mines of Mines re-Lead Ore, Mines, Veins, Beds, or Seams of Coal, Ironstone, and other ferved to the Materials whatsoever which shall be discovered or found in or under any Lands. Lands to be appropriated to the said Road by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines, Coal, or other Minerals shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to the said Road or any Part thereof.

Owners of

LXII. And be it further enacted, That it shall and may be lawful to and Surveyors for the said Surveyor or Surveyors, and such Person or Persons as he or may remove they shall appoint, by Direction and under the Hands of any Five or more Annoyances. of the said Trustees, from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Rails, Steps, Sign Posts, Walls or otherwise, and to turn or stop any Watercourses, Sinks, or Drains running into, along, and out of any Part of the faid Road to the Prejudice or Injury thereof, and to make as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to or leading into or out of any Part or Parts of the said Road; and at proper Seasons of the Year to cut down, lop, or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto, not being Trees or Bushes planted as a Shelter or Ornament to a House or other Building, or not standing on any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Twenty-one Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, Nn

or by their Surveyor or Surveyors for the Time being, the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any fuch Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Gates not to fwing into the Road.

LXIII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees or any Five or more of them to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road, requiring him, her, or them to alter any fuch Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make fuch Alterations, or, after such Alterations shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every fuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Road to be meafured, and Mileflones and Guide-Posts

LXIV. And be it further enacted, That the said Trustees or any Five or more of them shall and may cause the said Road to be measured, and Milestones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the to be erected. Number of Miles and Distance of Places, as they the said Trustees shall think fit; and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed and joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Milestones, or Posts erected on any Part of the said Road, or any of the Letters, Figures, or Marks inserted or inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls, on the Side or Sides of any Bridge or Bridges, Arch or: Arches, on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay for such Offence any Sum not exceeding: Five Pounds for each Table of Tolls, Stone, Post, Parapet Wall, or Arch so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied. for the Purposes of this Act. LXV. And

LXV. And be it further enacted, That if any Person or Persons shall Penalty on wilfully or negligently injure, destroy, break down, or otherwise damage, riding on Foot-paths, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over &c. or upon any Foot-path or Causeway made or to be made on the Side or Sides of the said Road or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Road, and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the faid Road to the Prejudice or Injury thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road, so as wilfully to damage the said Road or any Part thereof; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber or any Stone (otherwise than upon Wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon a Wheeled Carriage to drag upon any Part of the faid Road to the Prejudice or Injury thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the faid Road or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, Beast, or Pigs to be and remain loose on the said Road; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball, or any other Game or Games. whatsoever, on any Part of the said Road; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be), in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Coal, Manure, Dung, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Road or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXVI. And

Penalty on obstructing the Execution of this Act.

LXVI. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

LXVII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feosfees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending, maintaining, or repairing any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Townships to be liable to repair.

LXVIII. And be it further enacted, That all the Inhabitants of the feveral Townships or Hamlets through which the said Road shall pass, shall be liable to the Repair of such Parts of the said Road as are within their respective Townships or Hamlets, in such and the same Manner as they are liable to the Repair of any other Highways within the same.

Persons
chargeable
to Statute
Work to
continue so.

Justices to
determine
Differences.

LXIX. Provided always, and be it further enacted, That all Persons who by Law are liable to do Statute Work on any Part of the Road within the Parishes, Townships, or Places through which the said Road or any Part thereof passes, shall be liable to do the same on the said Road; and it shall and may be lawful to and for Two or more Justices of the Peace for the County in which the Lands shall be situated, and they are hereby empowered and required, upon Application made to them by the faid Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for fuch Statute Work as aforesaid, shall be by them paid to the said Trustees or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for fuch Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to 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 in 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 faid Justices shall. and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treafurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person: who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him or them at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor 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 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 shall be sent with any Team or Draught to work on the said Road, shall be found negligent or idle by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are 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 sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if 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 the amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every fuch Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXX. And be it further enacted, That it shall and may be lawful to Trustees may and for the said Trustees or any Five or more of them to compound and compound agree with any Person or Persons, Bodies Politic or Corporate, for the Work. Repairs or Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, or Places, duly authorized for that Purpose at a Public Vestry, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trussees, in Advance, on or before the First Day of May in each and every Year; or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

Local.

LXXI. And

For fecuring transient Offenders.

LXXI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed. to put this Act into Execution; be it therefore enacted, That it shall and may be lawful for any of the said Trustees or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers respectively, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered, directed, and required to proceed to the hearing and determining of the Complaint.

For Recovery tion of Penalties.

LXXII. And be it further enacted, That all Penalties and Forfeitures and Applica- by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County in which the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath. fuch Justice is hereby empowered to administer), and the Overplus (if any). of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place, where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures shall be sooner fully paid and satisfied.

Directing the Form of Conviction.

LXXIII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the Form or to the Effect following:

BE it remembered, That on the in the Year of our Lord convicted before me, (or us) Day of of His Majesty's by virtue of an Act of ' Justices of the Peace for the 'Parliament made and passed in the Fifty-eighth Year of the Reign of 'His Majesty King George the Third, intituled An Act [here set forth the Title of this Act, and specify the Offence, and the Time and Place

' when and where the same was committed]. Given under my Hand ' and Seal the Day and Year first above written.'

LXXIV. And be it further enacted, That all Persons who have sub. Power to scribed to pay any Money towards making and repairing the said Road shall, and he, she, and they is and are hereby required to pay his, her, scriptions. and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees or any Five or more of them; and if any Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees or any Five or more of them, in the Name of their Clerk or Treas furer for the Time being, to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at Westminster.

compel Payment of Sub-

LXXV. Provided also, and be it further enacted, That the said Trustees, For protector any other Person or Persons whosoever acting under their Authority, ing the shall not, in or by the making of the said new Road, or in or by the repairing, Works of the Manchester widening, turning, or altering the Course or Path thereof, or of any Canal. Highway through which such intended new Road may pass, wilfully occasion any Damage or Injury to any of the Works or Property of the Company of Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham, incorporated by virtue of an Act passed in the Thirty-second Year of the Reign of His present Majesty, intituled An Act for making a navigable Canal from Manchester to or near Ashton-under-Lyne and Oldham, in the County Palatine of Lancaster, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal and the Business thereof. the second of the second of

LXXVI. Provided always, and be it further enacted, That no Action Limitation or Suit shall be commenced or brought against any Person or Persons for of Actions. any Thing done in pursuance of this Act after Twelve Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and-tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead, at his and their Election, specially or 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 the same shall appear to have been so done, or if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforefaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

tion makes services as a second design of a sept. LXXVII. Provided always, and be it further enacted, That if any Appeal. Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General Quarter Sessions of the Peace to be holden for the County or Place in which such Cause

of Appeal shall arise next after the Expiration of Four Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers or Clerk of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the County where the Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices in such Sessions, upon due Proof of fuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order fuch further Satisfaction to be made to the Party injured as they shall udge reasonable, and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Distress not to be unlawful for want of Form.

LXXVIII. And be it further enacted, That where any Distress shall be made for any Sum 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 Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover sull Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form.

LXXIX. And be it further enacted, That no Order, Verdict, Affessement, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

LXXX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action,

If no Tender made Money may be paid into Court.

Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think sit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXXXI. And be it further enacted, That this Act shall be deemed and Public Act. 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.

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

The SCHEDULE referred to in the aforegoing Act.

PREMISES.	OWNER.	OCCUPIER.
In Gorton,		
A Garden,	James Lee,	James Wood.
2 Cottages and Gardens,	John Pownall,	James Grimshaw and William Proctor, late Joseph Gough.
Garden and Orchard,	Charles Gratrix,	Esther Wilkinson and John Hibbert.
A Garden, A Plantation,	Mary Hawcourt, James Hobson,	Herself. Himself.
In Denton,		
A Garden,	The Trustees of the Countess Grosvenor,	Henry Sidebottom.
A Hatter's Shop,	Widow Cook, Widow Ren- shaw, and William Shuttle- worth.	James Bardsley.
Toll-house,	The Trustees of the Turnpike Road from Stockport to Ashton-under-Lyne,	
A Garden,	Gabriel Lupton,	John Bardsley.
A Garden, A Garden,	Ditto, John Peacock,	John Bromley. Joseph Taylor.
A Garden,	Ditto,	John Hardy.
Two Gardens,	Ditto,	Joseph Sellers.
A Garden, A Garden,	Ditto, Ditto,	David Roberts. Samuel Harrison.
A Garden,	Ditto,	Daniel Foster.
In Haughton,	,	
Orchard and Garden,	John Hyde, Efq.	John Marsland.
A Garden, A Garden,	Ditto,	Robert Knot, late Samuel Roper, now unoccupied.
A Garden,	•	(William Hyde.
A Garden,	Isabella Withington,	William Robinson.
A Garden, A Garden,	George Hyde Clarke, Esq.	John Lees. Joseph Harrison.
In Hyde, A Garden,	Ditto,	Robert Ashton.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1818.