



ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lxxviii.

An Act for continuing the Term, and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading from the South End of the *Moor Lane*, in the Township of *Great Bolton*, into the Turnpike Road from *Manchester* to *Wigan*, near *Westhoughton Chapel*, in the County Palatine of *Lancaster*.

[28th May 1821.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act* 40 G. 3. c. 74. *for amending, widening, improving and keeping in Repair the Road leading from the South End of the Moor Lane, in the Township of Great Bolton, into the Turnpike Road from Manchester to Wigan, near Westhoughton Chapel, in the County Palatine of Lancaster*; which said Act commenced and took effect on the Eighteenth Day of *July* One thousand eight hundred, and was to continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded to put the same in Execution, and have borrowed considerable Sums of Money on the Credit of the Tolls by the said Act authorized to be taken on the said Road, which Money still remains due and owing, and cannot be paid off or the Interest thereof discharged;

[Local.]

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nor

Recited Act
continued.

nor can the said Road be properly and effectually amended, widened, improved and kept in Repair, unless the Term granted by the said Act be further continued, and some of the Powers and Provisions thereof altered, amended and enlarged; but the 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 the said recited Act and all and every the Tolls, Duties, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters and Things therein contained (except such as are varied, altered, or repealed) shall be and continue in full force and effect, and shall be executed for and during the Term herein-after mentioned, in like Manner and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; which said additional Term, and the Tolls, Duties, Powers and Clauses by this Act continued, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the said recited Act, and all other Money owing on Account of the said Road, and also of such other Sum and Sums of Money as shall be borrowed for the Purposes or become due on the Credit of the said recited Act, and of this Act, and the Interest due and to grow due for the same.

Additional
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County Palatine of Lancaster, together with *Peter Ainsworth of Smithells Hall, John Horrocks Ainsworth, Richard Ainsworth, Thomas Hargrave Ainsworth, Edward Ainsworth, Arden Bagot Clerk, Robert Haldane Bradshaw, William Rigby Bradshaw, James Bradshaw, William Balsbaw, Robert Barlow, Thomas Bolling, Edward Bolling the younger, William Bolling, John Bolling, Thomas Ridgway Bridson, William Broadhurst, John Booth, Thomas Claughton, William MacClure, James Cross, Isaac Dobson, Benjamin Gaskill, William Gray, John Gardner, Thomas Hardcastle, John Haworth, Adam Lomax Haworth, John Hargreaves, Stephen Heelis, Thomas Heelis the younger, John Hodson, James Alexander Hodson, David Hodgkinson, Roger Holland, Thomas Horridge, John Horridge, John Howell, David Hewitt Clerk, Thomas Jones, John Jones, George Jones, Josiah Kearsley, John Hodson Kearsley, Robert Lansdale, John Mawdsley, William Morris, Samuel Newton, James Ormrod, James Ormrod the younger, Thomas Hayward Radcliffe, Benjamin Rawson the younger, John Ravald, Peter Rothwell the younger, John Silvester, James Slade Clerk, Le Gendre Starkie, Thomas Stonor, Thomas Stonor the younger, Charles Stonor, John Smith, Robert Smith, Benjamin Southern, James Southern, William Speakman, John Ravald Stokes, Igdaliab Seddon the younger, John Taylor the younger, James Taylor, Garnett Taylor, Henry Taylor, Stephen Tempest, Stephen Tempest the younger, Charles Tempest, Henry Tempest, John Tempest, Walter Tempest, Joseph Tempest, Peter Tempest, Nicholas Thompson, John Walton, James Alphonso Watkins, Henry Charles Watkins, James Kyrke Watkins, Edward Malebone Watkins, and John Woods the younger, shall be and they are hereby added to and joined with the surviving or remaining Trustees appointed in or by virtue of the said recited Act; and that the surviving or remaining Trustees*

appointed in or by virtue of the said recited Act, the said additional Trustees hereby nominated, and such other additional Trustees as shall or may be elected under or by virtue of this Act, and their Successors to be elected in the Manner in the said recited Act mentioned, being qualified as this Act directs, shall be and they are hereby appointed Trustees for putting the said recited Act and this Act in Execution.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Act and this Act or either of them; nor in any Case wherein he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or in Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear Yearly Value of Two hundred Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees an Oath, or being One of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I truly and *bonâ fide* am in my own Right, [*or, in Right of my Wife*], in the actual Possession and Enjoyments or Receipt of Rents and Profits, issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; [*or, am Heir Apparent of A. B. who to the best of my Knowledge is seised of a Real Estate in Lands, Tenements, or Hereditaments of the clear Yearly Value of Two hundred Pounds, [or, am possessed of Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Four thousand 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 Second Year of the Reign of King *George* the Fourth, intituled *An Act, &c. [here insert the Title of this Act.]*

‘ So help me, GOD.’

And if any Person, not being so qualified, or not having taken and subscribed such Oath as aforesaid, or being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or 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, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than one Impar lance shall be allowed; and if the Person so prosecuted shall not prove that he is so qualified, he shall pay the said Penalty without any other Proof or Evidence on the Part of the

the Prosecutor than that such Person hath acted as a Trustee in the Execution of the said recited Act and this Act, or either of them, any thing in the said recited Act contained to the contrary thereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Act and this Act, or either of them, (although not duly qualified) previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at their First Meeting to be holden in pursuance of the said recited Act and this Act, or either of them, to elect any additional Number of fit and proper Persons, not exceeding Ten in the whole; to be Trustees for the Purposes of the said recited Act and of this Act; and such Trustees so elected shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act, as if they had been named and appointed Trustees in and by this Act.

First Meeting
of the
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of the *White Horse* in *Westhoughton*, on the Fourth *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to the Execution of the said recited Act and this Act, notwithstanding any Adjournment may then have been made by the Trustees by virtue of the said recited Act; and that the said Trustees shall and may adjourn themselves to meet at such Time and Place near the said Road as they shall think proper; and at every Meeting of the said Trustees 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 such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote; and the said Trustees shall at all their Meetings pay and defray their own Charges and Expences.

Tickets to be
provided,
denoting
Payment of
Toll.

VI. And be it further enacted, That upon Payment of the Tolls granted by the said recited Act, 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.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the Inspec-
tion of the

VII. And be it further enacted, That the said Trustees 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

account of the said Road, and of the several Articles, Matters and Things Trustees and Creditors. 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 hereby granted or continued, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors 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.

VIII. Provided always, and be it further enacted, That it shall not be Clerk restrained from acting as Treasurer, and vice versa. lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them; 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 the said recited Act and this Act, or either of them, 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, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than one Impar lance shall be allowed.

IX. And be it further enacted, That nothing in the said recited Act Trustees not to administer Oaths on verifying Accounts. shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer or Collector of the Tolls, Surveyor or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Act and this Act, or either of them, for the Purpose of verifying his or their Accounts; and that so much of the said recited Act as directs the said Accounts to be verified on Oath, and authorizes the said Trustees or any of them to administer such Oath, shall be and the same is hereby repealed.

X. And be it further enacted, That all Waggons, Carts and other Abatement of Toll in certain Cases. Carriages, having the Wheels of the Widths and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One Fourth Part of the Tolls by the said recited Act granted. 55 G.3.c.119.

[Local.]

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XI. And

Clause in the former Act, that Half Tolls only should be taken for certain Carriages laden with Coals and Cannel, or for Carriages belonging to any Inhabitants of Rumworth and Westhoughton, going to Bolton Market, repealed.

13 G. 3. c. 78.

XI. And be it further enacted, That so much of the said recited Act as enacts that no more than One Moiety of the Tolls therein appointed to be collected or levied for Horses, Carts, Waggon, or other Carriages, passing through any Gate or Turnpike to be erected or set up by virtue of the said recited Act, shall be paid for Horses, Carts, Waggon, or other Carriages going empty for and returning laden with Coals or Cannel only from the several Collieries that were or might be worked within the several Townships of *Great Bolton, Rumworth, Over Hulton, and Westhoughton*; or for any Horses, Waggon, Carts or other Carriages of or belonging to the Inhabitants of *Rumworth and Westhoughton*, or any of them, going to *Bolton Market*, and which should be only laden with the Produce of their respective Farms for the Purpose of Sale there, or which should be returning empty and unladen from such Market as aforesaid, except for such Waggon, Cart, or other Carriage laden as aforesaid, which, together with the Lading thereof, shall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His late Majesty's Reign, intituled *An Act to explain, amend, and reduce into one Act of Parliament the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, to Waggon, Carts or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls by the said Act imposed, or any Part of them; which said Waggon, Carts or other Carriages, it shall be lawful for the said Trustees, or any Five or more of them, to order to be weighed in like Manner, and with the same Powers and Authorities as are directed for weighing Carriages by the said Act made in the Thirteenth Year of His present Majesty's Reign, shall be and the same is hereby declared to be repealed.

Other Exemptions from Tolls repealed.

XII. And be it further enacted, That so much of the said recited Act as enacts that no Toll shall be demanded or taken for any Waggon, Cart or Carriage belonging to any Inhabitant of the Township of *Rumworth*, and that Part of *Over Hulton and Westhoughton* adjoining to the said Road, which lies Eastward of the *White Horse* in *Westhoughton* aforesaid, returning empty and unladen through any Bar that might be erected across the said Road within the said Township of *Rumworth*, after having on the same Day paid Toll at the Bar erected at *Daubhill* on the *Bolton and Warrington* Turnpike Road, or at any other Bar to be erected in lieu thereof, and producing a Ticket of having so paid Toll as aforesaid, shall be and is hereby declared to be repealed.

General Exemptions allowed by former Act repealed.

XIII. And be it further enacted, That all other Exemptions from Tolls whatsoever, mentioned and contained in the said recited Act, shall be and the same are hereby repealed, except and so far only as the said Exemptions from Tolls, or any of them, are mentioned and contained, or are varied, altered or re-enacted in and by this Act.

Repealing the present Power to reduce the Tolls, &c.

XIV. And whereas it is by the said recited Act enacted, that the Trustees for executing the said recited Act, or any Nine or more of them, at any Meeting to be held for that Purpose, (whereof Twenty Days Notice should be fixed in Writing on all the Turnpikes then erected by virtue of the said Act), were thereby empowered from Time to Time to reduce all or any of the Tolls thereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts and Proportions

portions as they should think fit, so as such Reduction be no Prejudice, to and be with the Consent of Three Fourths Parts in Value of the several Persons who should advance any Money on the Credit of the said Tolls at the Time of such Reduction; and the said Trustees, or any Nine or more of them, were by the said Act empowered to raise the said Tolls again, or any Part thereof, so as the same did not exceed the Tolls by the said Act granted, and such Tolls so reduced and raised again were directed to be collected, recovered and applied in the same Manner as the Tolls by the said Act granted were directed to be collected, recovered, and applied: And whereas it is expedient that the said Power should be repealed; be it therefore further enacted, That the same shall be repealed, and declared null and void to all Intents and Purposes whatsoever.

XV. And be it further enacted, That the said Trustees or any Seven or more of them may, and they are hereby authorized and empowered, from Time to Time during the Continuance of this Act, if they shall think proper, to reduce or lower all or any of the several Tolls by the said recited Act granted, and to raise the same again, so that the same do not exceed the Tolls by the said recited Act granted, and so that such Reduction be with the Consent of the several Persons who shall be entitled to Five Sixths Parts of the Money then due and owing upon the Credit of the said Tolls, and secured upon the Tolls intended to be reduced; but no such Reduction shall be made unless Notice in Writing of the Meeting to be holden for that Purpose be given, specifying the Toll or Tolls intended to be reduced or lowered, by affixing the same upon all the Turnpike Gates which shall be then erected or set up on the said Road; and also by inserting the same in some public Newspaper, printed or circulated in the Neighbourhood through which the said Road passes, Twenty-one Days at least previously to such Meeting, nor unless a Majority of the Trustees present at such Meeting, such Majority to consist of Seven Trustees at the least, shall concur in such Reduction; and such Tolls so reduced or lowered shall be collected, recovered, levied and applied respectively, in the same Manner as the Tolls hereby granted are directed to be collected, recovered, levied and applied respectively.

Power to
reduce the
Tolls.

XVI. Provided always, and be it further enacted and declared, That none of the Tolls by the said recited Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Stones, Bricks, Timber, Gravel or other Materials for repairing of the said Road, or any Roads or public Bridges in the several Townships in which any Part of the said Road is situate; or Hay, Grass, Turnips, Potatoes or other Fodder, Straw, or Corn in or out of the Straw, not sold or disposed of or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof, or for sowing therein; or for or in respect of any Carriage, Horse, Cattle or Beast employed only in carrying or conveying, or going empty or unladen to carry and convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Ashes or other Manure to be employed only in Husbandry for
manuring

General
Exemptions.

manuring or improving Lands, and not for Printing, Dying, or other Purposes of Trade; or having been employed only in conveying any Stones, Bricks, Tiles or other Materials to be employed in draining Land; or for any Horse or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shod or farried, or employed in the Ploughing, Sowing, Tilling, Cultivating or Stocking any Land or Ground; or for or in respect of any Horse or Horses drawing any Waggon, Cart or other Carriage going to or returning from being repaired; or from any Occupier of Land going to or returning from his or her Farm or Farms; or from any Person going to or returning from his or her parochial Church or Chapel; or from any Person going to or returning from his or her usual Place of Religious Worship tolerated by Law on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried in any or either of the said Townships, Parishes, Hamlets or Places; or from any Clergyman going to or returning from visiting sick Persons, or upon other his parochial or ministerial Duty on a *Sunday*, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle or Carriage of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family, or returning after having so attended; or for any Horse, Beast, Cattle or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; 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 conveying any Ordnance, Barrack, Commissariat or other Public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to and returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast or Carriage carrying or conveying 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 said County Palatine of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this and the said recited Act.

XVII. And

XVII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act to the contrary notwithstanding.

Owners or Drivers of Carriages in the King's Service not liable to Penalties for Overweight.

XVIII. And be it further enacted, That all and every the Toll Collectors or Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, shall be and is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately after coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid; or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them; or shall demand or 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 been paid the said Tolls, or any of them; or shall give a false Name or Names on such Demand; or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road; or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered and applied.

Toll Collectors to put up their Names.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of the said recited Act and of this Act, or any Part or Parts thereof, in such Manner as they shall think proper, unto

To demise Tolls for any Term not exceeding Three Years.

any Person or Persons for any Term not exceeding Three Years at any one Time, for the best Rent that can or may be gotten for the same, payable at such Times, in such Manner, under such Covenants, and unto such Person or Persons as the said Trustees, or any Five or more of them shall direct or appoint; of which Letting Ten Days Notice at least shall be given in Writing, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road doth pass; and the Monies arising thereby shall be applied in such Manner as by the said recited Act and this Act is mentioned and directed.

For settling
Disputes
concerning
Tolls.

XX. And be it further enacted, That if any Dispute shall happen or arise about the Amount of the Tolls due, or the Charges of making, keeping or selling any Distress, it shall 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 be), until the Amount of the Tolls due, and the Charges of making, keeping and selling of the Distress, be ascertained by some Justice of the Peace for the said County Palatine of *Lancaster*, 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 and empowered 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 or 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, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, 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.

To take Pos-
session of
Toll Houses,
&c.

XXI. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act and this Act, or either of them, or any of the Gates, Turnpikes, or Bars, or Houses or Buildings at which the same shall be collected, shall be demised or let to farm, or agreed to be demised or let to farm, at any Time or Times to any Person or Persons, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let or be agreed to be let to him, her, or them either by taking a greater or less Toll with respect to any Horse, Cattle, or Carriage than those demised or let or agreed to be demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or be agreed to be demised or let, or any Part thereof, shall be in arrear and unpaid for the Space of Five Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses belonging to such Gates, Turnpikes, or Bars shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed or nominated to collect the Tolls thereat; or in case of the Decease of any such Lessee, Farmer, Toll-keeper, or Collector, and the Wife or Family of such deceased Person shall refuse to quit the Premises after Ten Days Notice in Writing, under the Hand of the Clerk to the said Trustees,

being given or left at the Toll House, or affixed upon the Gate, Turnpike, or Bar for that Purpose, then and in any and every such Case it shall be lawful for the Trustees, or any Five or more of them (if they shall think proper), to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, or by leaving the same at any of the said Toll Houses, or affixing the same upon any of the said Gates, Turnpikes, or Bars; and such Lease and Contract, and the Term for which the said Tolls shall be let or be agreed to be let, shall from that Time be utterly void and at an end to all Intents and Purposes (save as to the Covenants and Agreements therein contained on the Lessee or Lessees Part and Behalf); and in case any such Lessee or Lessees, Farmer or Farmers shall not, on Service of such Notice as aforesaid, deliver up the Possession of such Toll House or Toll Houses, Gates, Turnpikes, or Bars, with the Appurtenances so demised or let or agreed to be demised or let to him, her, or them; or if the Wife or Family of any deceased Lessee, Farmer, Toll-taker or Collector shall not, on the Expiration of such Notice as aforesaid, deliver up Possession of the Premises pursuant to such Notice, it shall be lawful for any Justice of the Peace acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal, (which Warrant such Justice is hereby empowered and required to grant upon the Request of the said Trustees, or any Five or more of them), to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes, or Bars and Premises, and to remove the Person or Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes, or Bars and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises as the said Trustees or any Five or more of them shall appoint.

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

An Action or Ejectment may be supported by One Mortgagee.

XXIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof,

Restraining the Trustees from deviating more than 100

Yards from
the Line of
the old
Road, with-
out Consent,
&c.

thereof, without the Consent in Writing of the Owners, or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Gates not to
open into the
Road.

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

In case of
not making
out Titles.

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

If Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank;
subject to
the Order of
the Court of
Chancery
on Motion or
Petition.

thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, in pursuance of the said recited Act and this Act, or either of them, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act and this Act, or either of them, 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 such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made 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.

Persons in Possession to be deemed presumptively entitled, &c.

XXVII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act and this Act, or either of them, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of any 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 the said recited Act and this Act, or either of them, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery to direct Payment of Expences.

XXVIII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on, or adjoining the said Road, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Road, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway,

For preventing Nuisances, &c.

[Local.]

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Causeway, or Path formed upon or on the Side of or belonging to the said Road, or shall drive any Horse, Beast, Cattle, or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage, upon the said Road, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage shall not keep his Carriage on the Left or Near Side of the said Road, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games on the said Road, or on any Part or Parts thereof, or on any Footway or Path belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall in or upon any Part or Parts of the said Road, or by the Side or Sides thereof, slaughter, singe, scald, burn, dress, or cut up any Beast or Swine, Calf, Lamb, or other Cattle; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Road, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the said Road as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Matter or Thing used in such blocking, or shall scrape off any Soil or other Thing from the said Road, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without leave of the said Trustees, or any Five or more of them, or the Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any Nuisance or Annoyance upon the said Road, or on the Side or Sides thereof; every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by the said recited Act.

XXIX. And be it further enacted, That if any Cow, Horse, Ass, Swine, or other like Stock or Cattle, shall at any Time be found tied or fastened, or wandering, straying, or lying upon, about, or on the Sides of the said Road, or any Part thereof respectively, (except on such Parts of the said Road where the same is not fenced, or are open on either Side to any Commons or Waste Grounds), it shall be lawful for the Surveyor of the said Road for the Time being, or other Person or Persons whomsoever, to seize and impound every such Cow, Horse, Ass, Swine or other Live Stock or Cattle in the Common Pound (if any) of the Hamlet, Township, Parish, or Place in which the same shall be found tied or fastened, or wandering, straying, or lying about or on the Sides of the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, or any Five or more of them, although not assembled at a Meeting, or the said Surveyor, shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Cow, Horse, Ass, Swine, or other Live Stock or Cattle so impounded, pay the Sum of Ten Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell or cause every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, to be sold; and the Money arising from such Sale, after deducting the said Penalty and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Swine, or other Live Stock or Cattle, and all Expences respecting the same, shall (on Demand) be paid to the Person or Persons whose Property the same so sold shall appear to have been.

For impounding Cattle or Swine straying on the Road.

XXX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint; to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Road, out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township, or Place in which any Part of the said Road shall lie, or in any adjoining Parish, Township, 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, or 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 or Place in which the said Road doth lie, search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, in any Parish, Township, or Place in which any Part of the said Road shall lie or be situate, or in any adjoining Township, Parish, or Place, (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making

For getting Materials to make and repair the Road.

or

or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same, or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interests, in such Ground and Premises, as the said Trustees, or any Five or more of them, shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, 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.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Road, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices, by their Order, to authorize such Surveyor, or other Person or Persons, to dig, get, gather, take and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent had attended; any thing in the said recited Act contained to the contrary notwithstanding.

Penalty on taking away Materials got by the Surveyor.

XXXII. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied and applied in Manner herein-after mentioned.

XXXIII. And

XXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road lies, and they are hereby required and empowered, (upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways, for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repair 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 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 any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall 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 Surveyor or Surveyors of the Highways of such Parishes or Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Trustees 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 the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them,

[Local.]

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Statute
Labour.

be subject and liable to such Fines, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner as aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in such and the same Manner as Penalties are by the said recited Act or this Act directed to be levied, recovered, paid and applied.

Penalties and Forfeitures how to be recovered and applied.

XXXIV. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act inflicted or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly described), shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures and Fines, when so paid and levied (if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting the said recited Act and this Act in Execution; and in case such Penalties, Forfeitures and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being
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more than Ten Days from the Time of taking any such Security; and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction or other Prison for the said County Palatine of Lancaster, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XXXV. And whereas Offences may be committed against the said recited Act and this Act, or either of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place near where the Offence or Offences shall have been committed, to be dealt with according to Law; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

For securing
transient
Offenders,

XXXVI. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees of the said Road, or any Five or more of them, out of the Money which hath arisen by virtue of the said recited Act, or out of the first Money which shall arise by virtue thereof and of this Act, together with lawful Interest from the Time of advancing or disbursing the same, in preference to any other Payments whatsoever; and the Money then remaining, and afterwards to be raised on the said Road, shall from Time to Time be applied by the Trustees of such Road in putting the said recited Act and this Act into Execution, and repaying the Principal Monies already borrowed, or to be borrowed, on the Credit of the Tolls arising on the said Road, and the Interest thereof respectively.

For paying
the Expences
of this Act.

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

Public Act.

XXXVIII. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and that the said recited Act, (subject to the Alterations and Amendments in this Act contained), and this Act, shall continue and be in force and be executed for and during the

Continuance
and Term of
the Act.

the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1821.