



ANNO TRICESIMO NONO & QUADRAGESIMO
GEORGI III. REGIS.

Cap. 74.

An Act 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 *Westboughton Chapel*, in the County Palatine of *Lancaster*. [20th June 1800.]

WHEREAS the Road leading from the South End of *The Moor Lane*, in the Township of *Great Bolton*, into the Turnpike Road leading from *Manchester* to *Wigan*, near *Westboughton Chapel* in the County Palatine of *Lancaster*, is very much out of Repair, narrow and incommodious, and cannot be effectually amended, altered, improved, and kept in Repair by the ordinary Course of Law: 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 *Thomas Aspinwall, John Aspinwall, Peter Ainsworth, Richard Ainsworth, Thomas Ainsworth, Richard Aspinde, Daniel Alty, John Ashworth*, the Honourable *Orlando Bridgeman, George Bridgeman Clerk, Edward Wilbraham Bootle, Henry Blundell, Charles Blundell, John Blackburne, Thomas Bancroft Clerk, Edward Ashton Burrowes, Edward Best, James Barlow, Richard Barlow, James Bradshaw, John Bradshaw, Joseph Best, Robert Bamber, William Bamber, Richard Battersby, James Battersby, William Boyer, Robert Bolton, John Broadhurst, James Bevan, Edward Bolling, Joseph Bourne, Thomas Crompton, William Crompton, John Crompton, Samuel Clowes, James Carlile, William Carlile, James Cocker, William Cocker, Charles Chadwick, William Chadwick, John Cooper, George Cawdwell, William Crompton of Westboughton, John Caldwell, David Claughton, James Diggles, Peter Ditchfield, George Eckerley, Samuel Entwisle, John Edge, James Edge, John Eccles, Benjamin Eckerley, Joseph Eckerley, Ralph Fletcher, Adam Fletcher, James Fletcher, Matthew Fletcher, Matthew Fletcher the younger, Ellis Fletcher, Thomas Fletcher, James Fletcher of Westboughton, Thomas France, Thomas Fogg, James Folds Clerk, William Fogg, Richard Formby Clerk, James Forshaw, James Fowler, James Fowler the younger, Sir William Gerard Bart. William Gidlow, George Grime, James Gregory, James Greene, George Grundy, William Grundy,*

Preamble.
Trustees.

[Loc. & Per.] 15 P John

John Grundy the younger, Thomas Green, George Green, James Green, Peter Gaskill, John Grundy, Edmund Grundy, John Gorst, Edward Gorst, John Gartside, John Glover, William Hulton of Hulton Park, William Hulton the younger, Henry Hulton, James Hartley, Christopher Hartley, John Hindley, Ralph Heys, John Hargreaves, John Harrison, John Hosker, James Haydock, Edmund Hazeworth, Thomas Heys Clerk, Adam Hazeworth, James Higson, Thomas Hindle, Roger Horrocks, Ralph Heys the younger, John Horridge, John Hilton, William Hatton, Pitt Hewitt, Samuel Houghton, Thomas Heelis, Stephen Heelis, John Heelis, James Heelis, Thomas Howell, William Horrocks, John Hart, Jeffrey Hart, James Haslam, Richard Hodgkinson, William Hobson, Thomas Hobson, William Irlam, Richard Jones, James Jones, William Justice, John Isherwood, Henry Isherwood, John Kenworthy, Robert Knowles, Edward Kearsley, John Kearsley, Josiah Kearsley, James Kearsley the younger, John Kenworthy, Robert Latham Clerk, John Sharpless Lawson, James Lever, James Morris, John Makinson, James Mills, Richard Mangnall, John Mather, Peter Marsh, John Martlew, Charles Mawdsley, James Markland, William Markland, Josiah Marsh, Thomas Nuttall, Robert Nuttall, Thomas Naylor, John Noble, Oliver Ormrod the younger, Ralph Peters, Ralph Peters the younger, Randolph Penfwick, John Pilkington of Bolton, Robert Peel, Thomas Parker, James Pearson, John Pennington, William Pennington, Gerrard Pendlebury, Gerard Pendlebury the younger, John Pendlebury, Richard Pennington, Nicholas Pendlebury, John Pendlebury of Lostock, William Pickering, Henry Pilkington, John Pilkington of Horwich, Richard Pilkington, Richard Rothwell Clerk, James Rothwell, Renshaw Rothwell, John Ridgway, Thomas Ridgway, Joseph Ridgway, Thomas Ridgway the younger, John Ridgway the younger, Benjamin Rawson, Thomas Ratcliff, Peter Rasbotham, Peter Rothwell, William Rothwell, Thomas Rycroft, John Rushton, Lawrence Rawstorne, Lawrence Rawstorne the younger, Le Gendre Pierce Starkie, Thomas Stanley, William Slater, Igdaliab Seddon, Ralph Seddon, Joseph Seddon, Peter Silcock, John Silcock, Thomas Silcock, John Shakeshaft, Henry Southworth, William Seddon, Thomas Shaw, James Shaw, John Shaw, James Smith, Jeffrey Smith, Robert Smith, Thomas Smith, William Smith, John Stonor, John Taylor Doctor of Physick, John Taylor of Little Bolton, Lawrence Taylor, John Turner, John Thomason, Thomas Taylor, Robert Taylor, Wright, John Woods Ironmonger, Ottiwell Wylde, Henry Watson, Benjamin Wraith, John Wilkinson, Thomas Wingfield, John Whitely, John Whitley, Joseph Withington, Hugh Whittle, John Yates, Robert Yates, James Yates, William Yates, Edmund Yates, and Joseph Yates, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for amending, altering, improving, and keeping in Repair the said Road, and for otherwise putting this Act in Execution.

Qualification
of Trustees.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless at the Time of his acting therein he shall have or be seised of in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in the County Palatine of Lancaster of the clear yearly Value of Forty Pounds above Reprizes, or be Heir apparent of some Person or Persons seised of such an Estate of the clear yearly Value of One hundred Pounds, or be in Possession of or entitled to a Personal Estate to the Amount of Eight hundred Pounds, nor (except in administering the Oath or Affirmation hereafter mentioned) and giving Notice of the First Meeting of the said Trustees as herein-after mentioned), unless he shall have taken
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and subscribed before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same, the Oath or Affirmation following; (*videlicet*),

‘ I do swear [*or*, being one of the People called *Quakers* do solemnly affirm], That I truly and *bonâ fide* am seised of in my own Right [*or*, in the Right of my Wife, *as the Case may be*], and in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of a Real Estate in Law or Equity; situated in the County Palatine of *Lancaster*, of the clear yearly Value of Forty Pounds, *or*, am Heir Apparent of a Person who to the best of my Knowledge and Belief, is seised of such an Estate of the clear yearly Value of One hundred Pounds, *or*, am possessed of or entitled unto a Personal Estate to the Amount of Eight hundred Pounds. ‘ So help me GOD.’ Oath.

And if any Person not so qualified shall presume to act in the Execution of this Act, every such Person shall, for every such Offence, forfeit 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, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, or more than One *Imparlance*, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

III. Provided also, and be it further enacted, That no Trustee hereby appointed or hereafter to be appointed, shall be capable of acting as such during the Time he shall enjoy any Office of Profit under or by virtue of this Act, or have any Share or Interest in any Contract or Bargain relating to the Execution thereof; nor shall any Trustee be capable of acting in any Case wherein he shall be personally interested, otherwise than as a Creditor on the said Road.

No Trustee to act while he holds any Place of Profit under this Act.

IV. Provided nevertheless, That such Trustees as are or shall be in the Commission of the Peace for the said County, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

Trustees in Commission of the Peace may act as Justices.

V. And be it further enacted, That when and so often as any Trustee shall die or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, from Time to Time to elect, nominate, and appoint One other Person to be a Trustee in the Room or Stead of such Trustee so deceased or refusing to act, but Notice of the Time and Place of the Meeting for every such Election of new Trustees shall be given by the Clerk or Clerks of the said Trustees, by affixing the same in Writing upon all the Turnpikes then erected by virtue of this Act, and also by inserting the same in One or more of the Newspapers printed in *Manchester*, at least Ten Days before every such Meeting; and every such Person as shall from Time to Time be so chosen and appointed, is hereby vested with the same Powers for putting this Act in Execution, as if such Person had been named in and appointed a Trustee by this Act.

Election of new Trustees.

VI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk; and that no Action which may be brought or commenced by or against the said Trustees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, shall

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

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abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the Trustees, or any Five or more of them, at a publick Meeting to be held for that Purpose; but the Clerk to the said Trustees for the Time being shall be deemed Plaintiff or Defendant in such Action, as the Case may be.

Clerk to be repaid his Expences.

VII. Provided always, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges as by the Event of every such Proceeding he shall be put to or become chargeable with, by Occasion of his being so made Plaintiff or Defendant in any such Action or Suit as aforesaid.

Time and Place of First Meeting of Trustees.

VIII. And be it further enacted, That for putting this Act in Execution the said Trustees, or any Five or more of them, shall meet between the Hours of Ten and Two of the Clock on that Day Four Weeks after this Act shall have received the Royal Assent, or as soon after as conveniently may be, at the House of *Thomas and William Crompton, the Nag's Head in Great Bolton*, of which Meeting Notice shall be given by Advertisement in One or more of the *Manchester* Newspapers, at least Ten Days, by One or more of the said Trustees, and at which Time and Place the said Trustees shall proceed to the Election of a Clerk, and to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there or at any other Place in or near the said Road, as the said Trustees attending the said Meetings shall think most convenient, as often as it shall be necessary for putting this Act into Execution; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day, (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves the Clerk or Clerks of the said Trustees shall, by Notice in Writing to be affixed on all the Turnpikes then erected on the said Road, and to be inserted in One of the *Manchester* Newspapers, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the Place where the last Meeting was held or was appointed to be held, or at some other convenient House in or near the said Road, on that Day Three Weeks from the Day on which such Meeting was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall neglect or refuse to give such Notice, or by any Means shall be prevented from giving Notice as aforesaid, it shall be lawful for any Three or more of the said Trustees (although not assembled at a Meeting) at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the said Trustees to meet at some convenient House in or near the said Road, upon that Day Three Weeks after the Date of such last-mentioned Notice; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences: Provided always, That no Order, Appointment, or Proceeding of the said Trustees shall be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act, except in Cases herein particularly provided for; and that no such Order, Appointment, or Proceeding shall be made or had, unless the Majority of the Trustees present shall concur therein, such Meeting not consisting of less than the Number of Trustees by this Act authorized to make such Order,

Trustees to bear their own Expences.

Order, Appointment, or Proceeding; nor shall any Order or Appointment, made at a Meeting of any Five or more of the said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration intended to be made, be affixed upon all the Turnpike or Turnpikes then erected on the said Road, and also inserted in One of the *Manchester* Newspapers, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of Three-fourths of the Trustees present at such Meeting shall decide in favour of such Revocation or Alteration.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary by any Five or more of the said Trustees, that an earlier Day of Meeting should be appointed than that Day to which such Meeting shall have been adjourned, the said Clerk, by any Order in Writing signed by Three or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed, such Time not being less than Ten Days after such Notice; and all Proceedings of the Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of an Adjournment.

Meetings on Emergencies.

X. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept by the Clerk for that Purpose, and signed by all or the major Part of the Trustees present at the Meeting at which each respective Order or Proceeding shall be made or had, or by their Chairman or Clerk by their Order, and that every such Book shall be open at all reasonable Times to the Inspection of any of the said Trustees, who shall be at Liberty to take Copies thereof or Extracts therefrom, without Fee or Reward; which said Entries, duly signed as aforesaid, shall be deemed Originals, and the same, or true Copies thereof, and all Entries, shall be read and admitted as Evidence in Cases of Appeal, and in all Suits or Actions in any Court whatsoever touching any Thing done in pursuance of this Act.

Order and Proceedings to be entered in Books, and admitted as Evidence.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, by Writing under their Hands, nominate and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, and Collector or Collectors of the Tolls, and shall take a Bond within One Calendar Month after the Appointment of such respective Officers, with a sufficient Surety in such Penalty as the said Trustees, or any Five or more of them, at any Meeting, shall direct, conditioned for the Execution of their respective Offices; and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Road, and also such other Officers as they, or any Five or more of them shall think necessary to employ in the Execution of this Act, and from Time to Time to remove any such Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer as they, or any Five or more of them, shall see Occasion, and appoint others in Cases of Death or such Removal; and that out of the Monies to be received by virtue of this Act, such Allowances and Compensations shall be made to the several Officers to be appointed as aforesaid, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees, or any Five or more of them, shall seem proper.

Trustees may appoint or remove Officers.

Trustees may allow Officers Salaries.

XII. And be it further enacted, That all such Officers, and other Persons to be appointed as aforesaid, shall from Time to Time when thereunto
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Officers to account on Oath.

required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received by virtue of this Act, and how and to whom, and for what Purposes the same, or any Part thereof, hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, and such Officers and Persons shall, and they are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if any of the said Officers or Persons shall refuse or neglect to render or give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, (which Oath the said Trustees, or any One or more of them, is and are hereby authorized and empowered to administer), or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint within Four Days after being thereunto required by the said Trustees, or any Five or more of them, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anywise relating to the Execution of this Act or to the said Road, and Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall be or reside, by any Two or more of the said Trustees, or by any Person or Persons on their Behalf, such Justice may, and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their appearing or not appearing, (except for some reasonable Excuse), having been first duly summoned, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Settlement of such Account or Accounts as aforesaid, or upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, (except for some reasonable Excuse), or if appearing, shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of any such Account, or of the Articles thereof, upon Oath as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act or to the said Road, then and in any of the Cases aforesaid, the
said

said Justice may, and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the common Gaol of the County or Place where he, she, or they shall be or reside, there to remain, without Bail or Mainprize, until he, she, or they shall have delivered in and settled his, her, or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his, her, or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he, she, or they shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees, or any Five or more of them, are hereby in such Case empowered to make) or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, That no Person shall be committed for Want of sufficient Distress, for any longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaviour, or Absence of any Collector or Receiver of the Tolls, any Three or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged, and to continue until the next Meeting of the said Trustees, which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person 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 who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector, or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building to be erected or set up by virtue of this Act, for the Space of Four Days after Demand thereof made, and Notice in Writing given or left on the Premises for that Purpose, by or under the Hands of any Three or more of the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, and the Occupier or Occupiers thereof, together with his or their Goods, out of the same, and to put the said Trustees, or any Three or more of them; or their Clerk, or their new appointed Officer, into the Possession thereof, with the Appurtenances.

Trustees to
appoint tem-
porary Col-
lectors.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect and set up, or cause to be erected and

Power to erect
Turnpike and
Toll Houses.

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set up, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, and across the said Road, at any Place or Places within the Extent of the said Road, not nearer to *Bolton* than the North-east Corner of *Dean Moor*, and also may erect or set up, or cause to be erected and set up, on the Side or Sides of any Part of the said Road where any Highway, not a Turnpike, joins or meets the same, as many Side Gates or Turnpikes as they, or any Nine or more of them, shall think proper, with a Toll House, and proper and necessary Buildings, Gardens, Conveniencies, and Fences, near to each such Gate or Turnpike, whether across the said Road or on the Side thereof, and that the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint, at each of the said Gates or Turnpikes, before any Horse or Horses, Beast or Beasts, Cattle, or Carriage or Carriages, shall be permitted to pass through the same; (that is to say),

Tolls to be taken.

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

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

For every Waggon or other such Four Wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, and upwards, and not so broad as Nine Inches, drawn by Five or Six Horses or Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four, or by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon or other such Four Wheeled Carriage, with Wheels of less Breadth than Six Inches, the Sum of Three Shillings:

For every Cart or other such Two Wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforesaid, drawn by Four, or by more than Four Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Three Horses or Beasts of Draught, the Sum of Seven-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Five-pence; and drawn by One Horse or Beast of Draught, the Sum of Three-pence:

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

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

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

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

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

And that on every *Sunday* after the passing of this Act, there shall be demanded and taken at each of the said Gates or Turnpikes, by such Person or Persons so to be nominated and appointed as aforesaid, before any Coach, Waggon, Cart, or other Carriage, or any Horse, Cattle, or other Beast, shall be permitted to pass through the same, Double the Tolls before directed to be taken on any other Day of the Week :

Which said respective Sums of Money shall be demanded and taken as Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect the said Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary (and which Assistance all Persons are hereby required to give if called upon) to seize and distrain any Horse or Horses, or other Beasts or Cattle upon which such Toll is by this Act imposed, together with their Bridle, Saddles, Gears, Harness, or Accoutrements, or their Loading, or to stop, seize, and distrain any Carriage with its Loading drawn by such Horse or Horses, or other Beasts or Cattle, and if such Tolls, and the reasonable Charges of such Seizure and Distress, 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 or Horses, Cattle, Carriage, Goods, Chattels, or Things so seized or distrained, or a sufficient Part thereof, returning the Overplus (if any be) and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale, shall be deducted and paid; and that all the Tolls and Monies so to be collected and levied, or the Money borrowed or to be borrowed on the Credit thereof, shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of to and for the several Uses, Intents, and Purposes, and in such Manner as is herein mentioned.

XV. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike to be erected by virtue of this Act, shall be subject to any Toll for returning through such Turnpike the same Day, or before Twelve of the Clock at Night of the same Day, with the same Horse or Horses, Cattle, or Carriage, but shall return Toll free (except such Waggon, Cart, Caravan, Timber, Carriage, or other Carriage, which shall pass or repass through any of the said Turnpikes laden with any Lading of the Weight of Five hundred Pounds or upwards, or of Five Score to the Hundred, and shall return the same Day also laden with any Lading of the Weight of Five hundred Pounds or upwards as aforesaid, or any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, Chaise-Marine, Diligence, Chaise with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriages now is, or are, or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a publick Stage Coach or Stage Coaches, or Stage Carriages employed in carrying Passengers for Hire to and from different Places) on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Toll: Provided also, That no Person who shall have paid the Toll hereby granted or imposed for the passing of any Cattle or Carriage

[*Loc. & Per.*]

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Recovery.

Tolls vested in Trustees.

Tolls to be paid but Once for passing and repassing.

Double Tolls not to be taken.

through any one of the Turnpikes or Turnpike Gates to be erected as aforesaid, shall be subject or liable the same Day to the Payment of any Toll at the other or others of the Turnpikes hereby authorized to be erected as aforesaid, upon producing a Note or Ticket denoting such Payment at the other Turnpike or Turnpike Gate, which Note or Ticket the Collector of the Tolls of the said respective Turnpikes is hereby required to deliver *gratis* upon Payment of such Toll.

Disputes concerning Tolls to be settled by a Justice.

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

Collectors of Tolls competent Witnesses.

XVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or any of them, 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, or a competent Number of them, shall be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Half Tolls only to be taken for certain Carriages laden with Coals and Cannel; and for Carriages of the Inhabitants of *Rumworth* going to *Bolton* Market with the Produce of their Farms.

XVIII. Provided nevertheless, and be it enacted, That no more than One Moiety of the Tolls herein appointed to be collected or levied for Horses, Carts, Waggons, or other Carriages passing through any Gate or Turnpike to be erected or set up by virtue of this Act, shall be paid for Horses, Carts, Waggons, or other Carriages going empty for and returning laden with Coals or Cannel only, from the several Collieries that now are or hereafter may be worked within the several Townships of *Great Bolton*, *Rumworth*, *Over Hulton*, and *Westboughton*, or for any Horses, Waggons, Carts, or other Carriages of or belonging to the Inhabitants of *Rumworth* and *Westboughton*, or any of them, going to *Bolton* Market, and which shall be only laden with the Produce of their respective Farms for the Purpose of Sale there, or which shall 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 present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, to Waggons, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls by this Act imposed, or any Part of them, which said Waggons, Carts, or other Carriages, it shall and may 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.

Exemptions.

XIX. And

XIX. And be it further enacted, That out of the Monies to arise by virtue or be borrowed on the Credit of this Act, the said Trustees, or any Five or more of them, shall first pay and discharge the Expences of procuring and passing this Act, and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes and Toll Houses, and in repairing, widening, altering, improving, and keeping in Repair the said Road and in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue thereof, and to no other Use or Purpose whatsoever.

Application of
the Money.

XX. And be it further enacted, That the Right and Property of all the said Turnpikes and Toll Houses, and other Buildings to be erected or provided upon, at the Side of, or near the said Road, and of the Materials for building or altering the same, and all Materials, Tools, and other Things which shall be provided, collected, or made use of for repairing or otherwise improving the said Road, or for executing this Act, shall be, and the same are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby authorized and empowered to bring Actions in the Name or Names of any One or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, or damage any such Turnpikes, Toll Houses, or other Buildings, Materials, Tools, or other Things as aforesaid, or disturb the said Trustees, or any of them, or any of their Collectors or other Officers, in the Possession of the Property thereof.

Turnpikes
and Toll
Houses vested
in Trustees.

XXI. And be it further enacted, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, (whereof Twenty Days Notice shall be fixed in Writing on all the Turnpikes then erected by virtue of this Act), may and they are hereby empowered, from Time to Time, to reduce all or any of the said Tolls hereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions, as they shall think fit, so as such Reduction be no Prejudice to, and be with the Consent of Three-fourth Parts in Value of the several Persons who shall have advanced 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, may and they are hereby empowered to raise the said Tolls again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted; and such Toll so reduced and raised again shall be collected, recovered, and applied, in the same Manner as the Tolls herein-before granted are directed to be collected, recovered, and applied.

Trustees may
lessen the
Tolls, and
raise them
again, if ne-
cessary.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to compound for any Term not exceeding One Year at a Time, with any Person or Persons for any Carriages, Horses, Beasts, or Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect of such Carriages, Horses, Beasts, or Cattle, and all such Composition Money shall be paid in advance Quarterly or otherwise as the said Trustees shall appoint, and in Default thereof the Composition shall be void.

Trustees may
compound.

XXIII. And be it further enacted, That if any Person or Persons shall dispose, or offer to dispose, of any Ticket to any Person or Persons in order to evade the Payment of any of the said Tolls, every such Person or Persons so offering or disposing of such Ticket or Tickets, and the Person or Persons receiving and making use of the same, shall respectively

Penalty of dis-
posing of
Tickets to
avoid the
Tolls.

forfeit

forfeit any Sum not exceeding Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

Exemption
from Tolls.

XXIV. Provided always, and it is hereby enacted and declared, That no Toll shall be demanded or taken for any Cattle or Carriages laden only with Stone, Brick, Gravel, or other Materials for making or repairing the said Road, or for repairing the Highways in any Township through which the said Road leads, or laden only with Dung, Marl, Soil, Mould, Compost, or other Manure, of what Nature or Kind soever, to be used in manuring or improving Land; or for any Cattle or Carriage laden only with Hay, Hay Grass, Sanfoin, Fodder, Straw, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Inhabitants in any of the said Townships, (except Carts or Carriages laden with any Hay or Straw for Sale), or for any Ploughs, Harrows, or other Implements of Husbandry belonging to any of the said Inhabitants passing in order to the using or repairing the same, or for any Cattle or Carriages going empty and unladen for, or returning empty and unladen after having carried such Stones, Bricks, Gravel, or other Materials for repairing the said Road, or for the repairing the Highways in any Township through which the said Road directed by this Act to be repaired leads, or such Dung, Marl, Soil, Mould, Compost, or other Manure of any Kind or Nature whatsoever, to be used in manuring and improving Land, or any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Inhabitants of any of the said Townships, or any Ploughs, Harrows, or other Implements of Husbandry belonging to the said Inhabitants; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; or of or from any Person or Persons in any of the said Townships, for passing through any of the said Turnpikes on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, to or from his, her, or their respective Parish Church, or other usual Place of Religious Worship licensed according to Law; or for any Cattle or Carriage conveying the Corpse, or attending the Funeral of any Person to be interred in any of the said Townships; or for any Cattle belonging to any of the said Inhabitants, which shall be only going to or returning from Pasture or Water; or for any Cattle or Carriage belonging to any Inhabitant of any Township wherein any such Turnpike shall be erected, which shall be only passing to the Smith's Shop in order to be only shod, farried, or repaired; or for the Return of any such Cattle or Carriages unladen, or for any Waggon, Carts, or other Carriages, Ploughs, Harrows, or Implements of Husbandry belonging to any of the said Inhabitants, going to or returning from any Wheelwright's Shop, empty and unladen, to be altered or mended, or being made new, in passing through any Gate from the said Shop to the Place of Residence of any such Inhabitant; or for any Cattle or Carriage belonging to any of the said Inhabitants going to or returning from any Corn Mill, for or with any Corn, Grain, Malt, Wheat, or Flour, for the Owner's Use or Consumption in his or her Dwelling House, and not for Sale; or for any Waggon, Cart, or Carriage, belonging to any Inhabitant of the Township of *Rumworth*, and that Part of *Overhulton* and *Westboughton* adjoining to the said Road, which lies Eastward of the *White Horse*, in *Westboughton* aforesaid, returning empty and unladen, through any Bar that may be erected across the said Road, within the said

said Township of *Rumworth*, after having on the same Day paid Toll at the Bar now erected at *Daub Hill*, 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; nor shall any Toll be demanded or taken for any Horses or Carriages of whatever Description employed in conveying, fetching, or guarding Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or in returning back from conveying or guarding the same; or for the Horses of Soldiers upon their March or upon Duty, or for Cattle or Carriages attending them, or loaden only with their Arms or Baggage; or for Horses or Carriages travelling with Vagrants sent by legal Passes; nor for any Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County 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 shall fraudulently claim and take the Benefit of any of the Exemptions by this Act granted, from the Whole or any Part of the several Tolls hereby authorized to be taken, not being entitled to the same, such Person for every such Offence shall forfeit and pay any Sum not exceeding Fifty Shillings nor less than Thirty Shillings.

XXV. Provided nevertheless, That no Person shall have or be entitled to any Exemptions from Toll as last aforesaid, for or in respect of any Waggon, Cart, or other such Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches on the Sole or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or so as not to deviate more than Half an Inch from a flat Surface, or which shall not have the Nails countersunk so as not to rise above the Surface, or for or in respect of any other Cart or other Carriage, which, together with the Loading thereof, shall be of greater Weight than is allowed by the Act, made in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, to Waggons, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls hereby imposed; and it shall and may be lawful for the said Trustees, or any Five or more of them, to order all such Waggons, Carts, or other Carriages, 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.

No Exemption to be taken for Narrow-wheeled Waggons and Carts.

XXVI. And be it further enacted, That if any Person or Persons owning or occupying any Land near to any of the said Turnpikes or Road, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Horse, Cattle, or Carriage, or if any Person or Persons shall pass through any Gate, Passage, Inclosure, or private Way, with any Horse, Cattle, or Carriage, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any such Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or shall leave or cause to be left upon or near to the said Road, any Cattle or Carriage as aforesaid, every Person so offending in any of the Cases aforesaid, shall

Penalty on permitting Persons to go through private Grounds;

or taking off Horses, &c. to avoid Payment of Toll.

for every such Offence forfeit any Sum not exceeding Fifty Shillings nor less than Thirty Shillings.

Power to remove Gates within the Limits prescribed.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to take down and remove any Gate or Gates, Turnpike Building or Turnpike Buildings, and other Conveniencies erected or provided by virtue of this Act, and to set up the same again in any other Place or Places within the Limits herein for that Purpose specified.

Trustees may remove the Turnpikes and Toll Houses.

XXVIII. Provided nevertheless, That no Gate or Turnpike to be erected or set up, by virtue of this Act, shall, at any Time after the same shall be so set up, be taken down or removed to any other Place except by Order of the said Trustees, or any Nine or more of them, at a Meeting convened for that Purpose, and unless Notice in Writing, specifying the Intent thereof, be affixed on all the Turnpikes then erected by virtue of this Act, and also inserted in One of the *Manchester* Newspapers, Twenty-one Days at least before such Meeting; any Thing in this Act contained to the contrary thereof notwithstanding.

Trustees enabled to borrow Money on the Credit of the Tolls.

XXIX. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon all the Turnpikes then erected, and inserted in One of the *Manchester* Newspapers, may and they are hereby empowered, from Time to Time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the Tolls to be collected and levied at the said Turnpikes, or any Part thereof, and also the Toll Houses and Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Five or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with such legal or less Interest as the said Trustees, or any Five or more of them, shall think proper, which said Money so borrowed shall be applied and disposed of in such Manner as the Tolls of the said Turnpikes are herein directed to be applied and disposed of; and that such Mortgage or Mortgages, or Assignments, may be in the Form following, or such other Form as the said Trustees making the same shall think proper:

Form of Mortgage.

‘ BY virtue of an Act, made in the Fortieth Year of the Reign of His
 ‘ Majesty King *George* the Third, intituled, [*Here set forth the Title of*
 ‘ *this Act*], we, Five of the Trustees, appointed under the said Act, in
 ‘ Consideration of the Sum of
 ‘ to the Treasurer of the said Road in Hand paid, do grant, bargain, sell,
 ‘ and demise unto *A. B.* his Executors, Administrators, and Assigns, such
 ‘ Proportion of the Tolls arising upon the said Road, and of the Turn-
 ‘ pikes and Toll Houses for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole
 ‘ Sum due and owing on the Credit thereof, to be had and holden from
 ‘ this Day of in the Year of our
 ‘ Lord for and during the Con-
 ‘ tinuance of the said Act, unless the said Sum of
 ‘ with Interest at the Rate of *per Centum*
 ‘ *per Annum*, shall be sooner paid and satisfied.’

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected by the said Trustees or Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit, to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand, before One credible Witness, in the following Words, or Words to the like Effect:

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

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Ten Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred), to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made by virtue of this Act, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Time of Advance of any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

XXX. And be it further enacted, That the said Trustees or any Five or more of them, are hereby fully empowered from Time to Time as they shall think proper, to divert, widen, turn, shorten, vary, or alter the Course or Path of any Part or Parts of the Road comprized in this Act; and that the said Road or any Variation thereof, may be made of any Width not exceeding Sixty Feet; and that any Alteration, Diversion, Variation, or widening of Road may be made through any Common or Waste Ground without making any Satisfaction for the same, and through any private or inclosed Lands or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may sustain thereby; and for that Purpose it shall and may 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, for the Purchase thereof, or for the Loss or Damage such Owners or Persons interested may sustain by the making, widening, diverting, or changing the Course or Path of any Part or Parts of the said Road through

Trustees may
make, alter,
or divert the
Road.

through such Lands and Hereditaments; and it shall and may be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Femmes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Sale of such Lands or Hereditaments, or any Part thereof, or for their Interests therein, for the Purposes of this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where Owners, &c. of Land refuse to treat;

Damage and Recompence to be settled by a Jury.

Witnesses to be examined upon Oath.

Verdict of Jury to be final.

XXXI. And be it further enacted, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any such Feoffees in Trust, Committees, Executors, Administrators, Husbands, Guardians, or any other Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to any Part of the said Road, or through which the said Road is to be diverted or varied as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat; or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Lancaster* (which Oaths any Two or more of the said Trustees are hereby empowered to administer) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested, for or upon Account of the taking of such Lands or Hereditaments into the said Road, or of making, widening, diverting, or changing the said Road through the same; and in order thereunto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they the said Trustees, or any Five or more of them, shall, by ordering the said Jury to view the said Places in question, or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises; and after the said Jury shall have so enquired of, ascertained, and settled such Damage and Recompence, they the said Trustees shall order, adjudge, and direct the Sum or Sums of Money which shall be so assessed by the said Jury, to be paid to the said Owners or Proprietors of, or Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and

and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politick or Corporate, Ecclesiastical or Civil, Aggregate or Sole; as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and all and every Person and Persons anywise interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, excluded and divested of all Right, Title, Claim, Interest, and Property, of, in, to or out of the same.

XXXII. And be it further enacted, That for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of *Lancaster*, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return Twenty-four such Persons as aforesaid, and out of the Persons so impanelled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the 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 that the said Trustees, and all Persons interested, shall have their lawful Challenges against any of the said Jurymen; and that the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who being summoned and returned on such Jury shall not appear (except for some reasonable Excuse) or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give, or shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty therein, (contrary to the true Intent of this Act), and on any Person or Persons who being summoned to give Evidence before the said Jury as aforesaid, touching the Premises, shall not attend, (except for some reasonable Excuse), or attending shall refuse to be sworn and examined, or to give Evidence touching the same, so that no such Fine exceed the Sum of Ten Pounds upon any Person for One Offence.

By Trustees
Warrant Sheriff
to impanel
a Jury.

Jurors may be
challenged,
and Sheriff
and Jury fined
for Default.

XXXIII. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged upon the said Tolls, or upon the Monies to be borrowed on the Credit of such Tolls, and shall be paid thereout accordingly, either into the Bank of *England*, or, as the Case may require, to the Persons respectively entitled thereto, or to their Agents; and that upon Tender or Payment thereof to such Persons respectively, or their Agents, and in case of Refusal to accept the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being of the said Trustees, for the Use of such Persons, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into or upon, and to take or add to the said Road such

Money allowed
for Lands,
etc. how to be
charged and
tendered; al-
though the
Money tendered
be not accepted,
the Lands may be
laid to the
Roads.

Lands and Hereditaments, and to do all and every such Act, Matter, and Thing in relation to such Lands and Hereditaments, as the said Trustees, or any Five or more of them, shall think proper; and the said Lands and Hereditaments so added to, taken in, or made Part of the said Road, shall be fenced from the adjoining Lands by the said Trustees, or any Five or more of them, and shall be deemed and taken to be a Part of the said Road hereby directed to be repaired and made for ever thereafter, and shall, to all Intents and Purposes, be a publick and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Road hereby appointed to be repaired, is by this Act to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the old or former Road (unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead) shall be vested in the said Trustees, and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the Purposes of this Act; and a Conveyance of the said old Road being executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the said County of *Lancaster*, shall be good and effectual.

How the Expences of Jury shall be paid.

XXXIV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act, but if such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute, which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County of *Lancaster*, not interested in the Matter in question, (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the Trustees, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

XXXV. Provided always, That in Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be borne and paid by the Treasurer to the said Trustees in Manner aforesaid.

Persons being absent to be charged with only One Half the Expence.

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

Application of Compensation where exceeding 200 £.

XXXVII. 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 exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under

Application where the Compensation does not exceed 200 £. nor less than 20 £.

under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

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

Trustees to pull down Houses, etc.

XXXIX. Provided always, and it is hereby enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent of the Owners and Proprietors thereof, and the several Persons interested therein respectively; any Thing herein contained to the contrary in anywise notwithstanding.

The Inhabitants of the several Parishes, Townships, Districts, or Places, made liable to repair the Roads.

Trustees to direct a List of Persons liable to Statute Work to be given by Surveyors of Highways.

XL. And be it further enacted, That the Road hereby authorized to be made, amended, widened, turned, and varied, shall be deemed and taken to be, and shall be the King's common Highway for ever, to all Intents and Purposes whatsoever, and that the Inhabitants of the several Townships, Districts, or Places through which the said Road shall lead, pass, and extend, shall be, and for ever continue subject and liable to the Repair thereof, in like Manner and in every Respect as they are by Law liable to the Repair of any other common Highway in the said Townships or Places; and that it shall and may be lawful for any Five or more of the Trustees, by their Surveyor or Surveyors, or for any Two Justices of the Peace, to summon the Surveyors of the Highways for the respective Townships, Districts, or Places, wherein any Part of the said Road doth or shall lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Fifteen Days of such Summons, (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer), a List of the Names of every Person who within such Townships, Districts, or Places respectively, are by Law obliged to do their Statute Work towards repairing the Roads in any of the said Townships, Districts, or Places respectively, for that Year, with Teams and Draughts, as also the Number of Days Work which each Person ought to do on the said Road in such Townships, Districts, or Places respectively, out of which

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List the said Trustees, or any Five or more of them, shall and may appoint and order so many Persons to do their Statute Work on the Road directed by this Act to be repaired, as they shall think reasonable, and not exceeding Four Days Work, which said Statute Work shall be done by such Persons, at such Times, in such Manner, and in such Parts of the said Road within such respective Townships, Districts, and Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time direct and appoint; and the said Surveyor or Surveyors of every such Township, District, or Place for the Time being, within Two Days after Notice shall be given to him or them in Writing by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do their respective Statute Work so directed and appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give Notice thereof to such of the said several Persons so chargeable as aforesaid; and if any such Person shall, after such Summons or Notice, neglect or refuse to do such Statute Work, every such Person, for each Day he shall make Default, shall forfeit any Sum not exceeding Ten Shillings nor less than Five Shillings for each Team or Draught; and if any such Person or Persons shall be found idle or negligent in the Performance of such Statute Work, the Turnpike Surveyor may and he is hereby required to discharge such Person, and it shall be deemed as if such Person, or such Teams or Draughts had not come or been sent to work, and every such Person, or the Owners of such Team or Draught, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for such Townships, Districts, or Places, shall neglect or refuse to do as they are hereby required and directed, every such Surveyor shall, for each Neglect or Refusal, forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds.

Penalty on not performing Statute Work.

XLI. And, for preventing Differences between the said Trustees, and the Surveyors of the Highways for the Time being of the several Townships, Districts, or Places through which the said Road hereby directed to be made, attended, varied, altered, and improved, doth or shall lead, touching what Proportion of the Statute Duty in any such Townships, Districts, or Places, ought to be done on the said Road; be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace at any Special Sessions to be holden within the Division where the said Road doth or shall lie, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by the Surveyors of the Highways within the respective Townships, Districts, or Places, within which such Road shall respectively lie, to adjudge and determine what Proportion of the Statute Work shall be done on the said Road, by and in each and every of the Townships, Districts, or Places aforesaid; any Thing herein before contained to the contrary notwithstanding.

Proportion of Statute Duty to be ascertained by Justices.

XLII. Provided always, and be it further enacted, That it shall and may be lawful for the said Surveyor or Surveyors, or other Person or Persons, by and with the Consent of the Inhabitants of such Townships, Districts, or Places respectively, first had at any Vestry or other public Meeting of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree, from Time to Time, with the said Trustees, or any Five or more of them, for a certain Sum of Money by the Year or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants upon any Part of the said Road;

Trustees may compound for Statute Work.

Recovery of
Composition
Money.

Road; and in case such Composition Money shall not be paid to the said Trustees, or any Five or more of them, or to such other Person as they shall appoint to receive the same, within Fifteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Lancaster*, upon Oath made before him or them of such Default, (which Oath the said Justice or Justices is and are hereby empowered to administer), and he or they is and are hereby required to issue a Warrant under his and their Hand and Seal or Hands and Seals, empowering such Person so by the said Trustees, or any Five or more of them, appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who shall have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Four Days, (such Composition Money and the reasonable Charges of distraining and keeping the same not being paid), to sell, returning the Overplus, (if any), to the Owner or Owners thereof upon Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale, shall be deducted, which Composition Money shall be applied to the Purposes of this Act; and such Surveyors and other Persons, by whom such Composition shall be made on the Behalf of any Township, District, or Place as aforesaid, shall be reimbursed such Composition Money, in such Manner as Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies expended by them in buying Materials for the repairing of the Highways.

Trustees may
direct Prosecutions at the
Expence of
the Tolls.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, at a Meeting to be held, whereof Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the Turnpike Gate or Gates then erected by virtue of this Act, and inserted in One of the *Manchester* Newspapers, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may, and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the Revenues arising by virtue of this Act, against the Inhabitants of all or any of the Townships, Districts, or Places through which the said Road passes, and against the Hundred liable to repair Bridges, who shall have neglected or refused respectively to repair the same.

Surveyors may
remove Annoyances, turn
Watercourses,
etc.

XLIV. And be it further enacted, That it shall be lawful for the said Turnpike Surveyor or Surveyors, and such Persons as he or they shall direct and appoint, (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose), to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains running into, along, and out of the said Road, to the Pejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top any Trees or Bushes in the said Road, or in the Hedges or Banks adjoining thereto, and within Ten Yards of the Centre thereof, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or cut down or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or to remove such other Annoyances for the
Space

Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, and the Charges thereof, (to be settled by the said Trustees, or any Five or more of them); shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; and the same shall be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Shillings nor less than Thirty Shillings.

XLV. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to make or cause to be made Causeways in and upon the said Road, and to erect, support, and repair Arches and Watercourses upon the said Road, and cut and make Drains through any Lands lying contiguous to the said Road, and also to make or cause to be made a Road through the Grounds adjoining any narrow or ruinous Part or Parts of the said Road, (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), to be made use of by all Passengers, Cattle, Carriages, and otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is widening or repairing, and till it shall be convenient and safe for Passengers and Carriages to pass thereon, making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drains shall be made, or whereon such Arches shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners and Occupiers, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions for the said County of *Lancaster*, (to be held in the District wherein the said Premises lie), or at their Second Quarter Sessions at the farthest, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid; which Determination shall be final.

Surveyors may make Causeways, cut Drains, etc.

Making Satisfaction for the same.

XLVI. And be it further enacted, That it shall and may be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for making or repairing the said Road, in and out of any River or Brook, or out of any Moor, Waste, or Common Grounds, in any Township, District, or Place, in or near which any Part of the said Road doth or shall lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be dug, gathered, or taken away in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by landing, and for going over or through any Lands, Grounds, or private Lanes or Roads, for or with such Materials; and also it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (such Surveyor or Surveyors first having an Order in Writing of any Five or more of the said Trustees for that Purpose),

Surveyors may take Gravel, etc. in Waste Grounds, without paying for the same, levelling the Pits, etc.

also out of private Grounds, by Order of Trustees, on paying for the same.

pose), to search for, dig, gather, take, and carry away such Materials in and out of the several Grounds of any Person or Persons, (not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, Lawn, or inclosed Plantation, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees), paying such Rates for such Materials, and for the Damages done to the Owners or Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials for the Repair of the said Road shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same, the Matter shall be subject to an Appeal to the Quarter Sessions, as herein-after mentioned.

Differences to be settled at Quarter Sessions.

Surveyors not to carry away Materials out of private Grounds, without giving Notice to the Occupiers.

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

Road to be measured, and Mile Stones erected.

XLVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees, or any Five or more of them, shall think proper, and also proper Direction Posts; and if any Person shall wilfully pull up or damage any such Posts or Stones, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, and be thereof convicted before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace for the said County of *Lancaster*, either by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending, shall respectively forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings, for each Stone or Post so wilfully broken, pulled up, obliterated, or defaced, to be levied and recovered as herein-after mentioned; or if any Person shall ride upon any Footway adjoining to any Part of the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or Carriage thereon, or shall cause any Damage to be done to such Footways; or if the Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any Posts or Stones erected for the Security of the said Footways, or drive the Wheel of his Carriage against the same, or the Sides of the said Footway; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any

Dragging Timber or Stone.

any Part of the said Road any Tree or Piece of Timber, or any Stone, otherwise than upon any Wheeled Carriage, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon any Wheel Carriage, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Road to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with any sharp-pointed Instrument, so as to damage the said Road, or any Part thereof; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of the said Road, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the said County of *Lancaster*, (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to him or them for that Purpose, to administer), every Person so offending shall forfeit and pay a Sum not more than Forty Shillings nor less than Ten Shillings, for every such Offence, One Moiety whereof shall be allowed and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

XLIX. And whereas Persons guilty of Offences against this Act may be transient, Persons unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them, before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Sessions to be holden for the Division or Place where such Offence or Offences shall be committed, and on such Conviction, or for Want of such sufficient Security, to commit the Person or Persons so offending to the House of Correction for the County, District, or Place where the Offence, shall be committed, until he, she, or they shall pay the respective Penalty by him, her, or them incurred for such respective Offence or Offences, or shall give such Security as aforesaid.

Power to Collectors to detain Persons guilty of Offences.

L. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by this Act, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor or Surveyors of the said Road, or by any other Person or Persons who shall be fit for that Purpose, appointed by them or either of them, or called on to assist; and that in case any Dispute, Litigation, or Suit shall arise, or be had or prosecuted, touching or concerning any such Distress, or the Prosecution thereof, or concerning the Non-payment of the said Tolls, any such Surveyor, Collector, or other Person or Persons employed by the

Officers may distrain, and be Witnesses.

said Trustees, or in any Manner in the Execution of this Act, shall, at all Times and in all Courts, and before all Justices, be good and competent Witnesses to prove the Legality of the Distress, the Non-payment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

Any Justice may enquire into Penalties incurred and Offences committed, and determine therein.

LI. And be it further enacted, That when any Penalty by this Act imposed shall be incurred, or any Offence by this Act created shall have been committed, the Method of proceeding in respect to which is not herein-before particularly directed, any One of His Majesty's Justices of the Peace for the County in which the Offence shall be committed, may and he is hereby required, upon Complaint and Information to him thereof made, to summon before him the Person or Persons against whom such Complaint or Information shall be made, to answer the Matter thereof; and at the Time and Place appointed by such Summons, the Person or Persons complained of or informed against appearing before the said Justice, or in case of his or their not appearing (except for some reasonable Excuse) Proof being made upon Oath before the said Justice of the Personal Service of such Summons, or that a Duplicate or true Copy of the same was left at the Dwelling House or last known Place of Abode of such Person or Persons, the said Justice may and is hereby required, whether the said Person or Persons complained of or informed against do or do not appear, to proceed to examine the Merits of such Complaint and Information, and if such Offence or Offences shall be confessed by the Person or Persons so complained of and informed against, or be duly proved to the Satisfaction of such Justice, by the Testimony of One or more credible Witness or Witnesses upon Oath, such Justice may and he is hereby required forthwith to convict such Offender or Offenders, and to adjudge him or them to pay such Penalty or Penalties as he or they shall be therefore liable unto by virtue of this Act, and if such Penalty or Penalties shall not be paid immediately, in case such Offender, or Offenders appear personally to answer such Complaint or Information, or in case of his or their Non-appearance to answer such Complaint or Information, within Three Days after Notice of such Conviction given to such Offender or Offenders, or left at his, her, or their Dwelling House or last known Place of Abode, and Proof thereof, and of the Non-payment of such Penalty or Penalties, made to such Justice upon Oath, such Justice shall, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the same, together with the reasonable Costs and Charges of such Complaint and Information, and of the Distress and Sale to be made pursuant to such Warrant, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; and if sufficient Goods and Chattels of such Offender or Offenders cannot be found to answer such Distress, then such Justice is hereby required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be apprehended and brought before him the said Justice; and in case such Penalty or Penalties, and the Costs and Charges of such Proceedings as aforesaid, to be settled as aforesaid, shall not be forthwith immediately paid, such Justice is hereby required forthwith to commit such Offender or Offenders to the House of Correction for the said County, District, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless the said Penalties, and such Costs and Charges as aforesaid, shall be sooner paid, or unless such Offender or Offenders shall have compounded for such Penalties, Costs, and Charges, with the said Trustees, or any Five or more of them, and paid such Composition, which the said Trustees are hereby empowered to make and accept.

LII. And

LII. And be it further enacted, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof, as are by this Act otherwise directed to be paid, shall be paid to the Trustees, their Treasurer or Surveyor, or other Person or Persons by them appointed to receive the same, and shall be applied for the Purposes of this Act; and that it shall be lawful for the said Trustees, from Time to Time if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One-half of them, or any of them, to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing, or assisting therein; any Thing herein contained to the contrary notwithstanding.

Application of Penalties.

Trustees to reward Persons assisting in apprehending Offenders.

LIII. And be it further enacted, That Convictions for Offences against this Act, may be drawn up in the following Form, or to the like Effect; (that is to say),

BE it remembered, That on the [*here insert the Day of the Month, and Year of our Lord, and of the King's Reign*] *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of *Lancaster*, on his own Confession [*or, on the Oath of a credible Witness, or and credible Witnesses, as the Case may be*] of [*here specify the Offence, and the Time and Place when and where the same was committed*] contrary to the Form of an Act passed in the Fortieth Year of the Reign of King *George the Third*, intituled, [*here set forth the Title of this Act*] and I the said Justice do adjudge the said *A. B.* to have thereby incurred the Penalty of _____ to be paid, recovered, and applied in Manner directed by the said Act. Given under my Hand and Seal, the Day and Year aforesaid.

Form of Conviction.

Which Conviction shall be valid and effectual in Law, to all Intents and Purposes.

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

Appeal to Quarter Sessions.

LV. And

Proceedings
not to be
quashed for
Want of
Form, nor
removed by
Certiorari.

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

Limitation of
Actions.

LVI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Offence committed, or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the said County of *Lancaster*, and not elsewhere, and the Defendant and Defendants

General Issue.

in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and that if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; 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 Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may have and recover Treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have in other Cases.

Treble Costs.

Subscribers to
pay their Sub-
scription Mo-
ney.

LVII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards making and repairing, and improving the said Road, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person or Persons, as the said Trustees, or any Five or more of them, shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Name or in the Name of the Clerk or Treasurer to the said Trustees, in His Majesty's Court of Common Pleas for the County of *Lancaster*, by Action of Debt, or on the Case, by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Publick Act.

LVIII. And be it further enacted, That this Act shall be adjudged, observed, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Commence-
ment and
Term of the
Act.

LIX. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the Day on which the Trustees shall hold their First Meeting, and shall be put in Execution, and continue in Force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament.