



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 63.

An Act for more effectually improving the Roads from *Manchester*, in the County Palatine of *Lancaster*, through *Oldham* to *Austerlands*, in the Parish of *Saddleworth*, in the County of *York*; and from *Oldham* to *Ashton-under-Lyne*; and from *Oldham* to the Village of *Royton*, in the said County Palatine of *Lancaster*. [9th June 1806.]

WHEREAS an Act was passed in the Thirty-ninth Year of the 39 G. 3. Reign of His present Majesty King *George* the Third, intituled, c. 25. *An Act for more effectually repairing and improving the Roads from Manchester, in the County Palatine of Lancaster, through Oldham to Austerlands, in the Parish of Saddleworth, in the County of York; and from Oldham to Ashton-under-Lyne; and from Oldham to the Village of Royton, in the said County Palatine of Lancaster*: And whereas by virtue and in pursuance of the Powers contained in the said recited Act, the Trustees therein named have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls thereby granted, and have applied the same, together with the said Tolls, in and towards amending, altering, and repairing the said Roads, and great Progress hath been made in the doing thereof: And whereas the Powers granted

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in.

in and by the said recited Act are in many Respects defective, and the Roads therein described cannot be effectually amended, widened, repaired, improved, and kept in Repair, and the Money borrowed and now owing upon the Credit of the said Tolls be paid off unless the Term of the said recited Act is continued; and it would be more convenient to the Trustees, and beneficial to the said Roads, and to the Public, if the said recited Act was repealed, and further and other Powers granted instead thereof; May it therefore please your Majesty, That it may be enacted; and be it enacted by the King's most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 upon the Second Day of July One thousand eight hundred and six, the said recited Act, passed in the Thirty-ninth Year of the Reign of His present Majesty, shall be and the same is hereby declared to be repealed; and that on the same Day this Act shall commence and take effect, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending, widening, altering, repairing, improving, and keeping in Repair the Roads leading from the Cross at the Westerly End of *Newton Lane* aforesaid to *Austerlands* aforesaid, and from the Town of *Oldham* aforesaid to the Town of *Ashton-under-Lyne* aforesaid, and from the Town of *Oldham* aforesaid to the Village of *Royton* aforesaid; and that the Term and Tolls by this Act granted shall be and are hereby charged with and made subject to the Payment of all Monies now due and owing upon the Credit or on account of the said Act, and of the Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Former Act repealed.

Commencement of this Act.

Trustees.

II. And be it further enacted, That *Edward Abbott, James Ackers, James Ainsworth, James Allen, Jonah Andrew, Robert Andrew*, the Rector of *Ashton-under-Lyne* for the Time being, *John Ashton, Francis Dukensfield Astley, Major Bamford, Richard Bamford, Thomas Barker, James Barker, Samuel Barker, Henry Barlow, Thomas Barlow, Daniel Bayley, Jonathan Beever, William Beever, Archibald Bell, Michael Bentley, Abraham Bellott, John Birch, John Blackburne, John Booth, of Greenacres, John Booth, of Failsworth, Edward Brown, Robert Buckley, John Chadwick, William Chippendale, Abraham Clegg, James Clegg, Hatter, James Clegg, Timber Merchant, John Taylor Clegg, Arthur Clegg, John Clegg, Timber Merchant, Joseph Clegg, William Clegg, Samuel Clowes, James Cocks, William Crane, William Creswell, the Reverend John Darby, Hugh Duckworth, John Duncuft, the Reverend Thomas Drake, Doctor in Divinity, Thomas Drinkwater, John Dunkerly, John Entwistle, Richard Entwistle, the Reverend Thomas Farwocette, Henry Fletcher, James Fletcher, Matthew Fletcher, Edward Greaves, the Right Honourable George Harry Grey, commonly called Lord Grey, the Honourable William Booth Grey, the Honourable and Reverend Anchtel Grey, John Grimshaw, George Hadfield, John Hague, William Hardman, John Harrop, of Ashton-under-Lyne, John Harrop, of Dobcross, Thomas Harrop, Jonah Harrop, Isaac Harrop, the Reverend William Robert Hay, James Heape, Henry Henshaw, Thomas Henshaw, William Hibbert, James Hilton, Samuel Hilton, John Hobson, Robert Gregge Hopwood, Sir Watts Horton, Baronet, William Howard, Dauntesy Hulme, Otho Hulme, Joseph Hulme, John Jones, Joseph Jones, Joseph Jones, the younger, William Jones, Thomas Jones, Ralph Kershaw, Daniel*

Daniel Knott, Robert Keymer, the Reverend Thomas Langhorn, John Leaf, James Lees, of Austerlands, John Lees, of Ashton-under-Lyne, John Lees, of Oldham, James Lees, of Clarksfield, Joseph Lees, Edward Lees, John Lees, the younger, of Fairfield, Daniel Lees, James Lees, of Oldham-Lane, Henry Lees, Robert Lees, John Lees, of Bankside, James Mallalien, The Warden and Fellows of the Collegiate Church at Manchester for the Time being, Benjamin Marstrand, Robert Mayall, Samuel Mayall, Thomas Milne, Sir Oswald Mosley, Baronet, John Nash, Sebastian Nash, James Newton, Thomas Ogden, William Ollivant, Robert Orrell, the Reverend Charles Prescott, Joseph Radclyffe, Robert Radclyffe, John Radcliffe, Edward Springfellow Radclyffe, Charles Rider, John Roberts, Joseph Rowland, Radclyffe Sidebottom, James Smith, Thomas Stanley, James Starkie, James Stelfox, Richard Swire, John Taylor, of Ashton-under-Lyne, John Taylor, of Greenacres-Moor, John Taylor, of Primrose Bank, Samuel Taylor, of Moston, Thomas Taylor, James Taylor, of Molton, John Thorpe, Thomas Tipping, John Travis, Joseph Travis, John Twemlow, Joseph Walmesley, Charles White, Thomas Whittaker, Edmund Whitehead, the Reverend William Winter, John Winterbottom of Oldham, Abel Wood, William Wood, George Wood, John Wood, Joshua Wood, Nathan Worthington, Isaac Worthington, George Worthington, of Altrincham, George Worthington, of Audenshaw, John Wright, Thomas Wroe, John Wych, and their Successors to be elected in manner hereinafter mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

III. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect One other Person to be a Trustee in the room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, or by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads lead, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution as the Persons in whose Places they shall be respectively chosen were vested with.

On the Death of Trustees, others to be chosen.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear Yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of or entitled to a personal Estate of Two thousand Pounds, nor (except in administering the Oath hereinafter mentioned), until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath in the Words or to the effect following (that is to say);

Qualifications of Trustees.

“ I *A. B.* do swear, That I truly and *bona fide* am in my own Right [or, in the Right of my Wife] in the actual Possession and Enjoyment. [or, Receipt]

Oath.

Receipt] of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes; [or, am Heir Apparent of a Person seised of such an Estate of the clear Yearly Value of Two hundred Pounds, or, possessed of a personal Estate of the Amount of Two thousand Pounds] and that I will truly, faithfully, and impartially execute the Trusts reposed in me as a Trustee, by virtue of an Act passed in the Forty-sixth Year of the Reign of King George the Third, intituled [here insert the Title of this Act] according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me God.’

Penalty on Persons acting not being qualified.

And if any Person not being so qualified shall presume to act as such Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas held in and for the said County Palatine of *Lancaster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Trustees holding Places of Profit not to act.

Mortgagee may act.

Trustees being Justices may act as such.

V. And be it further enacted, That no Trustee shall be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act: Provided always, that any Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified or be defeated from acting as a Trustee in the Execution of this Act: Provided also, that all such Trustees as are Justices of the Peace for the said County Palatine of *Lancaster* may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

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

VI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the Trustees or any Five or more of them; but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action or Suit.

Clerks to be reimbursed their Expences.

VII. Provided always, and be it further enacted, That all and every such Clerk or Clerks in whose Name or Names any Action or Suit shall be

be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceedings he or they shall pay, bear, sustain, expend, or be put unto or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

VIII. And be it further enacted, That the said Trustees or any Five or more of them, shall meet together at the *Angel Inn* in *Oldham* aforesaid, on the Second Day of July, One thousand Eight hundred and Six, or as soon after as conveniently may be, at Ten of the Clock in the forenoon, and proceed to the Execution of this Act, and shall there adjourn themselves, and from time to time afterwards meet at and again adjourn themselves to such Place near to the said Roads as they or any Five or more of them shall think proper; and if at any Meeting to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to adjourn to another Day (Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time in either of such Cases, by Notice in writing to be affixed and inserted in Manner aforesaid at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held or was to have been held, on such a Day as shall be specified in such Notice, not exceeding Three Calendar Months, nor less than Three Weeks after the Day on which such last Meeting was held or was to have been held as aforesaid; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the space of Ten Days next after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in writing under their Hands, to be affixed and inserted in manner aforesaid, to appoint the Trustees to meet at some House near to the said Roads, upon the Day Fortnight next after the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, and no Adjournment shall be made to or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, and unless the Person or Persons applying to have any such Order or Determination revoked or altered shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks, to the Person or Persons acting as Treasurer or Treasurers to the

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said

Meetings appointed.

Clerk to call Meetings if two Trustees do not attend, or the Trustees omit to adjourn.

If the Clerk neglect or omit to call such Meetings Trustees may do so.

Hours of Meeting for Business.

Trustees to defray their own Expences.

Orders to be made at Meetings only.

Orders not to be revoked unless Nine Trustees are present.

said Trustees, to be by him or them affixed and inserted in Manner here-
inbefore mentioned at least Ten Days previous to the Meeting.

Meetings on
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the
said Trustees it shall at any Time be thought necessary that an earlier
Day of Meeting should be appointed than the Day appointed by such
Adjournment, in that Case the Clerk or Clerks to the said Trustees, upon
an Order in writing signed by Three or more of the acting Trustees, al-
though not assembled at a Meeting, mentioning the Time, Place, and
Purport of such intended Meeting, shall forthwith give Notice thereof
in the Manner before directed, and of the Time and Place which shall be
mentioned in the Order of the said Trustees (such Time not being less
than Ten Days after such Notice), and such earlier Meeting shall and may
be held accordingly; and all the Proceedings of the Trustees at every
such Meeting shall be as valid and effectual as they would have been in
case the same had been held in pursuance of Adjournment.

Trustees to
appoint
Officers.

X. And be it further enacted, That the said Trustees or any Five or
more of them, at their first or any subsequent Meeting, as Occasion
shall require, shall and may, by Writing under their Hands, elect and
appoint a Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers,
Collector or Collectors of such Monies as shall be due and payable by vir-
tue of this Act (and shall take such Security from such Treasurer or Treasurers,
Receiver or Receivers, Collector or Collectors, for the due execu-
tion of his or their Office or Offices as the said Trustees or any Five or
more of them shall think fit); and also a Surveyor or Surveyors, and such
other Officers, as they the said Trustees or any Five or more of them shall
think proper; and also may from time to time remove such Treasurers,
Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of
them, as they the said Trustees or any Five or more of them shall see Oc-
casion; and the said Trustees or any Five or more of them shall and may,
out of the Money to be raised by virtue of this Act, make such Allowance
unto the Treasurers, Clerks, Receivers, Collectors, Surveyors, or other
Officers so appointed, for and in Consideration of the Care and Pains res-
pectively taken in the Execution of their respective Offices, and to such
other Persons as shall be assisting in and about the Execution of this Act
as to them the said Trustees or any Five or more of them shall seem proper;
and all such Officers and Persons shall from Time to Time when thereunto
required by the said Trustees, or any Five or more of them, deliver to such
Trustees or to such Person or Persons as they or any Five or more of them
shall for that Purpose appoint, a true and perfect Account in writing under
their respective Hands, of all Monies which shall have been by them respec-
tively had, collected, or received, and how and to whom, and for what
Purpose the same and every Part thereof hath been disposed of, together
with the Vouchers and Receipts for such Payments, and shall verify such
Accounts upon Oath, if thereunto required by the said Trustees or any
Five or more of them (which Oath any One or more of the said Trust-
tees is or are hereby empowered to administer); and all such Officers and
Persons shall and 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 the said Officers or Per-
sons, or any of them, shall refuse or neglect to render and give such Ac-

Officers to
account.

Refusing to
account.

count as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance 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 Ten Days after being thereunto required by the said Trustees or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings in their Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf of any such Neglect or Refusal, to any Justice of the Peace for the County, Riding, or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced, in such Manner as the said Trustees or any Five or more of them might have done; and if upon Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made; or by the Oath or Oaths of any 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 empowered 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 can be found sufficient to answer and satisfy the said Money and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts and of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relative to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the Cases aforesaid the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County, Riding, or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he 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 (which Composition the said Trustees or any Five or more of them are hereby empowered to make), or until he or they

Proceedings
against Offi-
cers.

On Convic-
tion One Jus-
tice to issue
Warrants of
Distress.

For Want of
Distress the
Offender to
be committed
to Prison.

Trustees em-
powered to
compound
with Officers.

they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees or any Five or more of them: Provided always, that no Person or Persons who shall be committed for want of sufficient Distress shall remain in Prison for a longer Space of Time than Six Calendar Months.

Persons who have received Tolls, &c. by virtue of former Act to account with Trustees in like manner.

XI. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Money by virtue or on account of the said Act, and shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as the several other Officers and Persons are herein-before directed to account.

Three Trustees may appoint temporary Collectors;

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall die or be discharged; and such 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 would have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Roads, for the Space of Four Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Riding, or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Discharge those misbehaving, and appoint others till next Meeting.

Collectors refusing to deliver up Toll Houses.

Justices empowered to grant Warrant, and Constable to enter and remove such Collector.

Trustees may erect Turnpikes and Toll Houses;

XIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may from Time to Time cause to be erected and set up such and so many Turnpikes and Toll-Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Roads, and across any Lane, Street, Way, or Passage, now or at any Time hereafter leading into, or to be made, laid out, or opened into the same; and also a Toll House to each Gate or Turnpike, with suitable Out-buildings thereto; and also
may

may inclose from the said Roads such convenient Garden Spots to any of the said Toll Houses as they or any Five or more of them shall judge proper, and may cause the present or any such other Turnpikes, Toll Gates, Toll Houses, or other Buildings, from Time to Time to be taken down, removed, or altered, as they or any Five or more of them shall judge proper.

XIV. And be it further enacted, That the Tolls following shall and may 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 for that Purpose, before any Horse, Cattle, or Carriage shall be permitted to pass through any Turnpike or Toll Gate erected and set up, or to be erected and set up, in, upon, across, or on the Side or Sides of any Part or Parts of the said Roads leading from *Manchester* aforesaid to *Austerlands* aforesaid, on any Day in the Week, except *Sunday* (that is to say);

and take
Tolls.

For every Coach, Berlin, Landau, Chaise, Hearse, Chair, Curricule, Calash, or other such Carriage, drawn by Four Horses, or Beasts of Draught, the Sum of Two Shillings, and drawn by Three Horses, or Beasts of Draught, the Sum of One Shilling and Sixpence, and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling:

Tolls.

For every Chaise, Chair, or other such Carriage, drawn by One Horse, or Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain, or other such Carriage with Four Wheels, the Fellies of such Wheels being of the Breadth of Nine Inches from Side to Side at the Bottom or Sole thereof, drawn by Seven or more Horses, or Beasts of Draught, the Sum of Two Shillings and Sixpence, and drawn by Five or Six Horses, or Beasts of Draught, the Sum of Two Shillings, and drawn by a less Number than Five Horses, or Beasts of Draught, the Sum of One Shilling:

For every Waggon, Wain, or other such Carriage with Four Wheels, the Fellies of such Wheels being of the Breadth of Six Inches from Side to Side, at the Bottom or Sole thereof, and drawn by Five Horses, or Beasts of Draught, the Sum of Two Shillings and Sixpence, and drawn by a less Number than Five Horses, or Beasts of Draught, the Sum of Sixpence for each such Horse, or Beast of Draught:

For every Waggon, Wain, or other such Carriage with Four Wheels, the Fellies of such Wheels being of a less Breadth than Six Inches from Side to Side at the Bottom or Sole thereof, drawn by Four Horses, or Beasts of Draught, the Sum of Two Shillings and Sixpence, and drawn by Three Horses or Beasts of Draught, the Sum of Two Shillings, and drawn by Two Horses, or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies of such Wheels being of the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, drawn by Four Horses, or Beasts of Draught, the Sum of One Shilling and Three Pence, and drawn by Three Horses, or Beasts of Draught, the Sum of One Shilling, and drawn by Two Horses, or Beasts of Draught, the Sum of Nine Pence, and drawn by One Horse, or Beast of Draught, the Sum of Sixpence:

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies of such Wheels being of less Breadth than Six Inches from Side to Side at the Bottom or Sole thereof, drawn by Three Horses, or Beasts of

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Draught,

Draught, the Sum of One Shilling and Sixpence, and drawn by Two Horses, or Beasts of Draught, the Sum of One Shilling, and drawn by One Horse, or Beast of Draught, the Sum of Nine Pence :

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

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

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

Double Tolls
on a Sunday;

except for
Milk.

Tolls vested
in Trustees.

Persons hav-
ing paid the
Toll to re-
turn Toll
Free, if not
laden.

And that on each and every Sunday during the Continuance of this Act there shall be demanded and taken at the said Turnpikes or Toll Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, before any Cattle or Carriage shall be permitted to pass through the same, double the Tolls beforementioned to be respectively demanded and taken for every Horse, or other Cattle, Coach, Waggon, Cart, or other Carriage (except such Horses, Carts, or Carriages as shall be used or employed for carrying Milk only, the same being liable to the Payment of the same Tolls as are due and payable on any other Day of the Week, and no more), passing through any of the said Turnpikes or Toll Gates on any other Day of the Week, which said respective Sums of Money shall be demanded and taken in the Name of or as Toll ; and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof made, whether immediately on the same becoming due or at any Time after, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, or other Cattle upon which any such Toll is by this Act imposed, and also any Carriage which such Horse, Beast, or other Cattle may be drawing, together with their Saddles, Bridles, Gears, Harness, or Accoutrements, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; 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, Cattle, Beast, or Carriage so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) and what shall remain unsold upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted and paid ; and that all the Tolls to be collected or levied by virtue of this Act shall be and the same are hereby vested in the said Trustees, and shall be applied and may be assigned in such Manner as hereinafter mentioned.

XV. Provided always, and be it further enacted, That all and every Person and Persons having paid the Toll hereby authorized to be taken at any Turnpike or Turnpikes, Toll Gate or Toll Gates on any Part of the said Roads leading from *Manchester* aforesaid to *Austerlands* aforesaid, for any Carriage, Horse, or other Cattle as aforesaid, shall upon producing a Note or Ticket, Notes or Tickets denoting such Payment (and which Note or Ticket, Notes or Tickets, the Receivers or Collectors are hereby required

required to deliver gratis on Receipt of such Toll) be permitted to return Toll free the same Day, to be computed as aforesaid, through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, and through any other Turnpike or Turnpikes, Toll Gate or Toll Gates, upon the aforesaid Length of Road through which such Person or Persons shall have passed Toll free by virtue of such Note or Ticket, Notes or Tickets, with such Carriage, Horse, or other Cattle, except any Person or Persons going and returning the same Day through all or any of the said Turnpikes or Toll Gates with any Waggon, Cart, or other such Carriage laden, both going and returning, in which Case such Person or Persons shall pay One Half of the respective Toll for the same Carriage when returning through the same Turnpike or Turnpikes, Toll Gate or Toll Gates; but no such Carriage shall be deemed to be laden, unless the lading therein or thereon shall be of the Weight of Two hundred and forty Pounds Avoirdupois or upwards; provided also, that it shall be lawful for the said Trustees or any Five or more of them assembled at any Meeting to be held under this Act, to direct and order the Tolls aforesaid to be taken, collected, and received at the several Toll Gates already erected, or hereafter to be erected upon the said Roads, in such Proportion at each and every such Toll Gate as they may think proper; but nothing in this Act contained shall authorize the demanding or taking more than the Tolls aforesaid (and One Half Part of the Tolls aforesaid for any Waggon, Cart, or other such Carriage laden as aforesaid, both going and returning, or again passing a Second Time through the same Turnpike or Toll Gate) in one and the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; but such Waggon, Cart, or other such Carriage having paid the said Toll and Half Toll, shall and may afterwards pass and repass Toll-free during the remaining Part of any such Day.

Trustees may proportion the Tolls.

No more than a Toll and half Toll to be taken on one Day.

XVI. And be it further enacted, That no more than One Third Part of the Tolls authorized to be collected by virtue of this Act upon that Part of the said Roads leading from *Manchester* aforesaid to *Austerlands* aforesaid, shall be collected at any Gate or Gates to be erected or set up in the Parish of *Ashton-under-Lyne* aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldham* aforesaid, to the Town of *Ashton-under-Lyne* aforesaid, nor more than One other Third Part of the Tolls aforesaid shall be collected at any Gate or Gates to be erected or set up in the Township of *Oldham* aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldham* aforesaid to the Town of *Ashton-under-Lyne* aforesaid; nor more than One other Third Part of the Tolls aforesaid shall be collected at any Gate or Gates to be erected and set up upon, across, or on the Side or Sides of the Road leading from the Town of *Oldham* aforesaid to the Village of *Royton* aforesaid; which said several Tolls respectively are hereby authorized and declared to be taken and collected in Addition to, and over and besides the Tolls hereinbefore authorized to be taken and collected upon the said Roads leading from *Manchester* aforesaid to *Austerlands* aforesaid; but no Toll whatever shall be collected at any Gate or Gates to be erected or set up in the Parish of *Ashton-under-Lyne* aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldham* aforesaid to the Town of *Ashton-under-Lyne* aforesaid, until the same shall be diverted, altered, and effectually repaired, from or nearly from

Directing in what Proportion the Tolls shall be paid between *Ashton-under-Lyne* and *Royton*;

but no Gates to be erected; nor Tolls taken till the Road in the respective Parishes is repaired.

the Town of *Ash-ton-under-Lyne* aforesaid, to the Confines of the Township of *Oldham* aforesaid; nor shall any Toll be collected at any Gate or Gates to be erected or set up in the Township of *Oldham* aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldham* aforesaid to the Town of *Ash-ton-under-Lyne* aforesaid until the same Road shall be diverted, altered, and effectually repaired, from or nearly from a Place called *Fog Lane* to the Confines of the Parish of *Ash-ton-under-Lyne* aforesaid, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

For settling
Disputes con-
cerning the
Tolls.

XVII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof [*as the Case may happen to be*] until the Amount of the Tolls or the Charges of the Distress and Sale, and of keeping the Distress [*as the Case may happen*] be ascertained by some Justice of the Peace for the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witnesses or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose, upon the said Justice; all which Sums so determined or assessed shall be paid to the said Collector before he shall be obliged to return the Distress or the Overplus after Sale thereof, or of any Part thereof.

Toll-Bar
Keepers to be
competent
Witnesses.

XVIII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not on that account be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Toll Houses
vested in
Trustees.

XIX. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings already erected or to be erected or provided in or upon the said Roads, and of the Materials for altering or building the same, and also of all Materials gotten or collected, or to be gotten or collected for repairing the said Roads, shall be and they are hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order to be preferred any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Tolls may
be varied.

XX. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to lessen or reduce all or any of the Tolls hereby granted for such Time or Times as they the said Trustees or any Seven or more of them shall think proper, and afterwards from Time to Time advance all or any of the Tolls so lessened to any Sum or Sums of Money, not exceeding the respective Rates hereinbefore mentioned, and to order and direct such Tolls so lessened, or reduced, or advanced, to be collected, received, taken, laid out, and applied for the
Purposes

Purposes of this Act, in such Manner as the said respective Tolls are hereinbefore directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five Sixth Parts of the Money which shall have been lent or shall be charged upon the Credit of the Tolls intended to be reduced shall be consenting thereto; and that no such Reduction shall be made unless Thirty Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected upon the said Roads, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Roads lead.

XXI. And be it further enacted, That the said Trustees or any Five or more of them may and they are hereby empowered, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding one Year, at any One Time, with any Person or Persons for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

Trustees empowered to compound for the Tolls.

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, by Writing under their Hands and Seals, or under the Hand and Seal or Hands and Seals of their Clerk or Clerks, or Treasurer or Treasurers for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts of such Tolls, unto any Person or Persons for any Term not exceeding Three Years at any One Time, for the best Rent that can or may be gotten for the same, payable at such Times, and under such Covenants, and unto such Person or Persons, as the said Trustees or any Five or more of them shall direct or appoint; of which letting Fourteen Days Notice at least shall be given in Writing, to be affixed upon all the Toll Gates which shall be then erected upon the said Roads, and by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads lead; and the Monies arising thereby shall be applied in such Manner as the Tolls so let or leased are hereby directed to be applied.

Trustees may lease Tolls.

XXIII. And be it further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, Cattle, or Carriage through any Turnpike or Toll Gate continued or erected by virtue of this Act, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or shall unload any Carriage in part or in all, or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House or other Place any Carriage, Beast, or Cattle liable to pay Tolls in part or entirely, or having passed through any of the said Turnpikes or Toll Gates shall afterwards add or put any Horse or other Beast to any Carriage, and draw therewith upon any Part of the said Roads so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall

Penalty for avoiding Payment of Tolls.

[Loc. & Per.]

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have

have passed through any of the said Turnpikes or Toll Gates, with Intent to evade or lessen, or having thereby evaded or lessened the Payment of any of the said Tolls or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to the said Roads (the same not being a public Highway); or if any Person or Persons owning or occupying any Land, Ground, or other Place or private Way, shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Land, Place, or private Way, in order or with Intent to avoid the Payment of the said Tolls or any of them, or any Part thereof, or whereby or by reason or means whereof the Payment of any of the Tolls aforesaid shall or may be avoided; or in case any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage along or over the Towing Path or Paths on the Side of a certain navigable Cut or Canal called or commonly known by the Name of the *Rochdale Canal*, or any Part or Parts thereof (other than and except any of the Company of Proprietors of the said Canal, and their Successors, Agents, Servants, and Workmen employed upon the Business of or relating to the said Canal, and also except every Person and Persons, Cattle and Carriages, to be used and employed in or upon account of the drawing, towing, or hailing any Boat or other Vessel, or any Matters or Things upon or along the said Canal) whereby the Payment of any of the said Tolls hereby granted shall or may be avoided, every Person so offending in every such Case (except as aforesaid) shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds.

Exemptions
from Tolls.

XXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage passing laden with or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with any Stone, Gravel, Sand, or other Materials only for repairing the said Roads or any of the Roads in the Parishes and Townships in which the said Roads lie, or in any of the neighbouring Parishes or Townships; nor for any Carriage laden with or passing empty or unladen for, or returning on the same Day empty or unladen, after having been laden only with any Dung, Mould, Soil, or Compost of any Nature or Kind whatsoever, (other than and except Lime) for manuring of Gardens or Lands; nor shall any Toll be demanded for any Ploughs, Harrows, or Implements of Husbandry taken through any of the said Turnpikes or Toll Gates for the Purpose of using or repairing the same, nor for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land in any or the several Parishes or Townships through which the said Roads lead; nor for any Horse or any other Cattle or Sheep, going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry upon or within any of the Lands in any such Parish or Township, nor for any Horse, Cattle, Beast, or Carriage laden with or passing empty or unladen for, or returning on the same Day empty or unladen after having been laden with any Corn or Grain whatsoever, ground or to be ground at *Moston Mill*, *Ashton-under-Lyne Mill*, or at *Clayton Mill*; 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 public Place of Divine Worship, or visiting his Sick Parishioners, nor of or from any Person or Persons residing in the Townships of *Oldham*,
Chadderton,

Chadderton, Failsworth, and Newton, or the Parish of Ashton-under-Lyne, or Township of Royton, or any of them going to or returning from any Church, Chapel, or other Place of Religious Worship on Sundays, or any other Day on which Divine Worship is ordered by Authority to be performed, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Townships; nor from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of Lancaster or York, during the Time of or on Two Days before or after such Election shall begin or be concluded; nor shall any Toll be taken for any Horses or Carriages of whatsoever Description employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; nor for the Horses of any Officers or Soldiers upon their March or on Duty, or drawing any Carriage with their Arms and Baggage; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for Exercise, Inspection, or Review (provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption); nor for Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to a Gaol or House of Correction, or returning after having been so employed; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXV. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting or Meetings to be holden for that Purpose, whereof Fourteen Days Notice in Writing shall be given by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, to be affixed on all the Turnpikes or Toll Gates then erected upon the said Roads, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Roads lead, 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 all or any of the Tolls to be collected and arising by virtue of this Act, and also the Toll Houses, and Appurtenances thereunto belonging, (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Seven or more of them, upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees who shall advance and lend the same, to secure the Re-payment thereof, with such legal Interest as the said Trustees or any Seven or more of them shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls to arise or be collected at the said Turnpikes or Toll Gates are hereby directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or such other Form as the Trustees making the same may think proper (that is to say);

Trustees may
borrow Money.

Form of
Mortgage.

BY Virtue and in pursuance of an Act made in the Forty-sixth Year of
 the Reign of His Majesty King GEORGE the Third, intituled [*here*
insert the Title of this Act] and in Consideration of the Sum of
 to A. B. the Treasurer appointed by the Trustees
 for putting the said Act into execution, having been this Day paid by
 C. D. of We,
 whose Names are hereunto subscribed and Seals affixed, being Seven of
 the said Trustees, Do grant and assign unto the said C. D. his Executors,
 Administrators, and Assigns, such Proportion of the Tolls arising upon
 the Roads in the said Act mentioned, and of the Turnpikes and Toll
 Houses for collecting the same Tolls, as the said Sum of
 doth or shall bear to the whole Sum due and owing on the Credit
 of the same Tolls, or chargeable thereupon for the Term of this Act, to
 have, hold, receive, and take such Proportion of the said Tolls, Toll
 Houses, and Premises, with the Appurtenances, unto the said C. D. his
 Executors, Administrators, and Assigns, for the Residue and Remainder
 now to come of the Term for which the said Tolls are granted by the said
 Act, subject to the Proviso following (that is to say): Provided always,
 that if the said Sum of shall be repaid to the said
 C. D. his Executors, Administrators, or Assigns, together with Interest
 for the same after the Rate of *per Centum per Annum*, without any
 Deduction whatsoever, on or before the Day of
now next ensuing, then this Assignment shall be void,
 or else shall remain in full force. In Witness whereof we have hereunto set
 our Hands and Seals this Day of
 in the Year of our Lord

Copies to be
entered.Mortgages
may be
assigned.

Copies of all which Mortgages or Assignments shall be entered in a Book or
 Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or
 Treasurers to the said Trustees; and all and every Person and Persons to
 whom any such Mortgage or Assignment shall be made as aforesaid, and
 also all and every Person and Persons to whom any Mortgage or Assignment
 shall have been made under or by virtue of the said recited Act or the Acts
 thereby repealed, or who shall be entitled to the same or the Money thereby
 secured respectively, is and are hereby empowered from Time to Time, by
 Assignment under his, her, or their Hand and Seal or Hands and Seals, to
 be indorsed on his, her, or their Security, or by any other Writing or
 Writings under his, her, or their Hand and Seal or Hands and Seals, before
 One or more credible Witness or Witnesses, to assign over or transfer such
 Mortgage or Mortgages, Assignment and Assignments, and his, her, or
 their Right to the Principal and Interest Money thereby secured to any
 Person or Persons whomsoever, in the following Words, or Words to the
 like effect (that is to say):

Form of
Transfer,

I Do hereby transfer and assign this Mortgage [*or, a certain Mortgage,*
&c. as the Case may be] with all my Right and Title to the Principal
 Money thereby secured, and all Interest now due on the same, unto
Executors, Administrators, and Assigns.
 In Witness whereof I have hereunto set and put my Hand and Seal the
Day of in the Year of our Lord
 One thousand Eight hundred and

To be pro-
duced to

All which Assignments or Transfers shall be produced and notified to the
 Clerk or Clerks, Treasurer or Treasurers to the said Trustees within Sixty
Days

Days after the Date thereof respectively, who shall cause an Entry to be made of every such Assignment or Transfer, containing the Dates, Names, and Additions of the Parties, and the Sum of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages or Assignments; and for every such Entry the said Clerk or Clerks, Treasurer or Treasurers shall be paid the Sum of Five Shillings, and no more, which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward; and after such Entry made, and not otherwise, such Assignment or Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to such Mortgage and Assignment, and the Monies thereby secured, and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, and his, her, or their Executors or Administrators, shall and may in like Manner again assign or transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon.

and entered in a Book by the Clerk.

XXVI. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and they are hereby required at their First or any subsequent Meeting or Meetings, to execute and deliver unto any Person or Persons who shall be willing to advance and lend on the Credit of the said Tolls the Sum of One Hundred Pounds or upwards, to be applied and laid out in widening, diverting, turning, altering, and repairing the said Road from the Town of *Oldham* to the Town of *Ashton-under-Lyne* aforesaid, or the said Road from the Town of *Oldham* aforesaid to the Village of *Royton* aforesaid, a good, valid, and effectual Mortgage of the Tolls granted and to be collected by virtue of this Act, for each and every such Sum so to be advanced and lent and to bear and carry Interest at and after the Rate of Five Pounds *per Centum per Annum*, from the Time of advancing and lending the same; and that such Money to be so advanced and lent shall be by the said Trustees laid out and applied in the amending, widening, altering, and repairing that Part of the said last-mentioned Roads, or either of them, for which the same shall be so advanced and lent.

Trustees to borrow Money to alter the Road from *Oldham* to *Ashton*, and from *Oldham* to *Royton*.

XXVII. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Act or the Acts thereby repealed, or any of them, in respect of the Priority of advancing or of having advanced any such Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be in Proportion to the Sum or Sums of Money therein mentioned Creditors on the said Tolls, in equal Degree one with another.

No Priority of Mortgages.

XXVIII. And be it further enacted, That the said Trustees or any Five or more of them shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Act, or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof.

Old Mortgages may be called in and new ones granted.

[*Loc. & Per.*]

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thereof respectively, in Manner and transferable as hereinbefore mentioned.

Orders and Proceedings of Trustees to be entered in a Book.

XXIX. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be made and entered in a Book or Books to be kept for that Purpose, and signed by a competent Number of the said Trustees, or by their Clerk, which said Book and Books and all other Book and Books directed to be kept for registering the said Mortgages, Assignments, and Transfers as aforesaid, shall and may be produced and read in Evidence in all Courts whatsoever.

Application of Tolls, and Money borrowed.

XXX. And be it further enacted, That out of the Money already received by virtue of the said recited Act, or out of the first Monies arising by virtue of this Act, the said Trustees or any Five or more of them shall in the first Place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in any wise relating thereto; and the Remainder of such Monies shall from Time to Time be applied in amending, widening, altering, diverting, repairing, and keeping in Repair the said Roads, and in repairing or erecting Turnpikes and Toll Houses thereon, and in repairing, amending, and keeping in Repair, the old Turnpike Road leading from a Place called *Bradley Bent* in the Township of *Oldham* aforesaid towards certain Collieries in the Parish of *Ashton-under-Lyne* aforesaid, called *Park Collieries*, and to the Place where the said old Turnpike Road leads into and communicates with the said intended Turnpike Road from *Oldham* aforesaid to *Ashton-under-Lyne* aforesaid, which said old Turnpike Road is not now used as a Turnpike Road, but as a common Highway, the present Road having been diverted from *Bradley Bent* aforesaid to the Town of *Oldham* aforesaid, northwardly of the said old Turnpike Road; and also in repairing, amending, and keeping in Repair the old Turnpike Road leading from a Place, called the Bottom of *Greenacres Moor*, by a Place called *Greenacres*, to a Place called *Waterhead Mill*, all in the Township of *Oldham* aforesaid, which last-mentioned old Turnpike Road is not now used as a Turnpike Road but as a common Highway, the present Turnpike Road having been diverted from the Bottom of *Greenacres Moor* aforesaid, to *Waterhead Mill* aforesaid, made northwardly of the same old Turnpike Road, which said old Turnpike Roads respectively (now used as Common Highways as aforesaid) the said Trustees are hereby authorized and required, out of the Tolls and Duties aforesaid; to repair, amend, and keep in Repair during the Term hereby granted; and also in making and extending, in Manner aforesaid, such Highways, and Bridle Ways as at present lead into and communicate with the said Roads, but which may not hereafter lead into and communicate therewith, by reason of the diverting, turning, varying, or altering the Course or Path of the said Roads as aforesaid, and in repairing, amending, and keeping in Repair such Parts of the said Highways and Bridle Ways as shall be so made and extended as aforesaid, and in paying the Principal Money borrowed on the Credit of the said recited Act and of this Act, and the Interest due thereon, and paying and defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Surveyor to get Stone, Gravel, &c.

XXXI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees

or

or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away, any Ashlar-Stone, Coping-Stone, Wall-Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Roads, and the Bridges, Culverts, Walls, and Fences in or upon the same, in, upon, out of, or from any Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks, in any Parish, Township, or Place, in which any Part of the said Roads lies, or in any neighbouring Parish, Township, or Place, to be used in the making and repairing the said Roads, without paying any Thing for the same; and to cart and carry the same over the Lands and Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned, such Surveyor or Surveyors, or other Person or Persons filling up the Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashlar-Stone, Coping-Stone, Wall-Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds, Commons, or uncultivated Lands, Rivers, or Brooks contiguous to that Part of the said Roads therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid may, by Order of the said Trustees or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Stone and Materials as aforesaid, in, upon, or out of, from and over the Lands or Grounds of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages, for the cutting, digging, gathering, taking, and carrying away the said Ashlar-Stone, Coping-Stone, Wall-Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Waste Ground, Commons, or uncultivated Lands, Rivers, or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees or any Five or more of them shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Six clear Days' Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or to be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same, whose Judgement and Order therein shall be final and conclusive to all Parties.

Justices to
determine
Differences.

XXXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds until Notice in Writing shall have been given to the Occupier

Notices to be
given to Oc-
cupiers of
Lands before
Materials for
repairing the
Roads be

taken from
inclosed
Lands.

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 any Two or more Justices of the Peace acting for the County, Riding, or Place wherein such Premises shall lie, 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 proper, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or any Five or more of them, or to such Justices shall seem proper; and if such Occupier 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 may see fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away within the Distance of Fifty Yards of any Bridge, Mill, Mill-Weir, or Dam, on any Account or Pretence whatsoever.

No Materials
to be gotten
near any
Bridge.

Causeways,
Bridges, &c.
may be made.

XXXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them, to make Causeways in and upon the said Roads, and also to make any Ditches or Drains in and upon and at the Side or Sides of the said Roads, and in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from and off the said Roads (not being the Ground whereon any House or Building stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees), and also by Order of the said Trustees, or any Five or more of them, to build, erect, or repair and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and across any Stream, River, Brook, Water, Ditch, or Drain therein or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; and in case of any Difference concerning such Damages the Justices of the Peace of the County, Riding, or Place wherein such Grounds shall lie, at the General Quarter Session of the Peace next after such Difference shall arise, and on such Notice to be given as last mentioned, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground.

Penalty on
taking away
Materials
gotten for the
Use of the
Roads.

XXXIV. And be it further enacted, That if any Person or Persons whomsoever shall take or carry away any Materials which shall have been dug, gotten, or gathered for the Repairs or for the Use of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the purpose of getting Materials for the said Roads, before the Surveyor or Surveyors of the said Roads, and his and their Workmen shall have discontinued working therein for the

Space of Thirty Days (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Twenty Pounds.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Annoyances on any Part of the said Roads, or on the Side or Sides thereof, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or on the Side or Sides thereof, or in the Hedges or Banks adjacent thereto (not being a Park, Paddock, Garden, Orchard, Plantation, Nursery for Trees, planted Walk, or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors, shall require, the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be recovered and applied; and if after Removal of any of the said Annoyances any Person shall again offend in like Manner every such Person shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds.

Surveyors
may remove
Annoyances.

Cut down,
lop or top
Trees, &c.

XXXVI. And be it further enacted, That the said Trustees or any Five or more of them shall be and they are hereby fully empowered from Time to Time to widen, divert, turn, vary, or alter the Course or Path of any Part or Parts of the said Roads in any of the Parishes, Townships, Hamlets, or Places in which the said Roads now lie, or in any of the Parishes, Townships, Hamlets, or Places adjoining or near thereunto, and also from Time to Time to make and extend any Highways or Bridleways which at present lead into and communicate with any Part or Parts of the said Roads, but which may not hereafter lead into or communicate therewith by reason of the diverting, turning, varying, or altering the Course or Path of the Roads included in this Act, so that such Highways or Bridleways shall, after such diverting, turning, varying, or altering the Course or Path of the said Roads, leading into and communicate with such Parts of the said Roads as shall be so diverted, turned, varied, or altered as aforesaid; and the same respectively shall be done through any Commons or Waste Grounds, without making Satisfaction for the same, and also through any private Lands or Hereditaments, first making Satisfaction to the Owners thereof and Persons interested therein for the Damage they

Trustees
may divert
the Roads,
&c.

[Loc. & Per.]

14 R

may

Contract for
Lands.

may sustain thereby (provided that such Part or Parts of the said Roads as shall be so widened, diverted, turned, varied, or altered, shall not thereby be made wider than the Breadth of Sixty Feet including the Ditches; and that the Highways so to be extended as aforesaid shall not in the Parts so extended be made wider than the Breadth of Thirty Feet including the Ditches); and, for the Purposes aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the widening, diverting, turning, varying, or altering the Course or Path of any Part or Parts of the said Roads, or by the extending such Highways or Bridleways as aforesaid through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their *Cestui que* Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and also for all Femes Covert who are or shall be seized of or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees or any Five or more of them for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them or any Five or more of them all or any of such Lands or Hereditaments, or any Part thereof for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid to all Intents and Purposes; any Law, Statute, Usage, or other Matter to the contrary in anywise notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, Femes Covert, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, Femes Covert, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Dwelling-houses or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of such Roads may be intended to be widened, diverted, turned, varied, or altered, or such Highways or Bridleways extended as aforesaid, shall for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees or any Five or more of them, shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County, Riding, or Place wherein such Lands or Hereditaments do lie; and in order thereto the said Trustees or any Five or more of them are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every such Person and Persons whomsoever as shall

The Damage,
Value, and
Recompence
to be settled
by a Jury.

shall be thought necessary or proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and the said Trustees or any Five or more of them shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage, Value, or Recompence, they the said Trustees or any Five or more of them shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition and Judgment, Order and Determination thereupon, shall be final, binding, and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees or any Five or more of them are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie (commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees or any Five or more of them shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined or to give Evidence, so that no Fine be more than Five Pounds on any One Person for any One Offence.

Trustees to issue Warrants to the Sheriff to impanel a Jury.

Jury may be challenged.

Trustees may impose Fines on the Sheriff making Default, or on Jury, or Witnesses.

XXXVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person

How the Expences of the Jury and Witnesses are to be borne.

Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid; 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 Tolls, Duties, or Monies arising by virtue of this Act, or out of any Money borrowed upon the Credit thereof; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or 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 or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County, Riding or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums of Money so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after having been so ascertained and settled as aforesaid, may be levied and recovered by the Ways and Means hereinafter provided for levying and recovering of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence out of the Kingdom have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees.

Money allowed for Lands how to be paid.

Lands purchased to become a Part of the Roads.

XXXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid shall be paid, out of the Monies arising by virtue of this Act, to the Parties or Persons respectively entitled thereto, or to their Agents, or into the Bank of *England* [*as the Case may require*], in Manner hereinafter mentioned, and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees, for the Use of such Parties or Persons; and after Four Days Notice thereof given to such Parties or Persons, or their Agents, or to the Tenant in Possession of the Premises, such Lands or Hereditaments shall be laid into and made Part of the said Roads, or Part of the respective Highways or Bridleways [*as the Case may be*], in such Manner as the said Trustees or any Five or more of them shall direct, and shall be by them, or such Person or Persons as they or any Five or more of them shall appoint, sufficiently formed and made, and drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever, become

become and be taken to be a common Highway, and be from thenceforth Part of the said Roads or Part of the respective Highways or Bridleways [as the Case may be] for ever after; and shall be repaired and kept in Repair in such Manner as the Roads comprised in this Act are hereby directed to be repaired; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right or Title to such Lands and Hereditaments; and after such new Road shall be completed, the Lands constituting such former Road or any Part thereof, unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Road shall 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, in the Manner hereinafter mentioned, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied for the Purposes of this Act; and all Conveyances, being executed by the said Trustees or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County or Riding wherein such old Road shall happen to lie, shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever.

XXXIX. Provided always, and be it further enacted, that this Act shall not extend to the taking in of any Garden, Orchard, Yard, Paddock, Park, planted Walk, Avenue to a House, or Plantation, or Nursery, for Trees, or to the taking down of any Dwelling-house or other Building, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein first had and obtained.

Trustees not empowered to take in Gardens or take down Buildings, unless with Owner's Consent.

XL. And whereas by reason of the Purchases which the said Trustees are empowered or may be required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground, and of some Piece or Parcel of old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Piece or Pieces of Land, or Piece or Pieces of old Roads, either together or in Parcels as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same.

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

XLI. Provided always and be it further enacted, That the said Trustees, before they shall sell and dispose of any Piece or Pieces of old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of Overplus Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground, and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County where such Piece or Pieces of old Road or Ground shall be, by some Person or Persons noways interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the behalf of the said Trustees, and that such Offer was not then and there agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatsoever

Persons whose Lands adjoin to have the Preference.

be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made [*as the Case may be*], and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Trustees or any Five or more of them shall differ, and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to disputed Value of Premises to be purchased by the said Trustees or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which shall be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to the Purpose of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Application
of Compen-
sation when
exceeding
200*l.*

XLII. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments, which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any Five or more of them, 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 or Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or when such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or 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 said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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 or Profits of the Lands or Hereditaments so to be purchased in case a Purchase or Settlement were made.

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

Under 200l.
and above
20l.

XLIV. 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 Lands or Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where Money
is less
than 20l.

XLV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees or any Five or more of them to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Dis-

In case of not
making out
Titles;

or if Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank,

subject to the
Order of the

Court of
Chancery on
Motion or
Petition.

position of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where any
Question
shall arise
touching the
Title to Mo-
ney to be
paid, the Per-
son who shall
be in Pos-
session of the
Lands, &c. at
the Time of
such Pur-
chase shall
be deemed
entitled
thereto, ac-
cording to
such Pos-
session.

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

The Court
may order
reasonable
Expences of
Purchases to
be paid by
the Trustees.

XLVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons lia-
ble to repair
the Roads to
continue so,

XLVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or

or Hereditaments, and all other Person or Persons liable or chargeable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

XLIX. And be it further enacted, That all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable or liable to or towards the repairing or amending any Highways in the several Parishes, Townships, Hamlets, Districts, or Places, from, through, or into which the said Roads lead, shall be liable to the Repair of the same Roads, and to perform their respective Works thereon, in such and the like Manner in every respect as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively. and do Statute-duty.

L. And be it further enacted, That the respective Surveyors of the Highways for the several Parishes, Townships, Hamlets, Districts, or Places in which any Part of the said Roads shall lie, shall Twice in every Year, within Four Days after Demand made to them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account or List, in Writing under their Hands, of the Christian and Surname of every Person who within their respective Parishes, Townships, Hamlets, Districts, and Places are liable to do Statute-work, and shall distinguish in such Account or List what Statute-work each of the said Persons is liable to do and perform; and the Statute-work shall be done by all such Persons, on such Parts of the said Roads hereby intended to be made, completed, and repaired, as are within the said respective Parishes, Townships, Hamlets, Districts, and Places, in such Manner and at such Times as any Two Justices of the Peace for the County in which that Part of the said Roads is situate, upon Application made to them by the said Trustees or any Two or more of them, or by their Clerk or Clerks, or Surveyor or Surveyors, shall direct; and the said Surveyors of the Highways for such Parishes, Townships, Hamlets, Districts, and Places respectively, within Ten Days after Notice shall be given to him, her, or them by such Clerk or Clerks, or Turnpike Surveyor or Surveyors, of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Persons; and if any Surveyor for any such Parish, Township, Hamlet, District, or Place, shall neglect or refuse to deliver such Account or List to such Turnpike Surveyor or Surveyors, or shall be guilty of any Fraud therein, or shall refuse or neglect to summon such Persons to do their Statute-work as aforesaid, every such Surveyor shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds. Parish Surveyors to deliver Lists of Statute-work.

LI. And be it further enacted, That every Person who shall neglect or refuse to do such Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by such Surveyor or Surveyors to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be Penalty on not performing Statute-work.

[Loc. & Per.]

14 T

subject

subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the public Highways; and every Person who shall according to such Notice as aforesaid come as a Labourer, or with any Team, Draught, or Plough, to work on the said Roads, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team, Draught, or Plough had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Plough, shall be liable to the respective Forfeitures before mentioned; and all Persons doing such Days Work on the Roads as aforesaid shall not be liable to do any Statute-work thereon.

Justices to
determine
Statute-work.

LII. And, for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being of the several Parishes, Townships, Hamlets, Districts, or Places, from, through, or into which the said Roads hereby directed to be made, completed, and repaired shall lead, touching what Part of the Statute-work in any such Parish, Township, Hamlet, District, or Place ought to be done on the said Roads; Be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace, at any special Session to be holden for the Division or Hundred, Divisions or Hundreds, wherein such Part or Parts of the said Roads shall lie, upon Application made to them for that Purpose by the said Trustees or any Five or more of them, to adjudge and determine what Part and Proportion of the Statute-work shall be done on the said Roads by and in each and every of the Parishes, Townships, Hamlets, Districts, or Places aforesaid.

Trustees, &c.
may enter
Lands to
make the
Roads.

LIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and for their Surveyor and Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the said Lands, Grounds, and Premises, for widening, turning, varying, or altering the said Roads, or for extending the Highways or Bridle-ways respectively as aforesaid, and to stake out the same in such Manner as the said Trustees or any Five or more of them shall think necessary or proper, without being liable to or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands, Grounds, or Premises respectively for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done to the Lands or Grounds on the Side or Sides of any Part or Parts of the said Roads that shall be varied, turned, altered, or widened, whilst the same shall be making; and if any Person shall wilfully pull up, remove or destroy any of the Stakes or other Marks used in laying out or making any such Roads, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Trustees may
compound
for Statute-
work.

LIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any

any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, Districts, or Places, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part or Parts of the said Roads, all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Roads; and such Surveyor or Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Trustees may contract for Repairs.

Contracts to be binding.

LVI. And be it further enacted, That the said Trustees or any Five or more of them at any Meeting, whereof Ten Days Notice in Writing, specifying the Time, Place, and Purpose for which such Meeting is intended to be held, shall be fixed on all the Turnpikes or Toll-Gates on the said Roads, and by inserting the same in some One public Newspaper circulating in the Neighbourhood through which the said Roads lead, may, and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct an Indictment or Indictments to be preferred and prosecuted with and out of the Tolls to be collected by virtue of this Act, against the Inhabitants of all or any of the Parishes, Townships,

Trustees may direct Prosecutions at the Expence of the Tolls.

Townships, Hamlets, or Places through which the said Roads pass, and against every Person or Persons liable by reason of his, her, or their Tenure of Lands, or otherwise, to repair and amend any Part of the said Roads, who shall have neglected or refused to repair and amend the same.

Persons who may sue or be prosecuted and Persons sued or prosecuted for any Thing respecting this Act, to be indemnified.

LVII. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority of or by the Direction of the said Trustees or any Five or more of them, in every such Case the said Trustees or any Five or more of them shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Direction of the said Trustees or any Five or more of them.

Penalty on defacing Mile Stones.

LVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall, if they think necessary, cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place; and also such and so many Direction-Posts as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully pull up or damage any Direction-Posts or Mile-Stones now erected or fixed, or that shall be erected or fixed on the Side or Sides of, or adjoining to the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree, or Piece of Timber, or Stone, which shall be carried upon Wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedge-Backings, or Copse, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart or other Carriage, upon the said Roads, shall not keep his Carriage on the left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make, or assist in making, any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, (longer than may be necessary for loading or unloading the same,) in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or

Riding upon Foot Paths.

Suffering Pigs to root up the Roads. Drivers of Carriages not keeping on the left Side the Roads. Persons preventing others from passing.

Making Bonfires or letting off Fireworks, &c. Leaving Carriages, or Timber on the said Roads.

Beast of Draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Forty Shillings.

LIX. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace of the County, Riding, or Place wherein the Offence shall have been committed, or any One Justice of the Peace for the County, Riding, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid, Half to the Informer, and Half to any Five or more of the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, and applied in repairing of the said Roads; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction for the County, Riding, or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties how to be levied and applied.

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

Penalty for obstructing any Person in the execution of this Act.

LXI. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; Be it therefore enacted, That it shall be lawful for any of the said Trustees, or their Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers respectively, and such other Person or Persons as he or they shall call to his

For securing transient Offenders.

[Loc. & Per.]

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or

or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace for the County, Riding, or District, and near to the Place where the Offence or Offences shall have been committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Session to be holden for and within the County, Riding, or District in which such Offence or Offences have been committed, to answer the said Complaint; and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way; and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Common Gaol or House of Correction of the same County, Riding, or District, there to remain for any Time not exceeding Twenty-one Days, unless he, she, or they shall sooner pay the respective Penalties by him, her, or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Proceedings not to be quashed for want of Form, nor be removed.

LXII. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in the Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever into the Court of Common Pleas at *Lancaster*, or into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary notwithstanding.

Distress not to be deemed unlawful for want of Form, or the Party distrained, *ab initio*.

LXIII. Provided always, and be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may receive Satisfaction for the special Damage in an Action upon the Case.

Limitation of Actions.

LXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *York*

York or Lancaster, [as the Case may be] and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead at his, her, or their Election specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before Fourteen Days Notice shall have been thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said County of *York or Lancaster*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General
Issue.

Treble
Costs.

LXV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace to be holden for the County, Riding, or Place, within which the Cause of Appeal shall arise, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice enter into a Recognizance before some Justice of the Peace for the same County, Riding, or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Riding, District, or Place wherein such Quarter Session shall be held [*as the Case may be*] for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXVI. And be it further enacted, That the several and respective Persons who have severally subscribed Money for and towards the widening, altering, varying, and amending the said Roads or any Part or Parts thereof, shall and they are hereby required to pay the Sum or Sums of Money

Obliging
Subscribers
to pay their
Subscription.

Money so subscribed within such Time and Times, and in such Parts and Proportions, as the said Trustees or any Five or more of them shall from Time to Time order and direct, and the same shall be paid 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 or any Part thereof as aforesaid, it shall be lawful for the said Trustees or any Five or more of them to sue for and recover the same in the Names of the said Trustees or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed.

Declaring
the Act
publick.

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

Continuance
of this Act.

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

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