



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xvii.

An Act for more effectually repairing and improving the Road from *Stockport*, in the County of *Chester*, to the End of *Guide Lane*, in the County of *Lancaster*, and other Roads therein mentioned in the said Counties, and in the County of *York*; and for making a new Road from the said Road in *Bredbury*, to the Bridge over the River *Mersey* at *Portwood*, near the Town of *Stockport*.

[11th April 1816.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for the more effectually repairing and improving the Road* 44 G. 3. *from Stockport, in the County of Chester, to Saxon's Lane End, in the County Palatine of Lancaster, and other Roads therein mentioned, in the Counties of Chester and Lancaster, and in the County of York*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in Execution, and a considerable Progress hath been made in repairing and improving the Roads by the said Act directed to be made and repaired; but a large Sum of Money heretofore borrowed still remains due and owing on the Credit of the Tolls granted by the said recited Act, and cannot be paid off; nor can the said Roads be properly and effectually amended, widened, improved, and kept in Repair, unless

[Local.]

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the

Former Act
repealed, and
this Act to
take place in-
stead thereof.

the Term of the said Act be further continued; and it would be more convenient to the Trustees nominated in and appointed under and by virtue of the said Act, and beneficial to the said Roads, if the said Act were repealed, and further and other and more effectual Powers granted for repairing, widening, improving, and keeping in Repair the said Roads: And whereas it would be of great Convenience to the Neighbourhood, and of public Utility, if a new Branch of Road was made from the said Turnpike Road in the Township of *Bredbury* through *Lingard Lane* across *Brinnington Moor*, and from thence to the Bridge over the River *Mersey* at *Portwood* within *Brinnington* aforesaid, adjoining to the Town of *Stockport* aforesaid; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-ninth Day of *October* One thousand eight hundred and sixteen, the said recited Act shall be and the same is hereby declared to be repealed; and that on the same Day this Act shall commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in Repair, as well the Road from *Stockport*, in the County of *Chester*, to the End of *Guide Lane*, in the County of *Lancaster*, and from the Cross in *Ashton-under-Lyne*, in the said County of *Lancaster*, to or near *New Houses*, in the County of *York*; and also the Road branching out of the first-mentioned Road in the said Township of *Bredbury* to *Mottram-in-Longendale*, in the said County of *Chester*; as also the said intended new Branch of Road herein-before particularly mentioned and described; and the Tolls by this Act granted shall be and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit or on account of the said recited Act, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on account of this Act.

Trustees.

It. And be it further enacted, That *John Arden, Francis Dukinfield Astley, Thomas Ashton, James Buckley, Henry Buckley, James Beard, Joseph Bellott, Joshua Bruckshaw the younger, John Bostock, George Bramall, John Bramall, John Bentley, John Broadhurst, Jeremiah Bramall, Thomas Borron, Sir John Chetwode Baronet, George Hyde Clarke, Edward Clarke, William Cresswell, William Crowther, Joseph Clay, James Chetham, Matthew Carlile, John Dale, Davies Davenport, Thomas Dalton, Wilbraham Egerton, John Fletcher, Frederick William Foster, William Fox, the Honourable and Reverend Anchtel Grey, John Grimshaw, George Garside, Robert Gee, James Gee, James Grimshaw, the Reverend William Parr Gresswell, John Grimshaw, John Fowden Hindle, John Holme, Edward Hobson, John Harrop, Isaac Harrop, James Harrison, Robert Harrison, Henry Harrison, James Higginbottom, David Hyde, Samuel Hadfield, Joseph Harrop, Joseph Horsfield, John Harrop, Jesse Howard, Randal Hibbert, Benjamin Harrison, James Harrop, Thomas Harrison, James Hollingworth, George Hadfield, William Hampson, Apelles Howard, James Bradshaw Isherwood, the Reverend Shallcross Jacson, Samuel Jowett, Edmund Kershaw, Henry Kelsall,*

Kelfall, John Egerton Killer, the Reverend John Lingard, Sir John Fleming Leicester, Harry Leicester, Henry Lees, James Lees, Joseph Lees, Joseph Lane, John Lowe, John Lees, William Lees, Peter Marsland, Thomas Chetham Morrey, Thomas Marsland, George William Newton, James Antrobus Newton, James Newton, John Newton, Thomas Ousey, the Reverend Charles Prescott, the Reverend Charles Kenrick Prescott, the Reverend Kelfall Prescott, John Philips, Thomas Parker, Thomas Reddish, Edward Reddish, Edward Reddish the younger, Neddy Radcliffe, John Radcliffe, John Reddish, Edward Stracey, Edward Stelfox, John Smith, John Stringer, Nathan Sidebotham, George Sidebottom, Peter Thorniley, John Taylor, the Reverend James Turner, Joseph Thorniley, William Thorniley, Samuel Thorniley, Thomas William Tatton, the Reverend John Watson, Holland Watson, Lawrence Walker, Lawrence Walker the younger, Richard Wilson, John Wood, Nathaniel Wright, Hugo Worthington, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Roads, and the said intended new Branch of Road, and for otherwise putting this Act in Execution.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, at any Time or Times, (after such Notice as herein-after mentioned), to nominate and appoint any Number of additional Trustees, not exceeding Ten in the Whole, who shall have the same Power and Authority for executing this Act as if they had been hereby nominated and appointed.

Power to elect an additional Number of Trustees.

IV. And be it further enacted, That when and as often as any Trustee hereby appointed, or to be appointed in Manner herein-after mentioned, shall become by Bankruptcy or Insolvency disqualified to act, or shall cease to reside for the Space of Two Years together in any of the Counties of *Chester, Lancaster, or York*, or shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect one other Person, living in any of the said Counties of *Chester, Lancaster, or York*, to be a Trustee in the room of such Trustee so disqualified to act, or ceasing to reside as aforesaid in any of the said Counties of *Chester, Lancaster, or York*, or 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 and upon the said Roads, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting shall be held; and all Persons 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; and that no Trustee or Trustees shall have Power to act in the Execution of this Act, but during such Time only as he or they shall live or reside within the said Counties of *Chester, Lancaster, or York*, or one of them.

For electing new Trustees.

V. 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 in the Counties

Qualification of Trustees.

Counties of *Chester, Lancaster, and York*, or in some or one of them, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed or entitled to a Personal Estate to the Amount of One thousand five hundred Pounds, nor (except in administering the Oath following) before he shall have taken and subscribed the Oath herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath of
Qualification.

‘ **I** *A. B.* do swear, That I truly and *bonâ fide* am seised of, in my own Right, [*or, in the Right of my Wife, as the Case may be*], and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity, situated in the County of *Chester, Lancaster, or York*, of the clear yearly Value of Fifty Pounds, [*or, possessed of a Personal Estate of the Amount of One thousand Five hundred Pounds*], and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act, passed in the Fifty-sixth Year of the Reign of King *George the Third*, intituled *An Act* [*here insert the Title of this Act*].

‘ So help me GOD.’

Penalty on
acting before
having taken
the Oath.

And if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every Person so offending in all or any of the Premises 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, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoin, 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; and that no Person shall be capable of acting in the Execution of any of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except only in such Case where they shall be personally interested).

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

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, either in the Name or Names of such Trustee or Trustees as may be a Party or Parties to any Deed or Instrument in Writing upon which any Action shall or may be brought, or in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act in his or their Name or Names, or in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Trustees or Clerk, or by the act of such Clerk, without the

Consent.

Consent of the said Trustees, or any Five or more of them; but that the Clerk for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk, shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that every such Trustee or Trustees or Clerk, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies 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 Proceeding, he or they shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants, as aforesaid.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together on or before the Third *Wednesday* in the Month of *November* next after the passing of this Act, or as soon after as conveniently may be, at the House known by the Name or Sign of *The Warren Bulkeley Arms*, in *Stockport* aforesaid, and proceed to the Execution of this Act, and shall adjourn themselves, and afterwards meet yearly some Time in the Month of *October* at the Place aforesaid, or at any other Place near the said Roads, as the said Trustees, or any Five or more of them, shall think proper or convenient for putting this Act in Execution, which Meetings shall be deemed General Meetings; and the said Trustees, or any Five or more of them, shall and may at any such Meetings adjourn themselves to some convenient Place or Places at or near the said Roads respectively, and may make such further Adjournments from Time to Time for putting this Act in Execution as they shall think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees for the Purposes aforesaid, then and in such Case the Clerk to the said Trustees, by Notice in Writing to be affixed at or on all the Turnpikes then erected on the said Roads, at least Ten Days before the next Meeting, shall appoint such Trustees to meet at the House where the last Meeting of such Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of such Trustees was appointed to have been held; and that the said Trustees at all their Meetings shall defray their own Charges and 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, such Meeting not consisting of less than the respective Number herein mentioned (as the Case may be); nor shall any such Order or Determination be revoked or altered at any subsequent Meeting unless Nine Trustees shall be present, and the Majority of them shall concur therein, nor unless the Person or Persons applying to revoke or alter any such Order shall give Notice thereof in Writing to the Clerk to the said Trustees, and for want of such Clerk to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to any Meeting.

First Meeting
of the Trustees.

VIII. 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 Trustees; and

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

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such

such Orders and Proceedings so entered and signed by the said Trustees, at any Meeting of Five or more of them the said Trustees, shall be deemed and taken to be original Orders; which said Book or Books, and also the Books directed to be kept for registering the Mortgages and Assignments herein-after mentioned, shall and may be read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any Thing done in pursuance of this Act.

Meetings on
Emergencies.

IX. And be it further enacted, That if after any Adjournment of the said Trustees it shall be thought expedient that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at any Meeting, mentioning the Time, Place, and Purpose of such 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 Thirty Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Trustees
may appoint
Officers.

X. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may, at a Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the said respective Turnpike Gates then erected on the said Roads, by any Writing or Writings under their respective Hands and Seals, from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Treasurers, Receivers, Collectors, Surveyors, or other Officers, and all other Persons, who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall give unto such Trustees true and perfect Accounts in Writing under their respective Hands of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes as they, or any Five or more of them, shall direct or appoint; and if any of the said Officers or other Persons shall not give such Account, then and in such Case it shall be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall live and reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the

the Common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside to make Enquiry touching such Neglect or Refusal in a summary Way in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) upon Demand to the Party or Parties, after the Money remaining due and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices of the Peace for the respective County or Place, shall commit such Person or Persons to the common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting are hereby empowered to make: Provided always, that no Person who shall be committed for want of sufficient Distress shall remain or be detained in Prison for any longer Space of Time than Six Calendar Months.

XI. And be it further enacted, That upon the Death, Incapacity, Absconding, Misbehaving, or Absence of any Collector or Receiver of the Tolls, any Three or more of the said Trustees, though not at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the stead of such Collector or Receiver so dying or being discharged, to continue until the next Meeting of the said Trustees; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or any Three or more of them, or the Wife or Widow or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building already erected and set up by virtue of the said recited Act, or to be erected and set up by virtue of this Act, for the Space of Fourteen Days next after Demand made thereof, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, though not at a Meeting, or by their Clerk or Treasurer, then or in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County in which such Toll House or Building shall be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same

Trustees may appoint temporary Collectors.

same County, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, 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 their new appointed Officer, into the Possession thereof.

Trustees
may allow
Salaries.

XII. And be it further enacted, That out of the Tolls to be collected at each respective Turnpike, such Allowances shall be made to the Collector or Collectors of the Tolls at such respective Turnpikes as the said Trustees, or any Five or more of them, shall think proper; and that out of the Monies to arise by the Tolls collected at all the said Turnpikes, such Allowances and Compensations shall be made to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees, or any Five or more of them, shall seem reasonable.

Treasurer,
&c. to give
Security.

XIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from their Treasurers, Clerks, Collectors of the Tolls, and other Officers, for the due Execution of their respective Offices, as to such Trustees, or any Five or more of them, shall seem expedient.

Officers un-
der the former
Act to ac-
count to the
Trustees for
executing
this Act.

XIV. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the Roads comprized in this Act, shall account for and pay and deliver over the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as are herein-before directed in respect to the several Collectors and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things by virtue of this Act.

Trustees may
continue or
alter present
Turnpike
Gates, and
may set up
a Turnpike
Gate upon
the new
Branch.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Roads in the several Townships of *Bredbury*, *Haughton*, *Ashton-under-Lyne*, and *Hattersley*, and called *The Bredbury Bar*, *The Crown Point Bars*, *The Mosley Bar*, and *The Hattersley Bar*; and also may erect and set up a Turnpike Gate at the Junction of the said intended new Branch of Road with the present Turnpike Road in the Township of *Bredbury*, or from Time to Time remove the same, or any of them, and set up in lieu thereof, One or more Turnpike Gate or Turnpike Gates in, upon, across, or on the Side of any Part or Parts of the Roads directed by this Act to be made, amended, and repaired, and across any Lane or Way leading into, from, or out of the same respectively, as they the said Trustees, or any Five or more of them, may judge expedient; and may also erect and set up a Toll House to each such Turnpike, with suitable Out-buildings thereto; and may also inclose from the said Roads, or the Lands immediately adjoining such Toll House, convenient Garden Plots to the said Toll Houses respectively, as they the said Trustees, or any Five or more of them, may judge proper; such Garden Plot not to exceed One Half of a Rood of Land Statute Measure to each Toll House;

House; and may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again or altered, as they, or any Five or more of them, shall judge proper.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Trustees, or any Five or more of them, to erect and set up, or cause to be erected and set up, at any Time or Times during the Continuance of this Act, any Turnpike across any Part of the said Roads lying in the Town of *Ashton-under-Lyne* aforesaid, or in the Township of *Audenshaw*, in the said County of *Lancaster*, or in the Township of *Brinnington* aforesaid, in the said County of *Chester*.

No Turnpike to be erected within the Town of Ashton-under-Lyne, nor in the Townships of Audenshaw and Brinnington.

XVII. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houses, and Buildings erected by virtue of the said recited Act or to be erected by virtue of this Act, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Roads, and also all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten or had, or to be purchased, gotten or had, for amending and repairing the said Roads, shall be and the same 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 or Names of any Five or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer, or order to be preferred, any Bill or Bills of Indictment or Indictments against any Person or Persons who shall steal, take away, or injure the same, or shall interrupt them the said Trustees in the Possession thereof.

Toll Houses, &c. vested in the Trustees.

XVIII. And be it further enacted, That the respective Tolls following shall be demanded and taken, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriage shall be permitted to pass through any of the said Turnpikes herein-before mentioned, called *The Bredbury Bar*, *The Crown Point Bars*, *The Mosley Bar*, and *The Hattersley Bar*, or the said Turnpike intended to be erected at the Junction of the said intended new Branch of Road with the present Road in the Township of *Bredbury*, or any Turnpike to be erected in lieu of the same, or any of them; that is to say,

Power to take Tolls.

For every Horse or Beast of Draught, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair upon Four Wheels, if drawn by Six or more Horses or Beasts of Draught, the Sum of Four-pence each; and if drawn by Four Horses or Beasts of Draught, the Sum of Four-pence Halfpenny each; and if drawn by less than Four Horses or Beasts of Draught, the Sum of Sixpence each:

Tolls.

For every Horse or Beast of Draught, drawing any Calash, Chaise, or Chair upon Two Wheels, if drawn by Two or more Horses or Beasts of Draught, the Sum of Four-pence each; and if drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Horse or Beast of Draught, drawing any Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches

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OR

on the Bottom or Sole thereof, the Sum of Sixpence each; with Wheels of a Surface of Sixteen Inches, or upon Rollers of the Breadth of Sixteen Inches, the Sum of Three-pence each:

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, if drawn by Four or more Horses or Beasts of Draught, the Sum of Two-pence Halfpenny each; and if drawn by a less Number than Four Horses or Beasts of Draught, the Sum of Three-pence each:

For every Horse or Beast of Draught, drawing any Cart, Wain, or Carriage upon Rollers of the Breadth of Sixteen Inches, the Sum of One Penny Halfpenny each; and for every Horse or Beast of Draught, drawing any Waggon, or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches, the Sum of Eight-pence each:

For every Horse or Beast of Draught, drawing any Waggon upon Wheels rolling a Surface of Eleven Inches on each Side, the Sum of Three-pence each:

For every Horse or Beast of Draught, drawing any Cart, Wain, or other such Carriage, with Wheels of the Breadth of Six Inches, the Sum of Four-pence each:

For every Horse or Beast of Draught, drawing any Waggon or other such Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, the Sum of One Shilling and Sixpence each:

For every Horse or Beast of Draught, drawing any Cart, Wain, or other Carriage with Wheels of less Breadth than Six Inches, the Sum of Sixpence each:

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

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

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

One Toll and
One Half
Toll on Sun-
days, except
for Milk.

XIX. And be it further enacted, That on each and every *Sunday* during the Continuance of this Act, such Day to be computed from Twelve of the Clock on the preceding *Saturday* Night to Twelve of the Clock on the next following *Sunday* Night, there shall be demanded and taken at the several Turnpikes and Toll Gates now erected and set up, or hereafter to be erected and set up, in lieu of the said several Tolls hereby granted, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time authorize and appoint for that Purpose, Half a Toll in addition to the several Tolls granted by this Act to be respectively demanded and taken, for every Horse, Beast, or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, in Manner as aforesaid (except such Horses or other Beasts or Carriages, as shall be used and employed in carrying or conveying Milk only, the same being hereby declared liable to the Payment of the same Tolls only as are due and payable on any other Day of the Week, and no more):

Recovery of
Tolls.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall after Demand thereof made neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person

Person or Persons to be appointed as aforesaid to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, upon which such Toll is by this Act imposed, together with their or any of their Bridles, Saddles, Geers, Harness, or Accoutrements; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage or Things, Goods and Chattels so distrained, or a sufficient Part thereof, returning the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; 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 herein-after mentioned.

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

For prevent-
ing Toll
Collectors
from taking
undue Tolls.

XXI. And be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or the Charges of the Distress and

For settling
Disputes con-
cerning Tolls.

and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for such of the Counties wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Quantity of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof, forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar
Keepers not
incompetent
Witnesses.

XXII. 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 be and are hereby declared not to be incompetent to give Evidence in an such Dispute, Suit or Litigation, by reason of their being so appointed to collect the said Tolls.

Accounts to
to be kept
of Receipts
and Disburse-
ments.

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

Tolls to be
paid but once
a Day.

XXIV. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes herein-before mentioned, called *The Bredbury Bar*, *The Crown Point Bars*, *The Mosley Bar*, and *The Hatterley Bar*, or the said Turnpike intended to be erected at the Junction of the said intended new Branch of Road with the present Turnpike Road in the Township of *Bredbury*, or any Turnpike to be erected in lieu of the same, or any of them, shall be subject to the Payment of any Toll for returning through such Turnpike the same Day, before Twelve of the Clock at Night, with the same Horses, Mares, Geldings, Mules, Asses, or other Cattle, or with the same

same Coach, Chaise, Waggon, Cart, Caravan, Timber Carriage, or other Carriages, but shall return free (except such Waggon, Cart, Caravan, Timber Carriage, or other such like Carriages, which shall pass or repass through any of the said Turnpikes laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and shall return the same Day also laden with any Loading of the Weight of Five hundred Pounds, or upwards, as aforesaid; or any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, or Caravan, or by what Name soever such Carriages now is or are, or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a Public Stage Coach or Stage Coaches, or Stage Carriages employed in carrying Passengers for Hire to and from different Places; in all which excepted Cases the Tolls aforesaid shall be again paid) on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Note or Ticket shall name and specify the Gate or Gates freed by such Payment, and which Ticket such Collector is hereby required to deliver *gratis* on Receipt of the said Tolls.

XXV. And be it further enacted, That no Toll shall be demanded or taken for the passing of any Cattle or Carriage, which shall only cross the said Roads or any of them, or shall travel on them, or any of them, for the Space of One hundred Yards only.

No Toll for crossing the Road, &c.

XXVI. Provided always, and be it further enacted, That no Toll shall be demanded or taken from any Person or Persons residing within the Township of *Hattersley*; in the said County of *Chester*, for any Horse, Cattle or Beast, laden only with, or going unladen for or returning unladen, having been only laden with Corn or Grain to be ground at *Brightonly* Mill, within the Township of *Hattersley* aforesaid, for his or their own Use and Consumption in his or her Dwelling House, and not for Sale; nor shall any Toll be demanded or taken for any Horse, Cattle, or Carriage passing laden with or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with Stone, Brick, Lime, Gravel, or other Materials for making and repairing the said Roads, or for repairing the Highways in any Township through which any of the Roads directed by this Act to be repaired lead; nor for any Carriage laden with or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with Marl, Muck, Dung, Mould, Soil, Compost, or Manure of any Nature or Kind whatsoever (Lime excepted) for the improving or manuring of Land; nor for any Horse, Cattle, or other Beast, drawing any Carriage laden with or passing empty or unladen for, or returning the same Day empty or unladen, after having been laden with Grass, Hay, Straw, or Corn in the Straw only, not bought, sold, or disposed of, or carried for the Purpose of being sold or disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owner thereof, who shall not have bought the same; nor for any Ploughs, Harrows, or other Implements of Husbandry; nor for any Horse, or any other Cattle or Sheep going to or from Water, Pasture or Plough, or Tillage or Work in Husbandry, or going to or returning from any Smith's or Blacksmith's Shop to be shoed or farried; nor shall any Toll be demanded or taken 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 any of the said Counties of *Chester*, *Lancaster*, or

Exemptions from Toll.

[*Local.*]

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York,

York, on the Day before the Day or Days of such Election, or the Day after the same shall be concluded; nor for any Horse or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beasts drawing any Cart, Carriage, or Waggon employed in carrying or conveying, or going empty to fetch, carry and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horse or Horses, or other Cattle drawing any Waggon, Cart, or other Carriage which shall be employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review (provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulation of such Corps at the Time of claiming the Exemption); nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol or the House of Correction, or returning after being so employed; nor shall any Toll be demanded or taken from any Rector, Vicar, or Curate going to or returning from his own Parish Church, or other Place of Divine Worship, or visiting his sick Parishioners; nor from any Person or Persons going to or returning from his, her, or their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Townships or Parishes through which the said Roads or any of them do lead; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Carriages
employed in
His Majesty's
Service not
to be subject
to Toll for
Overweight.

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

XXVIII. Provided always, and be it enacted, That no Person shall be subject to the Payment of Toll more than once in a Day for any Horse, Mare, Gelding, Mule or Ass, laden with Milk, Whey, Butter-milk or Curds, or for the return of any such Horse, Mare, Gelding, Mule or Ass, with the empty Vessels in which such Milk, Whey, Butter-milk or Curds, shall have been conveyed; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Persons carrying Milk, &c. to pay Toll only once a Day.

XXIX. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person, in order to evade the Payment of the said Tolls, every such Person so offering or disposing of such Note or Ticket, and the Person receiving and making use of the same, shall respectively forfeit and pay any Sum not exceeding Twenty Shillings, whereof one Moiety shall go to the Informer, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are herein-after directed to be applied.

Penalty on Persons offering Tickets to evade Payment of the Tolls.

XXX. And be it further enacted, That if any Person or Persons shall with any Horse, Beast, Cattle or Carriage, pass through any Lands, Grounds, or Hereditaments (not being the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ) lying near any Toll Gate at any Time erected on the said Roads (the same not being a Public Highway); or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ) with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intent to evade the Payment of any of the said Tolls, or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse, or other Cattle or Beast, without Payment of Toll, or shall take off or cause to be taken off any Horse, or other Cattle or Beast, from any Carriage, or shall leave or cause to be left upon or near any Part of the said Roads any Carriage, Horse, Cattle or Beast, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof, or shall with such Intent unload any Goods from any Horse, Cattle, Beast or Carriage, or in any Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby authorized to be taken, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; one Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are herein-after directed to be applied.

Penalty on permitting private Passage, &c. or evading Tolls.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and may 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 herein-before mentioned, and to order and direct such Tolls so

Tolls may be varied.

to

to be lessened or reduced or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said Tolls are herein-before 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, and be then due 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 the least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates which shall be then erected by virtue of this Act, expressing the Intention of making such Reduction, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Roads do pass.

Trustees empowered to compound for Tolls.

XXXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and 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 may lease Tolls.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk or Treasurer 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 thereof, 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 Seven or more of them, shall direct or appoint, of which Letting Fourteen Days Notice at the least shall be given in Writing, to be affixed on all the Turnpikes which shall be then erected by virtue of this Act upon the said Roads, and by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass; and the Monies arising thereby shall be applied in such and the same Manner as the Tolls so let or leased are directed to be applied.

Power to make the new Branch from Bredbury through Brinnington to Portwood Bridge.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Time during the Continuance of this Act, and they, or any Five or more of them, are hereby authorized and empowered to make a new Branch of Road from and out of the present Turnpike Road within *Bredbury* aforesaid, through *Lingard Lane* and across *Brinnington Moor* within *Brinnington* aforesaid, to the Bridge over the River *Mersey* at *Portwood* within *Brinnington* aforesaid, adjoining to the Town of *Stockport* aforesaid, as herein-after mentioned, and to amend, widen, turn, or alter the Course or Path of any Highway or Road through which such intended new Branch of Road is intended to pass, not exceeding Sixty Feet in Width, and that without making any Satisfaction for any Commons or Waste Grounds through which such new Branch of Road shall be made; and also that it shall be lawful for the said

faid Trustees, or any Five or more of them, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments through which or whereupon the said new Branch of Road hereby authorized to be made is intended to pass, and to stake out and make the same in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Punishment, or Penalty for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, or Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain; and also that the said new Branch of Road shall be and be deemed to be, to all Intents and Purposes, Part of the Roads included in this Act, and are hereby intended to be repaired; and from and after the making thereof, the same shall be deemed and taken to be and shall be a Public Highway for ever to all Intents and Purposes.

XXXV. And whereas a Map or Plan describing the Line of the said new Branch of Road, and the Lands through which the same is to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners or Occupiers of such Lands, have been deposited at the several Offices of the respective Clerks of the Peace for the several Counties of *Chester* and *Lancaster*, and the West Riding of the County of *York*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the respective Clerks of the Peace for the said several Counties of *Chester* and *Lancaster*, and the West Riding of the County of *York*, to the end that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to such of the said respective Clerks of the Peace in whose Custody the said Map or Plan and Book of Reference shall be, the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Eight-pence for every Hundred Words of such Copies or Extracts of the said Map or Plan or Book of Reference; and that the said Trustees in making, widening, or repairing the said new Branch of Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

New Branch of Road to be made according to Plan and Book of Reference.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make the said new Branch of Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County or Riding in which the same shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Omission or erroneous Description not to prevent the Trustees from executing this Act.

[Local.]

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XXXVII. And

Trustees
may at public
Meetings
order Engines
to be erected
for the weigh-
ing of Car-
riages, and
may take ad-
ditional Tolls
for Over-
weight.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any public Meeting, if they shall think proper, to order and cause to be erected and built at any or as many Gate or Gates, Bar or Bars, erected or to be erected upon any Part of the said Roads, or at such Distance from any Turnpike or Toll Gate as they shall think requisite and expedient, a Crane, Machine or Engine, with a suitable House or other Building thereto, proper for the weighing of Carts, Waggon, or Carriages conveying of any Goods or Merchandise whatever; and to each such Crane, Machine or Engine, to order or cause to be erected a Turnpike Gate or Toll Gate (if they the said Trustees, or any Five or more of them, shall think proper) across the said Roads, and by Writing signed by them, or any Five or more of them, to order all and every or any such Carriage or Carriages which shall pass loaded through any such Gate or Bar, or shall come upon any Part of the said Turnpike Roads within the Distance of Fifty Yards from any such Crane, Machine or Engine, although the same Carriage or Carriages shall not have passed through any Toll Gate or Turnpike Gate, to be weighed, together with the Loading thereof; and it shall be lawful for the said Trustees, or any Five or more of them, to order any Person or Persons to receive and take, over and above the Tolls hereby granted, the following Sums of Money as additional Tolls:

Tolls for
Overweight.

For every One Hundred Weight of One hundred and twelve Pounds to the Hundred, which any Waggon, Cart, or Carriage, together with the Loading thereof, shall weigh, at any Weighing Machine or Engine hereafter to be erected by virtue of this Act, over and above the Weights allowed to each of them respectively by the said Act of the Thirteenth Year of the Reign of His said present Majesty; (that is to say),

For the First and Second Hundred of such Overweight, the Sum of Three-pence for each One Hundred:

For every Hundred of such Overweight above Two hundred and not exceeding Five hundred, the Sum of Sixpence:

For every One hundred of such Overweight above Five hundred and not exceeding Ten hundred, the Sum of Two Shillings and Sixpence:

For every One hundred of such Overweight above Ten hundred and not exceeding One thousand five hundred, the Sum of Five Shillings:

And for every One hundred of such Overweight above One thousand five hundred, the Sum of Twenty Shillings.

Tolls vested
in Trustees.

Which said additional Toll or Duty hereby granted and made payable shall be vested in the said Trustees, and shall and may be levied and recovered, in any of the Cases aforesaid, upon any Person liable thereto, or upon his or her Goods or Chattels, who shall, after Demand made thereof, refuse or neglect to pay the same, in such Manner as any other Toll or Duty is hereby directed to be levied and recovered; and the Money arising from such Toll or Duty shall be applied to the Repair of the Turnpike Road where the same shall be collected.

No Toll but
for Over-
weight at any
Weighing
Machine.

XXXVIII. Provided always, and be it enacted, That no Toll or Duty shall be collected or payable at any Turnpike Gate or Toll Gate to be erected at any such Crane, Machine or Engine, for the Use of any such Crane, Machine or Engine only, for any Carriage passing through the same and being weighed, except for Overweight as aforesaid.

XXXIX. And

XXXIX. And be it further enacted, That the Keeper of every such Toll Gate or Bar, where any such Weighing Machine shall be erected, or any other Person to be appointed by the said Trustees, or any Five or more of them, to the Care of such Crane, Machine or Engine, shall and is hereby required to weigh all such Waggon and Carts liable to be weighed by virtue of this Act, which shall pass laden through such Gates or Bars respectively, or shall come within the Distance of Fifty Yards from any such Crane, Machine or Engine, without passing through any such Turnpikes or Toll Gates, or Toll Bars respectively, and which he shall have reason to believe carry greater Weights than are allowed to pass without paying such additional Tolls; and if any Gate Keeper or Person so appointed shall permit any such Waggon or Cart to pass through any such Toll Gate with greater Weight than is allowed as aforesaid, without weighing the same, and receiving such additional Tolls as aforesaid, and every Owner or Driver of any such Waggon or Cart, which shall pass loaded through any such Gates or Bars respectively, or shall come upon any Part of the said Turnpike Roads, within the Distance of Fifty Yards from any such Crane, Machine or Engine, who shall refuse to suffer his Carriage to be weighed, upon his being required so to do by the Collector or Receiver of such additional Tolls, although such Waggon or Cart shall have passed beyond the Distance of One hundred Yards from any such Gates or Bars respectively, or beyond any such Crane, Machine, or Engine as aforesaid, every such Gate Keeper or Person so appointed as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Owner or Driver, being the Owner of every such Waggon or Cart, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and the Driver of every such Waggon or Cart, not being the Owner, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Person appointed by the Trustees shall weigh all loaded Carriages which he has reason to suspect carry Overweight.

XL. And, in order to detect the said Collector or Receiver in any fraudulent Connivance or Neglect of Duty in the Matters aforesaid, be it further enacted, That it shall be lawful for any Trustee, Creditor, Clerk, Treasurer, or Surveyor of the said Roads respectively, if he shall suspect any Connivance or Neglect as aforesaid, to cause any Carriage liable to be weighed by virtue of this Act, which shall have passed through any Toll Gate, or shall come upon any Part of the said Turnpike Roads within the Distance of Fifty Yards from the Place where any such Crane, Machine, or Engine shall be erected, and shall not have passed or be above Three hundred Yards beyond or from such Toll Gate or Weighing Machine, to return to such Weighing Engine, and be there weighed with the Loading thereof in the Presence of such Trustee, Creditor, Clerk, Treasurer, or Surveyor, upon requiring the Driver thereof to drive such Carriage back to such Weighing Engine, and upon paying or tendering to him the Sum of One Shilling for so doing (which Sum of One Shilling shall be returned to the Person paying the same, if upon weighing such Carriage and Loading the same shall be found above the Weight hereby allowed); and the said Trustees, or any Five or more of them, shall and are hereby authorized and required to inclose from the said Roads, or to purchase and inclose from the Lands adjoining thereto, sufficient Ground for the Purpose of erecting such Cranes, Machines or Engines, and Houses and other Buildings and Conveniences thereto, and for the Purpose of making

To detect Fraud in the Gate Keeper, Trustees, &c. may compel the Carriages within Fifty Yards to return and be weighed.

ing convenient Places for turning such Carriages upon every such Road, where any such Weighing Engine shall be erected, on each Side thereof, if the Ground will admit of the same; and there shall be a List of the Names of all the Trustees and Creditors, and also of the Clerk, Treasurer, and Surveyor of such Roads respectively, put up in the House or Building where such Weighing Engine shall be placed, to be inspected by the Owner or Driver of every such Carriage; and if the Driver of any such Carriage, being so requested to return with his Carriage to such Weighing Engine, shall neglect or refuse so to do, he shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Peace Officer, or other Person or Persons being then present, upon such Neglect or Refusal, to drive and take such Carriage back to such Weighing Engine, in order that the same may be weighed as aforesaid.

Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, not to be weighed.

XLI. Provided always, and be it further enacted, That the Regulations of Weight herein-before mentioned shall not extend or be deemed or construed to extend to any Waggon, Carts, or other Carriages employed only in Husbandry, or carrying only Manure for Land, Hay, Straw, Fodder, or Corn unthrashed, excepting Hay or Straw carried for Sale.

Penalty on Persons unloading, &c. to avoid paying the additional or any other Toll.

XLII. And be it further enacted, That if any Person or Persons shall load or cause to be unloaded any Goods, Wares, or Merchandize from any Waggon, Cart, or other Carriage, at or before the same shall come to any Turnpike Gate or Weighing Machine, erected by virtue or in pursuance of this Act, or shall load or lay upon any such Carriage, after the same shall have passed any such Turnpike or Weighing Engine, any Goods, Wares, or Merchandize taken or unladen from any Horse, Cart, or other Carriage belonging to or hired or borrowed by the same Waggoner or Carrier, in order to avoid the Payment of the said respective Duties of Three-pence, Sixpence, Two Shillings and Sixpence, Five Shillings, and Twenty Shillings *per* Hundred, in the Cases aforesaid; or if any Person shall so unload, in order to carry considerable Quantities through any Turnpike Gate in one and the same Day, and thereby pay less Toll at such Turnpike Gate than would have been paid if such Goods, Wares, or Merchandize had not been so unloaded, such and every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted before One or more Justice or Justices of the Peace for the Limit where the Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall forfeit and pay any Sum not exceeding Five Pounds, to be levied upon the Goods and Chattels of the Owner of such Cart, Waggon, or other Carriage; and each and every Driver, not being the Owner of such Waggon or Carriage so offending, and being thereof so convicted as aforesaid, shall be committed to the House of Correction, there to remain for any Time not exceeding the Space of Three Calendar Months.

Penalty on Persons driving Carriages out of the Road to avoid the Toll, and

XLIII. And be it further enacted, That if the Owner of any Waggon, Cart, or other Carriage, or other Person, being the Driver thereof, travelling on the said Roads where any Toll Gate or Weighing Engine is or shall be erected, shall drive or turn out of the same into any other Road, in order to avoid being weighed, or to avoid the paying of Toll, and shall afterwards

afterwards proceed with such Carriage into and on any Part of the said Turnpike Roads, every such Owner or other Person, convicted of such Offence before One or more Justice or Justices of the Peace for the Limit where such Offence shall be committed, upon the Oath of one or more credible Witness or Witnesses, shall forfeit, if he be the Owner, any Sum not exceeding Five Pounds; and if he be the Driver and not the Owner, any Sum not exceeding Fifty Shillings upon Conviction for every such Offence.

afterwards re-
turning upon
it.

XLIV. And be it further enacted, That no Carriage liable to be weighed by virtue of this Act shall pass along the said Roads, unless the same shall be made and constructed in such Manner that no Pair of such Wheels shall be wider than Four Feet Six Inches from Inside to Inside, to be measured on the Ground (except Wheels having the Soles of the Fellies thereof of the Breadth of Nine Inches, which shall be so constructed as to roll a Surface of Sixteen Inches); and that the wider Part of such Wheels shall not be more than Five Feet Eight Inches from Inside to Inside, to be measured on the Ground; and that the Distance from the Centre of the Fore Wheel to the Centre of the Hind Wheel of any Waggon or Four-wheeled Carriage, not being used for the Carriage of Timber only, be not above Nine Feet, to be measured from the Centre of the Axletrees, at the End thereof, on Pain of the Owner or Owners of every such Waggon, Wain, or Cart, forfeiting any Sum not exceeding Five Pounds for every such Offence; and the Surveyor or Surveyors, Gate Keeper or Gate Keepers of the said Roads, is and are hereby authorized and required, at any Turnpike or Toll Gate, or at any other Place upon the said Roads, to measure every such Waggon, Wain, or other such Cart; and if any Master or Driver of any Waggon, Wain, or other such Cart, shall hinder or refuse to permit such Surveyor or Surveyors, Gate Keeper or Gate Keepers, to measure such Waggon, Wain, or Cart as aforesaid, he or they shall forfeit any Sum not exceeding the Sum of Five Pounds; and it shall not be lawful for any such Waggon, Wain, or Cart, not permitted to be measured as aforesaid, to pass along the said Roads.

Distance fixed
for the Wheels
of Carriages
to be weighed.

XLV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may 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 so much and so many Direction or Guide Posts, as to the said Trustees, or any Five or more of them, shall seem meet; and if any Person shall wilfully pull up, damage, or destroy any of the said Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person or Persons shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall do or cause any Damage to be done to such Footway; or if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone which shall be carried upon Wheel Carriages, to drag upon any

Milestones to
be set up,
and Penalty
on Persons
damaging
them, and to
prevent Nui-
sances on the
Roads.

[Local.]

4 I

Part

Part of the said Roads to the Prejudice or Injury thereof respectively; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the said Roads, or any Part thereof, or the Fences, Hedges, Backings, or Copse on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, 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 or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage, under his Care; or if any Person 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, or play at Football, or any other Game or Games, 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 Beast of Draught harnessed or yoked thereto, or shall not place the same during the loading or unloading thereof as near to the Side of the said Roads as conveniently may be, 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 or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors
may make
Causeways,
&c.

XLVI. 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, and also Ditches and Drains in and upon the said Roads, and also through any Grounds lying contiguous thereto, in order to conduct the Water from off the said Roads; and also to widen any Part of the said Roads, by opening, clearing, and laying unto the said Roads any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the Roads not exceeding Sixty Feet in Width; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, or narrow or ruinous Part of the said Roads, not being the Ground whereon any House or Out-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, previously to the First Day of *January* One thousand eight hundred and sixteen, to be made use of as a Public Highway whilst the High Road is repairing or widening; and also, by Order of any Five or more of the said Trustees, to build, erect, and repair, or keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part of the said Roads, and across any Stream, Brook, Water, Ditch, or Drains thereon or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged

adjudged reasonable by the said Trustees, or any Five or more of them; and in case of any Difference concerning the Damages, the Justices of the Peace for the County or Place where such Difference shall arise, at the General Quarter Sessions 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 by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of such 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 that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Lands.

XLVII. 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 any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashler Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing the said Roads, and the Bridges, Culverts, Walls, and Fences in or upon the same, in, upon, out of or from any Commons or Waste Grounds, or Common Rivers or Brooks, in any Parish, Township, or Place in which any Part of the said Roads lie, 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 away the same over the Lands or Grounds of any Person or Persons, making Satisfaction as after mentioned, such Surveyor or other Person filling up the Pit or Pits, and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pit or Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashler 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 or Commons, 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 any Pit or Pits, and get, gather, take, and carry away 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 any House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds, such Damages for the cutting, digging, gathering, taking, and carrying away the said Ashler 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 Commons or Waste Grounds, Common Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable;

Surveyors to
get Gravel,
&c.

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, or the Value of such Materials, then and in every such Case any Two Justices of the Peace of the County or Place wherein such Lands or Grounds shall lie, within Forty Days next after such Difference shall arise, and on Three clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at his or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Value of such Materials, and the Costs attending the hearing and determining the same.

Surveyors
not to carry
away Mate-
rials out of
private
Grounds,
without giv-
ing Notice
to the Occu-
pier.

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

Penalty on
taking away
Materials got
by the Sur-
veyors.

XLIX. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground, and Person 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 Five Pounds.

Surveyors
may remove
Annoyances.

L. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time, (such Surveyor or Surveyors having an Order for that Purpose
from

from the said Trustees, or any Five or more of them), to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Compost, Rubbish, Straw, or otherwise, and convert the same to his and their own Use and Uses, 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 at the proper Season of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively, not being a Garden, Orchard, Plantation, 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 Seven 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 to be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after removing 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 Five Pounds.

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

Penalty on
obstructing
Surveyor.

LII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of Eleven or more of such Trustees, such Majority not to consist of less than Seven at any Time or Times during the Continuance of this Act, and they are hereby authorized and empowered, to widen any Part or Parts of the said Roads to be repaired and kept in Repair by this Act, for the Accommodation of Passengers through any private Lands, Grounds or Hereditaments, under such Terms and Satisfaction as are herein-after mentioned, and also through any Commons or Waste Grounds, without making any Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments through which or whereupon the said Roads hereby authorized to be widened are intended to pass, and to stake out and make the same in such Manner as they the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment for entering or continuing upon any

Power to
widen any
Part of the
Roads:

[Local.]

4 K

Part

Part or Parts of such last-mentioned Lands, Grounds, or Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain.

Trustees may purchase, and incapacitated Persons sell Lands and other Hereditaments wanted for the Purposes of this Act.

LIII. And be it further enacted, That for the Purposes aforesaid it shall be lawful for the said Trustees, or any Five or more of them, to contract 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 making, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatever, for and on the Behalf of any Infants, Females Coverts, or *Cestuique* Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same, as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and they are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

LIV. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, 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 Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments intended to be taken in and added to any of the said Roads, and through which any of the said Roads shall be intended to be turned as aforesaid, shall, for the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Persons, Men of the Counties of *Chester*, *Lancaster*, or *York*, (as the Case may be), which Oath any Two or more of the said Trustees are hereby empowered and required to administer, what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Persons as aforesaid, for or on account of the turning of such Roads through such Lands or Grounds; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every

Person or Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two of the said Trustees are hereby empowered to administer); and they 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 better Information in the Premises; and such Trustees shall order, adjudge, and determine the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition of the said Jury, and Judgment, Order, and Determination, shall be final and binding to all Intents and Purposes against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants and Females Covert, and Persons under any other Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out a Warrant or Warrants to the Sheriff of the respective County, (as the Case may be), thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return 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 swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service to the Number of Twelve.

LV. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenge against any of the said Jurymen; 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 on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, for refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting 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 touching the Premises, shall refuse or neglect to appear, or refuse to be examined and give Evidence, and from Time to Time to levy and apply such Forfeitures in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

Juries may be challenged, and Sheriffs fined, for Default.

LVI. And

Money allowed for Lands, how to be charged and tendered.

LVI. And be it further enacted, That all and every Sum and Sums of Money or Recompence, to be agreed for or ascertained as aforesaid, shall be and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing of the respective Roads so to be widened, turned, or altered, or on the Monies to be borrowed on the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to take and accept of the same, or on depositing the same in the Bank of *England* in Manner herein-after directed, as the Case may be, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into Possession of and to lay such Land or Ground into the said Roads, and to do all and every such Act, Matter, or Thing with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Roads, shall be deemed and taken to be, and shall be to all Intents and Purposes, a Public and Common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Roads hereby appointed to be made, repaired, and widened, are by this or any other Law to be repaired; and after such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste, or to some Town or Place to which such new Road shall not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied in such Manner as the Tolls hereby appropriated to the Repair of the Road so to be sold as aforesaid are directed to be applied; but this Act shall not extend to give Power to the said Trustees, or any Five or more of them, to take down any House or other Building, or to take in any Land that is a Garden adjoining to any Dwelling House, or any Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or Nursery for Trees, or any Part thereof, such Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue, or Nursery, not having been made or planted within the Space of One Year immediately preceding the Commencement of this Act, without the Consent in Writing of the Owners and Occupiers thereof respectively first had and obtained.

By whom Expences of the Jury shall be paid.

LVII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons, in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give and deliver a Verdict or Assessment

Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County, not interested in the Matter in Question, (who is hereby authorized and required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures: Provided always, that in case any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of any Money to be raised or received under or by virtue of this Act.

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

Application
of Compen-
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exceeding
200l.

[*Local.*]

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them as at the Time of making such Conveyances and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 20*l*. nor less than 20*l*.

LIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20*l*.

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

In case of not making out Titles, &c.

LXI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums shall be so ordered to be paid as aforesaid shall not

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 shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the 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 Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or 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 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 and Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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 shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

LXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Persons or Corporation, entitled to any Lands or Hereditaments to be purchased under the Authority Court may order reasonable Expences to be paid by the Trustees.

rity 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 Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

Persons whose Lands adjoin to have the Preference.

LXIV. And whereas by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered and 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 seized of some Piece or Parcel of the said old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it 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 Ground, or Piece or Pieces of the said old Roads, either together or in Parcels, as they shall find most advantageous and convenient to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of the said 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 resell 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 repurchase the same respectively, any Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Riding where such Pieces or Parcels of old Road or Ground shall lie, 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 thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and refused by the Person or Persons to whom it was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case or Cases the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before 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 herein-before directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales, which may be made by the said Trustees of such Piece or Parcel of old Road or Ground as aforesaid, shall be applied to

to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

LXV. 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 be fixed on all the Turnpike Gates then erected on the said Roads, and inserted in one or more public Newspaper or Newspapers circulating in the Neighbourhood through which the said Roads pass, 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 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 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 said Tolls to arise or be collected at the said Turnpike Gates are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the following Form, or such other Form as the said Trustees making the same shall think proper; (that is to say),

Trustees
may borrow
Money upon
Mortgage of
Tolls.

‘ BY virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act* [here insert *the Title of this Act*], 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 of the Trustees, do grant and assign unto the said *C. D.* 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 said Tolls, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit of the said Tolls, or charged thereupon for the Term of the said 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.* Executors, Administrators, and Assigns, for the Residue and Remainder now to come of Years 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.* 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

Form of
Mortgage.

[Local.]

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main in full force. In witness whereof, we have hereunto set our Hands
and Seals this Day of .

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 Treasurer to the said Trustees; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the same, or the Money thereby secured, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal, to be indorsed on his or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, before one credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest thereby secured to any Person or Persons whomsoever, by signing an Instrument to be annexed to such Security, before one credible Witness, in the following Words, or Words to the like Effect; (that is to say),

Form of
Transfer.

‘ I *A. B.* do transfer this Assignment, with all my Right and Title to the
Principal and Interest thereby secured, and to all the Interest now due
thereon, unto *C. D.* Executors, Administrators, or Assigns.
Dated this Day of
Witness, *E. F.* *A. B.*’

Transfers to
be entered
in a Book.

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Twenty-one Days after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names, and Additions of the Parties, and Sums of Money therein mentioned to be assigned and transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which the Clerk or Treasurer shall be paid the Sum of Ten Shillings and Sixpence, and no more; and 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, or their Executors, Administrators, or Assigns, to such Mortgage or Assignment, and the Monies thereby secured, and so assigned or transferred, and to the Benefit thereof and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, shall and may in like Manner assign and transfer the same again, 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, and discharge the same, or any Monies due thereon.

No Priority
in Mortgages.

LXVI. 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 former Act, in respect to the Priority of advancing, or of having advanced any Sum or Sums of Money, but that all Persons to whom such Mortgages or Assignments shall have been or shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money, and on the Terms therein mentioned, Creditors on this Act in equal Degree one with another.

LXVII. And be it further enacted, That the said Trustees, or any Seven 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, and give and execute another Mortgage or other Mortgages, instead and in lieu respectively, in Manner and transferable as herein-before is mentioned. Power to cancel old Mortgages and give new ones.

LXVIII. And be it further enacted, That all Monies, and other Effects which the said Trustees, or any of them, or any Treasurer, or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said former Act, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Money arising or to arise by virtue of the said recited Act or this Act, the Expences of procuring and passing this Act shall be first paid and discharged; and the Remainder thereof shall from Time to Time be applied in amending, widening, altering, turning, repairing, and keeping in Repair the said Roads, and in paying the Principal and Interest of all Monies now due and owing on the Credit of the said recited Act, or which may hereafter become due and owing on the Credit of this Act, and in defraying the Expences attending the Execution of this Act, and to or for no other Use or Purpose whatsoever. Application of Tolls.

LXIX. And be it further enacted; That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, or Sewers lying and being in and upon the said Roads, or any of them, have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or howsoever, all and every such Part and Parts of the said Roads, and all such Bridges, Arches, Drains, and Sewers shall from Time to Time be maintained and kept in Repair by such Person or Persons, Bodies Politic and Corporate, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act, (save and except the said new Branch of Road from and out of the present Road, in the Township of *Bredbury*, through *Lingard Lane* aforesaid, and across *Brinnington Moor* aforesaid to the Bridge at *Portwood* over the River *Mersey*, near the Town of *Stockport*); all which said new Branch of Road shall for ever hereafter be maintained and kept in Repair in Manner herein-after mentioned; (that is to say), so much thereof as lies within the Township of *Bredbury* aforesaid, by the Inhabitants at large of the said Township of *Bredbury*, and so much thereof as lies within the said Township of *Brinnington*, by the Inhabitants at large of the said Township of *Brinnington*. Persons liable to repair Roads, Bridges, &c. to continue so.

LXX. Provided always; and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be, or are by this Act made chargeable towards repairing and amending the said Roads, or any Parts thereof, shall remain and be liable thereto in like Manner as they were before the passing of this Act, or as they are by this Act made chargeable and liable thereto, or as any Inhabitants or other Persons are liable thereto by Law in respect of the Roads in their Parishes; and it shall be lawful for any Two or more Justices of the Peace of any of the said Counties of *Lancaster*, *Chester*, and *York*, within their own Jurisdiction, Statute Labour.

diction, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads, or any Part thereof do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Compensation for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the issuing of such Summons, either personally or by leaving the same at his, her, or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compensation for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads, as the said Justices shall think reasonable, and the same shall be done on such Days, and such Times, (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons, who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees, or to their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct, and in default of Payment thereof the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads,

or

or any Part thereof, shall be found idle or negligent by any Surveyor to the said Roads, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case any such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wholly neglect to give in such Lifts as aforesaid, or shall knowingly or wilfully give in false or imperfect Lifts, every such last-mentioned Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXXI. Provided always, and be it 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, Feoffees, and Committees of Lands, Tenements, or Hereditaments which are or shall be liable to or charged with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places first had at any Vestry or other Public Meeting of such Inhabitants, 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; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

LXXII. 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 delegate or appoint, are hereby empowered to contract with any Person or Persons for the altering, widening, repairing, or making the said Roads, or any Part thereof, and for erecting and setting up 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, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Persons who shall sign the same, his, her, or their Executors or 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,

[*Local.*]

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and

Power to
compound
for Statute
Labour.Trustees may
contract for
Repairs.

and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively; and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any Part thereof, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or 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 compound for Penalties.

LXXIII. And be it further enacted, That in all Cases where any Actions, Suit or Suits, shall be brought, commenced, or prosecuted against any Person or Persons, for any Penalty or Penalties contained in this Act, or for Breach or Non-performance of any Contract or Contracts entered into, it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound and agree the same for such Sum or Sums as they shall think proper, instead of receiving the Whole of such Penalty or Penalties; but the Sums compounded or agreed for shall not be less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all the Costs, Charges, and Expences which shall be occasioned thereby.

Distress not to be deemed unlawful for want of Form, &c.

LXXIV. And be it further enacted, That where any Distress shall be made for any Penalty, or Sum or Sums 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 *ab initio*, or on account of any Irregularity which shall hereafter be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, may, at any Time before Issue joined, pay into Court such Sum of Money as he or they shall think fit; whereupon such Proceedings, Orders, or Judgments shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Penalty on Persons obstructing the Execution of this Act.

LXXV. And be it further enacted, That if any Person or Persons shall assault or hinder, or cause to be assaulted or hindered, the Collectors of the said Tolls; or any of them, in the Execution of any Part of this Act, every such Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

For securing transient Offenders.

LXXVI. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it therefore enacted; That it shall be lawful for

for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place, and near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law.

LXXVII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the said Counties of *Chester, Lancaster, or York*, or any Adjournment thereof, upon any Appeal by virtue of this Act, either upon the Appellant or Respondent, and any such Person or Persons shall respectively refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, or at such Sessions, or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Penalty on
Witnesses
not attending
when sum-
moned.

LXXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines here inflicted or authorized to be imposed, if the Manner of levying and Recovery thereof is not herein otherwise directed, upon Proof of the Offences respectively before any One Justice of the Peace of the County, Riding, or Place wherein the Offence shall be committed, either by Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), shall 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 to their Treasurer or Clerks, and applied in the Repair of the said Roads; and in case sufficient Distress shall not 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 County Gaol or House of Correction of the County or Place wherein the Offence shall be committed, there to remain without Bail

Recovery and
Application
of Penalties.

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.

Justices may
cause the
Conviction
to be drawn.

LXXIX. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words; or in any other Form of Words to the like Effect, (as the Case may happen), and shall not be obliged to set forth the Evidence at length; (that is to say),

Form of
Conviction.

‘ To wit, } BE it remembered, That on the Day of
‘ Majesty, in the Year of our Lord A. B. is
‘ convicted before One of His Majesty’s Justices of the
‘ Peace for the County of [*here specify the Offence, and when and where*
‘ *committed*] contrary to the Form of the Statute made in the Fifty-sixth
‘ Year of the Reign of His Majesty King George the Third, intituled
‘ [*here set forth the Title of this Act*], and I do therefore declare and
‘ adjudge the said A. B. hath forfeited, for the said Offence, the Sum
‘ of or shall be committed to for the
‘ Space of . Given under my Hand and Seal, the
‘ Day and Year first above written.’

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

LXXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, for which no particular Method of Relief hath been herein-before appointed, such Person and Persons shall and may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden in and for the said Counties of *Chester, Lancaster, or York*, as the Case may happen, within Three Calendar Months next after any Order or Determination of the said Trustees, or any Five or more of them; such Appellants first giving or causing to be given Ten Days Notice at the least in Writing of their or his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Six Days next after such Notice given entering into Recognizance before some Justice of the Peace for the said Counties of *Chester, Lancaster, or York*, as the Case may happen, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions, and to pay such Costs as shall be awarded by the said Justices at such Quarter Sessions; and the Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in the Manner herein-before mentioned, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive, to all Intents and Purposes.

LXXXI. And

LXXXI. And be it further enacted, That no Judgment, Order, or Determination of any Justice or Justices of the Peace, touching or concerning or in Execution of any Power or Authority vested in such Justice or Justices 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 any of His Majesty's Courts of Record at *Westminster*, or Court of Session at *Chester*, or Court of Common Pleas at *Lancaster*, or any other Court of Record in that Part of the United Kingdom called *England*; any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
vacated for
want of
Form.

LXXXII. 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 be given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall and may plead at his Election specially, or the General Issue, and give this Act, or 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 that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after 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 each County as aforesaid, 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 have or hath in other Cases by Law.

Limitation of
Actions.

LXXXIII. And be it further enacted, That all Persons who have subscribed, or agreed to subscribe or to pay any Money towards making, maintaining, and repairing the said new Branch of Road, shall and they are hereby respectively required to pay their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any such Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be granted or allowed.

Power to
compel Pay-
ment of Sub-
scriptions.

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

[*Local.*]

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LXXXV. And

Commence-
ment and
Duration of
the Act.

LXXXV. And be it further enacted, That this Act shall commence upon the said Twenty-ninth Day of *October* One thousand eight hundred and sixteen, and from thence 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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