



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. xii.

An Act for more effectually repairing and improving the Road from *Ardwick Green*, near *Manchester*, in the County Palatine of *Lancaster*, to the Bridge at the Corn Mills at *Wilmslow*, in the County Palatine of *Chester*. [17th March 1818.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty King George the Third, intituled *An Act for repairing, widening, altering, diverting, and turning* 33 G. 3. c. 170. the Road from *Ardwick Green*, near *Manchester*, in the County of *Lancaster*, to the *New Bridge* at the Corn Mills at *Wilmslow*, in the County of *Chester*: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His said present Majesty, intituled *An Act for continuing for* 39 G. 3. c. 64. *Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled 'An Act for repairing, widening, altering, diverting, and turning the Road from Ardwick Green, near Manchester, in the County of Lancaster, to the New Bridge at the Corn Mills at Wilmslow, in the County of Chester:'* And whereas the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in Execution, and considerable Progress hath been made in improving the Road by the said Acts directed to be widened, altered, diverted, and turned; but a large Sum of Money heretofore borrowed on the Credit of the Tolls granted and continued by the said recited Acts still remains due and owing, and cannot be paid off, nor can the said Road be properly and effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts, which is near expiring, be further continued; and it would be more convenient to the Trustees nominated in and appointed under and by virtue of the

[Local.] 3 N said



Recited Acts  
repealed.

saïd recited Acts, and beneficial to the saïd Road, if the saïd recited Acts were repealed, and further and more effectual Powers granted for repairing, widening, improving and keeping, in Repair the saïd Road; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and eighteen, the saïd recited Acts shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that on the same Day this Act shall commence and take effect in lieu and in stead thereof, and shall be put in Execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, diverting, turning, improving, and keeping in Repair the saïd Road from *Ardwick Green* near *Manchester*, in the County Palatine of *Lancaster*, to the Bridge at the Corn Mills at *Wilmslow*, in the County Palatine of *Chester*; and the Tolls by this Act granted shall be, and the same 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 saïd recited Acts or either of them, 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 or become due and owing on the Credit or on account of this Act.

Trustees.

II. And be it further enacted, That *John Arden, James Ackers, George Ackers, Robert Birth, James Bradshaw, Robert Brooke, Samuel Bower, Thomas Bayley, William Beever, John Bateman, Samuel Bayley, John Bentley, John Barton, James Beard, John Baxter, James Borron, Henry Baxter, George Bancroft, Charles Brandt, James Barton, Jonathan Beever, Thomas Bateman*, the Rector of *Cheadle* for the Time being, *William Crowther, Samuel Clowes, Richard Clogg, Thomas Clowes Clerk, James Chapman, William Davenport, Davies Davenport, John Dickinson, Edward Downes, George Duckworth, David Davies Doctor in Divinity, Edward Davies Davenport, William Downes, Matthew Dunn Clerk*, the Rector of *Didsbury* for the Time being, *Wilbraham Egerton, Richard Entwistle, Richard Atherton Farington, Robert Fielden, John Ford, Peter Davenport Finney, Robert Mosley Fielden, Reginald Fowden, Henry Farington, John Glegg*, the Right Honourable *George Harry Grey* commonly called Lord *George Harry Grey, Samuel Gregg, Robert Gee, Edward Gregg Hopwood, John Hardman, James Harrison, Robert Hibbert, Robert Harrison, William Hibbert, Henry Harrison, Isaac Harrop, Thomas Hewitt, George Hole, Daniel Hulme, Thomas Hudson, Edward Hudson, Thomas Hope, Samuel Hole, Richard Hoskins, John Isherwood, James Bradshaw Isherwood, Francis Jodrell, Josiah Kearsley, James Kearsley, Willoughby Legh, John Legh, John Legh of High Leigh, Egerton Legh, Thomas Lucas, William Myers, Thomas Mather, Peter Marsland, Robert Markland the younger, Thomas Marsland, Thomas Maddock Clerk, Henry Norris, James Antrobus Newton, George William Newton, James Newton, Thomas Parker, John Philips, John Legh Page, George Philips, Charles Prescot Clerk*, the Right Honourable *Stanhope* commonly called Viscount *Peter sham, Hugh Pownall, Thomas Parker, Peter Pownall, Sir Robert Peel Baronet, Lawrence Peel, Shakespeare Philips,*



*Philips, Robert Parker, Thomas Pickford, Matthew Pickford, Francis Philips, Charles Kenrick Prescot Clerk, John Parker, William Parker, William Robinson, Sir John Thomas Stanley Baronet, Charles Watkin, John Shakérley, John Sedgwick, Edward Stracey, Thomas Tipping, Thomas Trafford, Benjamin Tidswell, Charles Terry, John Thorp, John Trafford, Trafford Trafford, Thomas William Tatton, George Withington, Laurence Walker, Thomas Worthington, Thomas Worsley, Lawrence Wright, Lawrence Walker the younger, Joseph Wood, the Rector of Wilmslow for the Time being, Benjamin Wilson, Henry Wright Clerk, and George Webster,* and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, altering, diverting, turning, improving, and keeping in Repair the said 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 Persons, not exceeding Ten in the whole, to be Trustees for the carrying of this Act into Execution, in addition to the Trustees hereby appointed, and who shall have the same Power and Authority for executing this Act as if they had been nominated and appointed in and by this Act.

Power to elect an additional Number of Trustees.

IV. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby appointed, and to be elected and appointed as herein-after is mentioned, excepting only in Cases herein mentioned, requiring a greater or less Number of Trustees.

All Acts may be done by Five Trustees unless otherwise directed.

V. 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 either of the Counties Palatine of *Lancaster* and *Chester*, or shall die, or refuse to act, or become incapable of acting in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees for the Time being, by Writing under their Hands, to elect and appoint One other Person, living in either of the said Counties Palatine of *Lancaster* and *Chester*, to be a Trustee in the Room and Stead of such Trustee so disqualified to act, or ceasing to reside as aforesaid in either of the said Counties Palatine of *Lancaster* and *Chester*, or deceased, or refusing to act, or becoming incapable of acting; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Road passes, at least Fourteen Days before every such Meeting shall be held; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with; and that no Trustee or Trustees shall have Power to act in the Execution of this Act, but during only such Time as he or they shall live or reside within the said Counties Palatine of *Lancaster* and *Chester*, or either of them.

For electing new Trustees.

VI. And



Qualification  
of Trustees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (otherwise than in administering an Oath or Affirmation to the Effect following) unless at the Time of his acting therein he shall in his own Right, or in Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the Counties Palatine of *Lancaster* and *Chester*, or either of them, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of a Person so in Possession or in Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate to the Amount of Three thousand Pounds; nor before he shall have taken and subscribed the Oath or Affirmation herein-after mentioned, before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same, in the Words or to the Effect following; (that is to say),

Oath of Qualification.

**I** *A. B.* do swear [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am seized 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 Palatine of *Lancaster* or *Chester*, of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate of the Amount of Three thousand Pounds; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers vested and reposed in me by an Act passed in the Fifty-eighth Year of the Reign of His Majesty 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 shall have taken and subscribed the said Oath or Affirmation, every Person so offending in all or any of the Premises shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas held in and for the said County Palatine of *Lancaster*, or in His Majesty's Court of Session held in and for the said County Palatine of *Chester*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Trustees  
holding  
Places of  
Profit not to  
act as Trust-  
tees.

Victuallers,  
&c. not to

VII. Provided always, and be it further enacted, That no Trustee 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, or shall be concerned in any Contract or Contracts that shall be made in or about the Execution of this Act, or shall be Lessee of any of the Tolls granted by this Act, nor in any Matter in which he shall be personally interested; 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



Profit under this Act; but any Mortgagee or Assignee of any Mortgage or any other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified or be disabled from acting as a Trustee in the Execution of this Act; and that all such Trustees as are or may be Justices of the Peace for the said Counties Palatine of *Lancaster* and *Chester*, or either of them, may within their respective Jurisdiction act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested).

hold Places of Profit.

Trustees being Justices may act as such.

VIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of 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 or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in his or their Name or Names, or in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Trustee or Trustees, or Clerk or Clerks, nor by the Act of such Clerk or Clerks without the Consent of the said Trustees; but that the Clerk or Clerks for the Time being to the said Trustees, in case such Action shall be brought against or defended in the Name of such Clerk or Clerks, 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, Clerk or Clerks, 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 Plaintiffs, Defendant or Defendants as aforesaid.

Trustees may sue and be sued in their own Names, or in the Name of their Clerk.

Trustees and Clerk to be reimbursed Expences.

IX. And be it further enacted, That the said Trustees shall and may, and they are hereby required to meet on or before the Third *Wednesday* in the Month of *July* 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 George and Dragon*, in *Cheadle*, in the said County of *Chester*, if then open, and if not, then at some other convenient House or Place within the said Town, between the Hours of Eleven in the Forenoon and Four in the Afternoon; and then and there proceed to the Execution of this Act; and shall and may adjourn themselves, and afterwards meet yearly some Time in the Month of *October* at the Place aforesaid, or at any other Place on or near to the said Road, as the Trustees attending the said Meetings shall think proper or convenient, for putting this Act in Execution, which Meetings shall be deemed General Meetings; and the said Trustees shall and may at any such Meetings adjourn themselves to some convenient Place or Places at or near the said Road, and may make such further Adjournments from Time to Time as they shall think proper; and if at any such Meetings there shall not appear a sufficient Number of Trustees to act or to adjourn (Two Trustees being deemed sufficient for the Purpose of

First Meeting of Trustees.

Time of Meeting of Trustees.

[*Local.*]

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Adjournment



No Business  
to be done  
before Eleven  
in the Fore-  
noon, nor  
after Four in  
the After-  
noon.  
Trustees to  
pay their own  
Expences.

Meetings on  
Emergencies.

Orders to be  
made at  
Meetings  
only.

Adjournment only) or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed at or on all the Turnpike Gates then erected on the said Road, at least Fourteen Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting of such Trustees was appointed to be held, on that Day Three Weeks on which such last Meeting of the Trustees was held or was appointed to have been held; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Seven Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed on all the Turnpikes then erected on the said Road, to appoint the Trustees to meet at some House on or near to the said Road, upon the Day next after the Day of the Date of such last-mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Eleven in the Forenoon, nor later than Four of the Clock in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Charges and Expences.

X. And be it further enacted, That if after any Adjournment of the said Trustees it shall be found expedient to appoint an earlier Day of Meeting than that appointed by such Adjournment, then and in every such Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Five or more of the acting Trustees, although not assembled at a Meeting held or to be held in pursuance of this Act, mentioning the Time, Place, and Purposes of such Meeting, shall forthwith give Notice thereof in the Manner before directed in Cases where the Trustees shall have omitted to adjourn themselves, and of the Time and Place and Purposes which shall be mentioned in the Order of the said Trustees (such Time not being less than Fourteen Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such earlier Meetings, relating to the Purposes mentioned in such Order and Notice respectively, but to no other Matter, shall be as valid and effectual as they would have been, if such Meetings had been held in pursuance of Adjournments.

XI. Provided always, and be it further enacted, That no Orders or Proceedings of the said Trustees in the Execution of this Act (except as is by this Act excepted) shall be deemed to be valid, unless made at a Meeting held in pursuance of this Act, nor unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any Order or Proceedings made or had at any Meeting of Five or more of the said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration proposed to be made be given by the Trustee or Trustees applying for such Revocation or Alteration, to the Clerk for the Time being to the said Trustees, and affixed upon the respective Toll Gates then erected upon the said Road, and also inserted in some public Newspaper circulated in the Neighbourhood of the said Road, at least Twenty-one Days before such subsequent Meeting,



Meeting, nor unless a greater Number of Trustees shall be present than were present when such Order or Proceeding proposed to be revoked was made, and a Majority of them shall concur in such Revocation or Alteration.

XII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders shall from Time to Time be made, or Proceedings had, or the major Part of such Trustees; and such Entries, being signed by such Number of the said Trustees respectively as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals; and the same, and all Entries therein, and true Copies thereof, and the Book 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 or to be done in pursuance of this Act.

Orders, Proceedings, &c. of Trustees to be entered in a Book.

XIII. And be it further enacted, That the said Trustees, at their First or any subsequent Meeting to be held under or by virtue of this Act, when and as Occasion shall require, shall and may, by Writing under their Hands, appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, Surveyor or Surveyors, and other Officers respectively, as they shall think proper; and from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or shall die, resign, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees shall seem proper; and the said Clerks, Treasurers, Receivers, Collectors, Surveyors, and 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 from Time to Time, and as often as they shall be called upon for that Purpose, produce and give up to such Trustees full, true, and perfect Accounts in Writing, under their respective Hands, of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies, and every Part thereof, shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes, as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect for the Space of Fourteen Days to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall remain in his or their Hands, or shall not deliver to the said Trustees within Fourteen Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his

Trustees may appoint Officers.

Officers to account.

Proceedings against Officers refusing to account, or to deliver up Books, &c.

or



or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases, any One or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be and reside; shall (upon Complaint of the said Trustees) make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward); and if it shall appear to such Justice or Justices that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and he and they is and are hereby empowered and required, upon Non-payment thereof, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, 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 no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same, or if such Officer or Officers, Person or Persons appearing or being brought before such Justice or Justices, shall refuse or neglect to give and deliver to the said Justice or Justices an Account or Accounts of his or their Receipts and Payments as aforesaid, or to produce and deliver up to the said Trustees the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid, such Justice or Justices is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol for such County or Place, there to remain without Bail or Mainprize until such Officer or Person shall give and make a true and perfect Account, and shall have paid the Money which shall appear to be in his or their Hands; and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers, or to such Person or Persons as they shall appoint to receive the same (which Composition the said Trustees are hereby empowered to make), or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress as aforesaid, shall be detained in Prison for any longer Time than Three Calendar Months.

Trustees em-  
powered to  
compound  
with Officers.

Office of  
Clerk and  
Treasurer  
not to be  
held by one  
and the same  
Person.

XIV. And be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid; or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such

Treasurer,



Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas, held in and for the said County Palatine of *Lancaster*, or in His Majesty's Court of Session held in and for the said County Palatine of *Chester*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XV. And be it further enacted, That the said Trustees are hereby authorized and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, and other Officers to be appointed as aforesaid, for the due Execution of their respective Offices, as to the said Trustees shall seem expedient.

Treasurer,  
&c. to give  
Security.

XVI. 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 Acts, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things, relating to the Road 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 Officers and other Persons receiving any Monies, or having the Custody or Power of any Books, Writings, or other Things, by virtue of this Act.

Officers  
under the  
former Acts  
to account to  
the Trustees  
under this  
Act.

XVII. 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 the Clerk for the Time being to the said Trustees, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable 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 shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Fifty Pounds, to be recovered by an Action at Law in any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

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

XVIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die or become incapable of performing his Duty, or shall abscond or absent himself, or become Insolvent or Bankrupt, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so becoming

Trustees may  
appoint tem-  
porary Col-  
lectors.

[Local.]

3 P

incapable



incapable of performing his Duty, or absconding or absenting himself, or becoming Insolvent or Bankrupt, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls (to continue until the then next Meeting of the said Trustees) instead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in such and the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or been subject to.

Collectors  
refusing to  
deliver up  
Toll Houses,  
&c.

XIX. And be it further enacted, That if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or become Insolvent or Bankrupt, or be discharged, or any other Person or Persons who shall refuse to deliver up the Possession of any Toll House or Building already erected and set up, or hereafter to be erected and set up on the said Road by virtue of this Act, for the Space of Seven Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or any Three or more of them (although not assembled at a Meeting), or by their Clerk or Clerks, Treasurer or Treasurers; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace of the County or Place in which such Toll House or Building shall be situated, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, 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 one or more of them, or such new appointed Collector, Receiver, or other Officer into the Possession thereof.

To enable  
Trustees to  
take Posses-  
sion of Toll  
Houses.

XX. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, at the Turnpikes or Toll Gates erected or to be erected upon, across, or on the Side of the said Road, shall be demised or let to farm to any Person or Persons in pursuance of this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any kind of Carriage, Waggon, Wain, Cart, Horse, Beast, or Cattle, than those demised or let to him, her, or them, or any other Way or Manner, or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in arrear and unpaid for the Space of Fourteen Days next after any of the Days and Times whereon the same shall become due and ought to be paid pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike or Toll Gate, Turnpikes or Toll Gates, shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat; then or in any of the said Cases it shall be lawful for the said Trustees (if they shall think proper), to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike or Toll Gate, Turnpikes or Toll Gates; and



and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered) as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver up the Possession of the Toll House or Toll Houses, and the Turnpike or Toll Gate, Turnpikes or Toll Gates, with the Appurtenances so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace of the County in which such Toll House or Toll Houses, Turnpike or Toll Gate, Turnpikes or Toll Gates, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll House or Toll Houses and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof as the said Trustees shall appoint.

XXI. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall direct or appoint, shall and may either continue the Two Turnpike Gates which now stand upon and across the said Turnpike Road at *Rusholme* and *Hurlbote*, and called the *Rusholme* and *Hurlbote Bars*, or from Time to Time remove the same; and may also erect and set up, or cause to be erected and set up in lieu thereof, or in addition to the same, such and so many Toll Gates and Turnpikes upon or across or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way that doth or shall lead into, from, or out of the same, as they the said Trustees shall think proper and expedient; and also shall and may erect or provide a Toll House to each Gate or Turnpike, with suitable Conveniences thereto; and also may enclose from the said Road convenient Garden Spots to the said Toll Houses, not exceeding One Half of a Rood of Land of Statute Measure, as the said Trustees may judge proper and shall and may cause any such Turnpikes, Toll Gates, Toll Houses, or other Buildings from Time to Time to be taken down and removed to any other Place or Places upon the said Road, upon giving Twenty-one Days previous Notice of the Meeting to be held for the Purpose of determining upon the Propriety of removing any such Toll Gate or Toll Gates, Toll Houses or other Buildings respectively: Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Trustees to erect and set up any Turnpike or Toll Gate across the said Road, or any Part thereof, or on the Side or Sides thereof, nearer to the Town of *Manchester* than the Distance of Twenty Yards South-easterly of the House of and belonging to *Benjamin Tidswell*, and now in his Occupation.

Trustees  
may continue  
or alter Turn-  
pike Gates,  
&c.

XXII. And be it further enacted, That the Right, Interest, and Property of and in all the Turnpikes and Toll Houses and other Buildings erected by virtue of the said recited Acts, or to be erected or provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Road, and also of all Tools, Implements, Stones, Gravel, Sand, and other Materials now purchased, gotten, or had, or hereafter to be purchased,

Toll Houses,  
&c. vested in  
Trustees.



chased, gotten, or had, for amending, repairing, and improving the said Road, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally that any Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to  
take Tolls

XXIII. And be it further enacted, That the respective Tolls hereinafter particularly mentioned, shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates erected or to be erected by virtue of the said recited Acts, and to be erected by virtue of this Act, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being, shall from Time to Time appoint (subject to the Restrictions and Exemptions hereinafter mentioned) before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, or other such Four-wheeled Carriage, drawn by Six or more Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings; and drawn by less than Four Horses or Beasts of Draught, the Sum of One Shilling:

For every Calash, Curricule, Chaise, Chair, or other such Two-wheeled Carriage, drawn by Two or more Horses or Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, the Sum of Four Shillings; and with Wheels of a Surface of Sixteen Inches, the Sum of Two Shillings; and with Wheels of the Breadth of Six Inches, the Sum of Four Shillings; and with Wheels of less Breadth than Six Inches, the Sum of Six Shillings; and upon Rollers of the Breadth of Sixteen Inches, the Sum of Two Shillings; and upon Wheels rolling a Surface of Eleven Inches on each Side, the Sum of Two Shillings:

For every Cart, Wain, or other such Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Four or Five Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses or Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or Beast of Draught, the Sum of Four-pence:

For every Cart, Wain, or other such Carriage with Wheels of the Breadth of Six Inches on the Bottom or Sole thereof, drawn by Four  
Horses



Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Three Halfpence; and drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or Beast of Draught, the Sum of Four-pence:

For every Cart, Wain, or other such like Carriage, with Wheels of less Breadth than Six Inches, drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or Beast of Draught, the Sum of Sixpence; and for every Cart, Wain or other such like Carriage, upon Rollers of the Breadth of Sixteen Inches, the Sum of Sixpence:

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

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

For every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny; and so in proportion for any greater or less Number.

And also 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 upon the said Road, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being, shall from Time to Time authorize and appoint for that Purpose, Half a Toll in addition to the said several Tolls hereby granted, to be respectively demanded and taken for every Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed (except such Horses or other Beasts or Carriage 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 upon *Sundays* as are due and payable on any other Day of the Week); which said respective Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as herein-after is mentioned; all 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 made thereof by any Collector or Collectors, or other Person or Persons authorized to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collector or Collectors, or such other Person or Persons as aforesaid, or any of them respectively, or any other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Cattle, Beast or Carriage, for or upon which any of the said Tolls are by this Act imposed, or any of the Lading, Bridles, Saddles, Geers, or Accoutrements thereof respectively (except the Bridles or Reins of any such Horse or other Beast separate from such Horse or other Beast), or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same;

One Toll and Half a Toll to be taken on Sundays.

Tolls vested in Trustees.

For Recovery of Tolls.

[Local.]



same; and the Person or Persons so distraining shall and may, at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Articles so distrained, until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods and Chattels, or other Articles so distrained, and out of the Money which shall arise by such Sale pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus (if any) of the Money which shall arise by such Sales, and what shall remain unsold, upon Demand to the Owner or Owners thereof.

For settling  
Disputes  
concerning  
Tolls.

XXIV. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Tolls or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County 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 of a Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall assess and award such Costs to be paid by either Party to the other of them, as to the said Justice shall appear just and reasonable; all which Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, 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.

Collectors  
not incom-  
petent Wit-  
nesses.

XXV. 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 by the said Trustees to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Regulations  
as to Toll  
Collectors.

XXVI. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, shall and he is 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 upon his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole



whole Time as he shall collect such Toll or 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 and 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 shall claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment, or upon the legal Toll 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 Traveller or Passenger, 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 Penalty shall be recovered, paid, and applied as other Penalties are by this Act directed to be recovered, paid, and applied.

XXVII. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes or Toll Gates already erected and set up by virtue of the said recited Acts, or hereafter to be erected and set up by virtue of this Act, shall be subject to the Payment of any Toll for returning through such Turnpike or Toll Gate before Twelve of the Clock of the Night of the same Day, with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon or other Carriages, but shall return Toll-free; (except such Chaises or other Carriages for Hire as shall repass through any of the said Turnpikes, and for which a Ticket shall be delivered, denoting a fresh Hiring; and also except such Carriages as shall pass and return the same Day, laden in both Cases with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred; and also except any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriage 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.

Tolls to be paid but once for passing and repassing, except, &c.

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

Tickets to be provided, denoting Payment of Toll.

XXIX. Pro-



Only Two  
full Tolls to  
be taken on  
the same  
Day.

XXIX. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road on the same Day; such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Milk to pay  
Toll only  
once a Day.

XXX. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in the same Day for any Horse or other Beast laden with Milk, Whey, Butter-milk, or Curds.

No Toll for  
crossing the  
Road.

XXXI. 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 Road, or shall travel thereon for the Space of One hundred Yards only.

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

XXXII. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any other 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 Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied as the Penalties and Forfeitures are herein-after directed to be applied.

Penalty on  
permitting  
private Pas-  
sage, &c. or  
evading Tolls.

XXXIII. 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 (save and except the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, Person or Persons in his, her, or their Employ, or any of his, her, or their Family), lying near any Turnpike or Toll Gate at any Time erected upon the said Road (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 (save and except his, her, or their Servant or Servants, or Person or Persons in his, her, or their Employ, or any of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent to evade Payment of the said Tolls, or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, other than a Toll Collector, 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, Cattle, Beast, or Carriage without having previously paid the said Toll, or shall take off or cause to be taken off any Horse or other Cattle or Beast from any Carriage, or having passed through any Turnpike or Toll Gate erected upon the said Road, shall afterwards add or put any additional Horse or Beast to such Carriage, with Intent to evade the Payment of the said Tolls; or shall leave or cause to be left upon or near any Part of the said Road any Carriage, Horse, Cattle, or other Beast, with Intent to evade the Payment of any  
of



of the Tolls hereby authorized to be taken, or shall with such Intent unload any Goods from any Horse, Cattle, or Beast, or from and out of any 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.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees 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 to continue to receive the Tolls so reduced for such Time or Times as they the said Trustees shall think proper, and may afterwards from Time to Time advance and raise all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned, and to order and direct such Tolls so to be lessened or reduced, or advanced and raised, 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 Two-third 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 at a Meeting to be held for that Purpose, Notice in Writing of which Meeting shall be given upon all the Turnpike Gates which shall be then erected upon the said Road, and also inserted in some Newspaper circulated in the Neighbourhood through which the said Road passes, Twenty-one Days at least previously to such Meeting; nor unless a Majority of the Trustees present at such Meeting, such Majority to consist of Seven Trustees at the least, shall concur in such Reduction.

Power of reducing Tolls.

XXXV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horses passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Stones, Bricks, Timber, Wood, Lime, Gravel, or other Materials for making and repairing the said Road, or for repairing the Highways in any Townships through which the said Road directed by this Act to be repaired doth 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, Compost, or Manure of any Nature or Kind whatsoever (Lime excepted) for the Improvement or manuring of Land, passing to be laid up in the Outhouses or on the Lands and Premises of the Owner thereof, or any Stones, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land; 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 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 Outhouses 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

General Exemptions from Toll.

[Local.]

3 R

Cattle



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 shod 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 either of the said Counties Palatine of *Chester* or *Lancaster*, 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 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 Waggon, Cart, or other Carriage 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 after 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 going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review (provided such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of his claiming such 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 or their proper Parish or Parochial Church or 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 Road or any Part thereof doth 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 on  
His Majesty's  
Service, not  
to be subject  
to Toll for  
Overweight.

XXXVI. 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



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.

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

One-horse  
Carts to be  
weighed.

XXXVIII. And be it further enacted, That for every Waggon, Cart or other Carriage liable to be weighed by virtue of any Law now in force, which shall pass along the said Road, and shall be so made and constructed that any Pair of Wheels of such Waggon, Wain, Cart, or other Carriage shall be wider than Four Feet and 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), or that the wider Part of such Wheels shall be more than Five Feet and Eight Inches from Inside to Inside, to be measured on the Ground, or that the Distance from the Centre of the Fore Wheels to the Centre of the Hind Wheels of any Waggon or Four-wheeled Carriage, not being used for the Carriage of Timber only, or of One Block of Stone, One Piece of Marble, One Cable Rope, One Piece of Metal, or any other single Article, be more than Nine Feet, to be measured from the Centre of the Axletrees at the End thereof, there shall be paid, collected, and received, before any such Waggon, Wain, Cart, or other Carriage shall pass through any Turnpike or Toll Gate erected

Carriages  
which cannot  
be weighed  
to pay Treble  
Tolls.

or



or to be erected upon, across, or on the Side of the said Road, Treble the Tolls authorized by this Act to be taken at the same Turnpike or Toll Gate for such Waggon, Wain, Cart, or other Carriage, provided the same had been within the Dimensions and Admeasurements aforesaid; and the Surveyor or Surveyors, Gate Keeper or Gate Keepers of the said Road, is and are hereby authorized and required, at any Turnpike or Toll Gate, or at any other Place upon the said Road, to measure any Waggon, Wain, Cart, or other such Carriage; and if any Master or Driver of any Waggon, Wain, Cart, or other such Carriage shall hinder or refuse to permit such Surveyor or Surveyors, Gate Keeper or Gate Keepers, to measure such Waggon, Wain, Cart, or other Carriage as aforesaid, he or they shall forfeit and pay any Sum not exceeding Five Pounds.

Trustees empowered to compound for Tolls.

XXXIX. And be it further enacted, That the said Trustees 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 Composition be made for any Cattle or Carriages traveling for Hire; and all such Composition Money shall be paid One Year in advance, otherwise such Composition shall be void.

Trustees may lease Tolls.

XL. 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 or Hands and Seals of their Clerk or Clerks 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, in such Manner as they shall think proper, 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, in such Manner, 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, and affixed on all the Turnpikes or Toll Gates then erected upon the said Road, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road doth pass; and the Monies arising thereby shall be applied in such Manner as hereinafter is mentioned and directed.

Trustees may borrow Money upon Mortgage of Tolls.

XLI. 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 affixed on all the Turnpike Gates then erected upon the said Road, and inserted in some public Newspaper circulated in the Neighbourhood through which the said Road doth 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, and Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as the said Trustees or any Seven or more of them shall think proper; which said Money so to be borrowed shall be applied and disposed of in such Manner as the said Tolls to arise or to be collected at the said Turnpike Gates are hereby directed and intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or in any Form of Words to the like Effect; (that is to say),

‘ BY virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act, &c.* [here set forth 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 said Trustees, do grant and assign unto the said C. D. Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Road, 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 remain in full Force. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

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, Clerks or Treasurers to the said Trustees; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, 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 or Hands and Seals, to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before One credible Witness, to assign over or transfer his, her, or their Right to the Principal and Interest Money 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),

‘ 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 [Local.] due

Form of Mortgage.

Power to transfer, &c.

Form of Transfer.



due thereon, unto C. D.

Executors, Administrators, and

Assigns. Dated this

Day of

One thousand

eight hundred and

Witness E. F.

A. B.

No Priority  
in Mortgages.

All which Assignments or Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Twenty-eight Days after the Date thereof, who shall cause an Entry to be made of such Assignment, 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 Clerks, Treasurer or Treasurers to the said Trustees, shall be paid the Sum of Ten Shillings and Sixpence, and no more; and which said Book or Books shall and may at all seasonable 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, or discharge the same, or any Monies due thereon: Provided always, that no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts, 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 the Tolls granted by this Act, in equal Degree one with another.

Power to  
cancel old  
Mortgages,  
and give new  
ones.

XLII. 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 Acts, or either of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in Manner and transferrable as herein-before is mentioned; and that until such Mortgages now standing out as were made by virtue of the said recited Acts or either of them, shall be received in and cancelled, and others given and executed in lieu thereof respectively, such Mortgages shall be as good, valid, and effectual as if the same had been so received in and cancelled, and others given and executed in lieu thereof, or as if the same had been given as Securities for Money borrowed under the Authority of this Act.

Application  
of Tolls and  
other Monies.

XLIII. And be it further enacted, That all Monies and other Effects which they the said Trustees, or any of them, or any Treasurer or Treasurers, or other Person or Persons on their Behalf, are or is entitled to by virtue of the said recited Acts, or either of them, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Monies which shall arise by virtue of the said recited Acts, or either of them, or



this Act, and not herein otherwise appropriated or directed to be applied, the Expences attending the preparing, obtaining, and passing this Act shall be first paid and discharged, and the Remainder thereof shall from Time to Time be applied in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the Tolls of the said several Turnpikes at *Rusholme* and *Hurlbote*, by virtue of the said recited Acts, or either of them, or shall be borrowed upon the Credit and Security of the Tolls by this Act granted, and afterwards in amending, widening, altering, diverting, turning, repairing, improving, and keeping in Repair the said Road, and lastly, in reducing, paying off, and discharging the several Principal Sums now due and owing on the Credit of the said recited Acts, or either of them, 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, Intent, or Purpose whatsoever.

XLIV. And be it further enacted, That the said Trustees shall and may cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, and also so much and so many Direction or Guide Posts as to the said Trustees shall seem expedient; 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 Road or any Part thereof, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall permit or suffer any such Cattle or Swine to be and continue upon the said Road, or any Part thereof, or to pasture on the Hedges on the Sides of the said Road or any of them, or any Part or Parts thereof; or shall fly any Dragons or Kites upon or near to the said Road, or within Twenty Yards thereof, to the Danger and Annoyance of Persons riding or travelling upon the said Road or any Part thereof; or shall do or cause any Injury or Damage to be done to any Footway adjoining the said Road; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon 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 Part of the said Road; or if any Person driving any Pigs or Swine upon the said Road, shall suffer the same or any of them to root up and damage the said Road or any Part thereof, or the Fences, Hedges, Backings, or Copsle on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road; or if any Person or Persons shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set Fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, or play at Football or any other Game or Games on any Part or Parts of the said Road, or within Fifty Yards from the same; or if any Person

Mile-stones  
to be set up,  
and Penalty  
on Persons  
damaging  
them, &c.



Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage (except in case of Accidents) longer than may be necessary for the loading or unloading of the same, in, upon, or on the Side of any Part of the said Road, 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 Road as conveniently may be; or shall lay any Piece of Timber, or any Stone or Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, or on any Waste Ground adjoining the Side or Sides thereof, and being within the Distance of Twenty Feet from the Centre of the said Road or any Part thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon; or shall turn or make any Drain or Watercourse into, under, or upon the said Road, or any Part thereof, or suffer the Water from any Pump or Spout, or from any Trough, Cistern, or other Vessel, to run into, over, or upon the said Road, or any Part thereof, to the Prejudice or Damage thereof, or shall do any other wilful Act, Damage, or Injury to the said Road, or any Part or Parts thereof; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For impounding Cattle or Swine straying upon the Road.

XLV. Provided always, and be it further enacted, That if any Cow, Horse, Ass, Pig, or other Live Stock, shall at any Time be found wandering, straying, or lying about the said Road, or any Part thereof, it shall be lawful for the Surveyor of the said Road for the Time being, or some other Person or Persons employed by him or by the said Trustees, or any one of them, to seize and impound every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle in the common Pound (if any) of the Hamlets, Township, Parish, or Place in which the same shall be found wandering, straying, or lying about the said Road, or any Part thereof, or in such other Place or Places as the said Trustees, or any one of them, or their said Surveyor, shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed, by an Order or Warrant under his or their Hand or Hands, to sell, or cause any such Cow, Horse, Ass, Pig, or other Live Stock or Cattle to be sold; and the Money arising from such Sale, after deducting the said Penalty, and the Charges and Expences of impounding, keeping, and selling every such Cow, Horse, Ass, Pig, or other Live Stock or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

Surveyors may make Causeways, &c.

XLVI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, or such other Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees) to, make Causeways, and also Ditches and Drains in and upon the said Road, and in, upon, and through



through any Grounds lying contiguous thereto (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any enclosed Ground planted or set apart as a Nursery for Trees), in order to conduct the Water from off the said Roads; and also by Order of the said Trustees to build, erect, repair and keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and and also across any Canal, Stream, River, Brook, Water, Ditch, or Drain, in or contiguous to the said Road, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages, the Justices of the Peace for the County or Place where such Ground shall lie or be situate, at the General Quarter Sessions of the Peace, to be held for the same County or Place next after such Difference shall arise, and on Six Days clear 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, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages, and the Costs attending the hearing and determining of the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction or Recompence shall be made, for doing and performing any of the Works aforesaid upon or through any Common, Waste, or uncultivated Ground.

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, 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 amending and repairing the said Road, 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 the said Road or any Part thereof doth lie, or in any adjoining Parish, Township or Place, to be used in the repairing and amending the said Road, 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 herein-after mentioned, such Surveyor or Surveyors, or other Person or Persons, filling up the Pit or Pits, and levelling the Ground from which such Materials shall have been 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, gotten, or found in or upon such Commons or Waste Grounds, common Rivers or Brooks contiguous to that Part of the said Road, 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, 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

Surveyors to  
get Gravel,  
&c.

[Local.]

3 T

apart



Justices to  
determine  
Differences.

apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages, for the cutting, digging, gathering, taking, and carrying away the said Ashler Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and other 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 shall think just and 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 or more Justices of the Peace of the County or Place, wherein such Lands or Grounds shall lie, within Fourteen Days next after such Difference shall arise, and on Five 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, whose Judgment and Order therein shall be final and conclusive to all Parties.

Surveyors  
not to take  
Materials out  
of private  
Grounds  
without  
giving 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 or Persons under the Authority of this Act, or any Statute now in being, to dig, gather, take, and carry away Stone or other Materials for repairing the said Road, or for building, erecting, making, or repairing any Bridges, Culverts, Walls and Fences, belonging thereto, 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 last or usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place where such Lands are situated, to shew Cause why such Materials shall not be had and 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 proper, 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 before such Justices as aforesaid, the said Justices shall and may make such Order therein as they shall think fit and proper, 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  
Surveyors.

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, gotten, or gathered for the Purpose of repairing and amending the said Road, or shall get or take away any Materials from or out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road, before the said Surveyor or Surveyors, or their Workmen, shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground wherein such Pit



or Quarry shall have been so made and opened, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

L. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Compost, Rubbish, Straw, or otherwise, and to fence off and guard against any Water Pits, Precipices, or other Places that may be dangerous to Persons travelling upon the said Road, and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Road, or any Part thereof, to the Prejudice or Injury thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses, Drains, or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think proper and necessary, and at proper Seasons of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes (not being an Ornament or Shelter to any House) growing or to grow on the said Road, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Paddock, 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 Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses, Drains, or Ditches, or remove such other Annoyances, in such Manner as the said Trustees or their Surveyor or Surveyors shall require; the Charges whereof (to be settled by the said Trustees) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person or Persons shall again offend in like Manner, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyors  
may remove  
Annoyances.

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

Gates not to  
swing into  
the Road.

LII. And



Penalty on  
obstructing  
Surveyor or  
Collector.

LII. 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 Surveyor or Surveyors of the said Road, or any Collector or Collectors of the Tolls, or any Person or Persons employed in the Execution of this Act, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may  
widen any  
Part of the  
Road to  
Sixty Feet.

LIII. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of Nine or more of such Trustees, such Majority not to consist of less than Six Trustees, 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 Road to be repaired and kept in Repair by this Act, so as to make such Part or Parts of the said Road not exceeding Sixty Feet in Width, for the Accommodation of Passengers and Travellers, 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 Road hereby authorized to be widened is 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 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.

Restraining  
Trustees  
from de-  
viating more  
than 100  
Yards from  
the Line of  
the Road,  
without Con-  
sent, etc.

LIV. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the said Road, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owner or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration.

Trustees may  
purchase, and  
incapacitated  
Persons sell,  
Lands and  
Heredita-  
ments want-  
ed for the  
Purposes of  
this Act.

LV. And be it further enacted, That for the Purposes aforesaid, it shall be lawful for the said Trustees 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 the making, diverting, turning, widening, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments, and to pay for the same 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 whatsoever, for and on the Behalf of any Infants, Feme Coverts, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees for the Purchase of such Lands, Grounds,

or



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 good and 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.

LVI. 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 Part of the said Road, and through which any Part or Parts of the said Road shall be intended to be turned as aforesaid, shall for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or in any such Case, the said Trustees shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County Palatine of *Lancaster* or *Chester* (as the Case may be), which Oath any Five 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 or widening of such Road or any Part thereof through such Lands or Grounds; and in order thereto the said Trustees are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Five or more of the said Trustees are hereby empowered to administer); and they the said Trustees 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 Coverts 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 are hereby empowered to issue out a Warrant or Warrants to the Sheriff

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

[*Local.*]

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of



of the said 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 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 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.

Juries may be challenged, and Sheriffs fined for Default.

LVII. 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 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.

Money allowed for Lands how to be charged and tendered.

LVIII. 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 and amending the said Road so to be turned, altered, or widened, or on the Monies to be borrowed on the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons respectively entitled thereto, or to their Agents; and that upon Payment or Tender thereof to such Person or 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 the Manner herein-after directed (as the Case may be), it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to enter into Possession of, and to lay such Land or Ground into the said Road, and to do all and every such Act, Matter, or Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees shall think fit; and the Lands, Grounds, or Hereditaments, so taken into or made Part of the said Road, 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 Road hereby directed to be 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, for the best Price that can be gotten for the same; and the Money arising from 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 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, Plantation, planted Walk or Avenue to any House, or Nursery for Trees, or any Part thereof, (such Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue, or Nursery, not having been made or planted within the Space of Twelve Calendar Months immediately preceding the Commencement of this Act), without the Consent in Writing of the Owner and Occupiers thereof respectively first had and obtained.

Houses not to be taken down without Consent.

LIX. 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 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 out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, 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 shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the said 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 of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, in and by such Ways and Means as are herein-after 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

By whom Expences of Jury shall be paid.



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.

Application  
of Compensation  
Money  
when amount-  
ing to 200l.

LX. 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 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 them as at the Time of making such Conveyances and Settlements 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 meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the 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.

When less  
than 200l.  
and amount-  
ing to 20l.

LXI. 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,



taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases 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 Trustees for executing this Act (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.

LXII. 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 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.

LXIII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, 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 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 Privy 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, Control, or Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the 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 and 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

When less than 20l.  
Directions in Cases of not making out Titles, &c.

[*Local.*]

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are



are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting  
disputed  
Titles.

LXIV. 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 Privy 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 Monies, 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.

Court of  
Chancery  
may order  
Trustees to  
pay Ex-  
pences.

LXV. 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 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees em-  
powered to  
sell Grounds  
not wanted  
for the Pur-  
poses of this  
Act.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses now or hereafter to be erected upon the said Road, and the Ground whereon the same shall stand, together with the Outhouses, Gardens, and Appurtenances thereunto belonging, and any other Piece or Pieces of Ground, when the same shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at and for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll House or Toll Houses, and the Scite or Scites of the same Outhouses, Gardens, and Appurtenances, to the Person or Persons purchasing the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs and Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees or their Treasurer or



Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof.

LXVII. Provided always, and be it further enacted, That the Offer of the Purchase of any Toll House or Toll Houses, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, or any other Piece or Pieces of Ground not wanted for the Purposes of this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser thereof, or any Part or Parts thereof, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to Purchases made by the said Trustees *mutatis mutandis*; and in case such Owner shall refuse to pay such Money on Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyances of such Toll House or Toll Houses, with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree, or shall refuse to purchase any such Toll House or Toll Houses, with the Appurtenances, or any such Piece or Pieces of Ground as aforesaid, it shall be lawful for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, Division or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground shall lie, stating that such Offer had been made by or on Behalf of the said Trustees, and that such Owner has not agreed, or has refused, to purchase such Toll House or Toll Houses and Appurtenances, or Piece or Pieces of Ground (as the Case may be); and such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner.

Persons whose Lands adjoin to have the Preference.

LXVIII. And be it further enacted, That all Bodies Politic and Corporate, whether Sole or Aggregate, and all Persons who are or shall be liable to the Repair or to contribute to the Repair of any Part of the said Road or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding this Act, still remain liable and chargeable to such Repair and Contribution, in such Manner as they were before the passing of this Act.

Persons liable to repair Roads to continue so.

LXIX. And



Respecting  
Statute  
Work.

LXIX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace of either of the said Counties Palatine of *Lancaster* and *Chester* (within their own Jurisdiction), and they are hereby empowered and required (upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable to repair the said Road, or any Part thereof, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, either as a Highway Rate or Assessment, or as a Composition for such Statute Work, shall be by him, her, or them paid to the said Trustees; 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, (within Ten Days after the serving 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 Parishes, Townships, or Places are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Highway Rate or Assessment, or any Money as a Composition for such Statute Work, distinguishing the Nature and Quantity of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons therein stated as liable to do Statute Work to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done by such Persons on such Days, at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees or their Surveyor shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the several Persons who by such Lists shall appear to be subject or liable to the Payment of any Highway Rate or Assessment, or any Money as a Composition for Statute Work, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or to their Treasurer, at such Times as the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons charged therewith, in like Manner as any Penalty is by this Act authorized to be recovered; and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Residence for that Purpose, signed by the Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer, Team, Draught, Horse, or Beast to be provided by him, her, or them, be subject and liable to such Penalties and Forfeitures as such Person may for such Offence 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 Road, shall be found idle or negligent by any Surveyor to the said Trustees, such



such Surveyor is hereby empowered to remove and dismiss the Person or Persons who shall be so found idle or negligent as aforesaid; and in that Case the Person or Persons sending such Labourer shall be subject and liable to the respective Penalties and Forfeitures above-mentioned, as if he had refused or neglected to send such Team or Draught to work on the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXX. Provided always, and be it enacted, That it shall be lawful for the said Trustees, 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 Road, or of any Bridge, Arch, or Sewer therein, 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, and Places, by and with the Consent of a 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, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Road; and all such Surveyors shall be reimbursed the Money so by them expended and 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.

For com-  
pounding for  
Statute  
Work.

LXXI. And be it further enacted, That the said Trustees, 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, improving, or repairing the said Road or any Part thereof, and for erecting and setting 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 shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such 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 by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages and Costs recovered against the Party or 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 Road, or any Part thereof, or any other Matter or Thing to be

Trustees may  
contract for  
Repairs.

[Local.]

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done



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.

LXXII. And be it further enacted, That in all Cases where any Action or 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 from Time to Time to compound and agree for the same, for such Sum or Sums of Money 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 Damage or Injury 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.

LXXIII. And be it further enacted, That where any Distress shall be made for any Penalty or Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, *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.

Plaintiff not  
to recover if  
Tender of  
Amends.

For securing  
transient  
Offenders.

LXXIV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it further enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place, and near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law.



LXXV. 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, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, 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, 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, then and in either of the said Cases, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on  
Witnesses  
not attending  
when sum-  
moned.

LXXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering of which is not herein otherwise directed), shall, upon Proof of the Offences respectively before one or more of His Majesty's Justices of the Peace for the County or Place wherein the Offence shall have been committed, or where the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of one or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are 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 to 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 and for the said Trustees, to be applied by them to and for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any Justice or Justices of the Peace as aforesaid, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, or Fines, and all reasonable Costs and Charges attending the Prosecution of such Offender or Offenders, shall be sooner paid and satisfied.

Penalties  
how to be  
levied and  
applied.

LXXVII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Con-

Conviction.

viction



viction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect (as the Case shall happen); (that is to say),

Form of  
Conviction.

County of } BE it remembered, That on [Time of Conviction] at [Place  
to wit. } of Conviction] A. B. [Name of Offender] of [Addition  
of Offender] was duly convicted before me [or, us] [Name and Stile of  
convicting Justice or Justices] for that the said A. B. [Name of Offender]  
on [Time of committing Offence] at [Place of committing Offence] did [here  
state the Offence against this Act according to the Fact] contrary to the  
Form of the Statute made in the Fifty-eighth Year of the Reign of His  
Majesty King George the Third, intituled *An Act, &c.* [here set forth  
the Title of this Act]; and I [or, we] do therefore declare and adjudge,  
that the said A. B. [Name of Offender] hath forfeited for his said  
Offence the Sum of [the Fine] or shall be committed to [the Place of  
Imprisonment] for the Space of [Time of Imprisonment]. Given under  
my Hand and Seal [or, our Hands and Seals] the Day and Year first  
above written.

Proceedings  
not to be  
vacated for  
want of  
Form.

LXXVIII. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or of any of them respectively, touching or concerning or in Execution of any Power or Authority vested in such Trustees or Justice or Justices respectively by this Act, shall be quashed or vacated for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, or Court of Session at *Chester*, or any other Court of Record in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; any Law or Statute to the contrary notwithstanding.

Persons ag-  
grieved may  
appeal to the  
Quarter  
Sessions.

LXXIX. Provided always; 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, and for which no particular Method of Relief hath been herein-before appointed, such Person or Persons may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden in and for the said County Palatine of *Lancaster* or *Chester* (as the Case may happen), or in case the said Cause of Complaint shall have arisen within Twenty-one Days next before such General Quarter Sessions to be holden as aforesaid, then such Appeal may be made before such Justices at the Second General Quarter Sessions of the Peace to be holden as aforesaid; which said Justices respectively may hear and determine the Matter of such Appeal, and give such Relief to the respective Parties thereto, and also such Costs, as they shall think just; but the Person or Persons so appealing shall give Notice in Writing to the Clerk or Clerks to the said Trustees of such his or their Intention so to appeal, at least Fourteen Days before the Day in which such Quarter Sessions shall be held at which the said Appeal is to or shall be made, and shall also, within Six Days after such Notice, enter into a Recognizance before some one Justice of the Peace for the said County Palatine of *Lancaster* or *Chester* (as the Case may be), with Two sufficient Sureties, conditioned to prosecute such Appeal with Effect, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and



and the said Justices at such Session, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also, by their Order or Warrant, cause as well such Penalties and Forfeitures as the other Matters and Things, and Costs so awarded, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to abide by and obey the Order of such Justices, and for want of sufficient Distress, commit such Person or Persons to the Common Gaol or House of Correction of or for the County or Place wherein such Quarter Sessions shall be held (as the Case may be), there to remain for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

LXXX. 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 Twenty-one Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction, or a 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 or Suit shall and may plead, at his, her, or their Election, specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall have been 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 the said County Palatine of *Lancaster* or *Chester* (as the Case may be), then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LXXXI. 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.

LXXXII. And be it further enacted, That this Act shall commence upon the said First Day of *July* One thousand eight hundred and eighteen, and

[*Local.*]

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and this Act.

Limitation  
of Actions.

General  
Issue.

Treble Costs.

Public Act.

Commence-  
ment and  
Duration of  
this Act.



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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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1818.