



ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. xlii.

An Act for more effectually repairing and improving the Road between *Warrington* and *Lower Irlam*, in the County Palatine of *Lancaster*. [8th May 1818.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty King *George the Third*, intituled *An Act for more effectually repairing, widening, and improving certain Roads leading to and from the Towns of Salford, Warrington, Bolton, and Wigan, and to certain Places called The Broad Oak in Worley, and Duxbury Stocks; and also the Road from a Place called South Sea in Pendlebury to Agecroft Bridge, and from thence through Hilton Lane to Dawson Lane End; and also from Agecroft Bridge over Kersal Moor to Singleton Brook, all in the County Palatine of Lancaster*: And whereas the Trustees appointed in and by virtue of the said recited Act, so far as relates to the District of Road therein mentioned, lying between *Warrington* and the Division between *Cadishead* and *Lower Irlam*, have proceeded to put the same in Execution, and a considerable Progress hath been made in repairing and improving the same Road by the said Act directed to be made and repaired: And whereas the Trustees appointed in and by virtue of the said Act for the District or Division of Road therein mentioned and described, leading from *Warrington* to the Division between *Cadishead* and *Lower Irlam* aforesaid, have borrowed a large Sum of Money on the Credit of the Tolls thereby authorized to be taken on the said District, which Money still remains due and owing on the Credit of the said Tolls, and cannot be paid off, nor can the said last-mentioned Road be effectually amended, widened, improved, and kept in Repair, unless the Term granted

[Local.] 33G.3.c.181.

and continued by the said Act be further continued, and the Powers and Provisions thereof altered, amended, enlarged, and rendered more effectual: And whereas it is expedient that the Tolls authorized to be taken by the said Act upon the said last-mentioned District of Road should be altered and increased; and it would be more convenient to the Trustees nominated in and appointed under and by virtue of the said Act for the said District or Division of Road, and more beneficial to the said Road, if the said Act, so far only as relates to the said last-mentioned District or Division of Road were repealed, and other and more effectual Powers granted for repairing, widening, improving, and keeping in Repair such District or Division of Road; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of July next after the passing of this Act, the said recited Act, so far as the same relates to the District or Division of Road therein mentioned and described, leading from *Warrington* to the Division between *Cadishead* and *Lower Irlam*, in the said County of *Lancaster*, shall be and the same is hereby declared to be repealed; and that on the same Day this Act shall commence and take Effect in lieu and instead of so much of the said recited Act as relates to the said last-mentioned District or Division of Road, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in Repair the said Road from the Eighteenth Milestone on the Road from *Manchester* to *Warrington*, to the Division between *Cadishead* and *Lower Irlam* aforesaid; and the Tolls by this Act granted shall be and are hereby declared to be charged with and made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit or on Account of the Tolls authorized to be taken and collected upon the said last-mentioned District or Division of Road by virtue of the said recited Act, and of the Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due and owing on the Credit or on Account of this Act.

Former Act repealed so far only as it relates to the said last-mentioned Road, and this Act to take place instead thereof.

Trustees.

II. And be it further enacted, That *James Ackers, Richard Ainsworth, Thomas Ainsworth, Meyrick Bankes, James Bateman, Jonathan Beever, John Blackburne, John Ireland Blackburne, Thomas Blackburne Clerk, Doctor of Laws, Isaac Blackburne, Thomas Blackburne the younger, Clerk, Peter Patten Bold, Robert Haldane Bradshaw, George Bover, Jonathan Brettargh, John Leigh Brint, John Arthur Borron, the Reverend William Bordman, Charles Cooke, Edward Chester, David Claughton, Thomas Claughton, John Clare, the Reverend Dale Clerk, John Dakin, John Douglas, Peter Ditchfield, George Eaton, William Eccles, Ralph Fletcher, James Fichett, William Fox, Sir William Gerard Baronet, John Gaskell, Holbrook Gaskell, Roger Gaskell, Samuel Gaskell, Hugh Gaskell, Thomas Kirkland Glazebrook, Thomas Green, Edward Greenall, Edward Greaves, Richard Gwillym, Samuel Chetham Hilton, John Haddock, William Hulton, James John Hornby Clerk, George Heron Clerk, Ellis Leckonby Hodgson, John Hardman, John Howard, William Hurst, Jonathan Jackson, Thomas Kay, Edward Kearsley, James Kearsley, John Hodson Kearsley,*

Thomas Kearsley, Sir Robert Holt Leigh Baronet, George John Legh, Thomas Legh, William Legh, Peter Legh, John Litton, Ralph Leigh, Edward Lloyd Clerk, Thomas Lyon, John Marsh, Daniel Moss Doctor of Medicine, Peter Nicholson, Thomas Owen, Joseph Parr, John Pickmore, Edward Pemberton, Ralph Peters, John Pilkington, Robert Atherton Rawstorne Clerk, Benjamin Rawson, William Roscoe, James Roscoe, Peter Rothwell, Charles Rowlinson, Thomas Skitt, William Stubbs, William Smith, the Reverend Joseph Saul, Benjamin Sothern, John Sharpe, William Sumner, Jonathan Topping Clerk, Thomas Trafford, William Trafford, Stephen Tempest, Thomas Turner, Richard Turner, Edward Turner, John Turner Doctor of Medicine, Edward Bootle Wilbraham, James Woodward, Henry Worsley, John Whitley, Thomas Wilson, William Wagstaff, Joseph Wagstaff, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for amending, widening, improving, and keeping in Repair the said Road from the Eighteenth Milestone on the Road from Manchester to Warrington, to the Division between Cadishead and Lower Irlam aforesaid, 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, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Ten Days Notice shall be given as is herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons not exceeding Twelve in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby nominated; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That when and as often as any Trustee hereby appointed or to be elected in Manner herein-after mentioned, shall become, by Bankruptcy, Insolvency, or otherwise, disqualified to act, or shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees or any Five or more of them, by Writing under their Hands, to elect One or more Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so disqualified to act, or deceased, or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in and upon the said Road, and also by inserting the same in one of the *Manchester* Newspapers, or some other public Newspaper printed in the Neighbourhood of the said Road, at least Fourteen Days before every such Meeting shall be holden; and all Persons so elected are hereby vested with the same Powers and Authorities for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

For electing new Trustees.

V. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation following), unless at the Time of his acting therein he shall have or be seised of, in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment,

Qualification of Trustees.

or

or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, in Lands, Tenements, or Hereditaments, in the County of *Lancaster*; of the clear yearly Value of Fifty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate of the Amount of One thousand Pounds; nor before he shall have taken and also subscribed, in a Book to be kept for that Purpose, the Oath or Affirmation herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

Oath of
Qualification.

‘ I *A. B.* do swear, [*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, in Lands, Tenements, or Hereditaments, situated in the County Palatine of *Lancaster*, of the clear yearly Value of Fifty Pounds, [*or, am possessed of a Personal Estate of the Amount of One thousand Pounds*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act passed in the Fifty-eighth Year of the Reign of King *George the Third*, intituled *An Act* [*here insert the Title of this Act.*]

‘ So help me GOD.’

No Trustees
to act while
in the Enjoy-
ment of any
Office of
Profit, &c.

Nor shall any Trustee hereby appointed, or hereafter to be appointed, be capable of acting as such during the Time he shall hold or enjoy any Office of Profit under or by virtue of this Act, or have any Share or Interest in any Contract or Bargain relating to the Execution thereof; nor shall any Trustee hereby appointed, or hereafter to be appointed as aforesaid, act or interfere in the Direction or Management of the Tolls or Money arising from any of the Turnpike Gates continued or to be erected in pursuance or by virtue of this Act, or in the Execution of any of the Powers herein contained, except during such Time only as he shall reside within Ten Miles of the said Road, or shall have such an Estate as aforesaid, situated within Ten Miles of the same, as shall qualify him to act as a Trustee for the Purposes of this Act; and if any Person hereby required to be so qualified as aforesaid, and not being so qualified shall presume to act as a Trustee in the Execution of this Act (except in administering such Oath or Affirmation as aforesaid), or being so qualified, shall act as such Trustee before he hath taken and subscribed the said Oath or Affirmation, or if any such Trustee hereby appointed, or hereafter to be appointed, shall presume to act as such during the Time he shall enjoy any such Office of Profit as aforesaid, or have any Share or Interest in any such Contract or Bargain, or if any such Trustee shall act or interfere in the Direction or Management of the Tolls or Money arising from any of the Turnpike Gates continued or to be erected in pursuance or by virtue of this Act, or in the Execution of any of the Powers herein contained, otherwise than whilst he shall so reside, or have such Estate as aforesaid, situated within Ten Miles of the said Road, every such 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 and for the Use of such Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or upon the Case, in His Majesty's Court of Common Pleas holden for the said County Palatine of *Lancaster*; and in every such Action brought against any such Person for acting as a Trustee in the Execution of this Act without being qualified as aforesaid, the Proof of
Qualification

Qualification shall lie on the Person so prosecuted, and it shall be sufficient for the Prosecutor to prove that the Person so prosecuted had acted as a Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been duly qualified to act as a Trustee or Trustees according to the Directions of this Act.

VI. Provided also, and be it further enacted, That all such Trustees as are Justices of the Peace, may act as Justices of the Peace, within their respective Jurisdictions, in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they are or shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall on that Account be deemed unqualified to act as a Trustee in the Execution of this Act.

Justices may act in both Characters.

Trustees lending Money not to be disqualified on that Account.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, on the Fourth Monday in the Month of July next after the passing of this Act, at the *Old Coffee House*, if then open, and if not, then at some other Inn in *Warrington*, in the said County Palatine of *Lancaster*, and proceed to the Execution of this Act, and shall then adjourn themselves from Time to Time, and afterwards meet at the said House, or at any other Place or Places in or near the said Road, as the said Trustees attending the said Meetings shall think most convenient, as often as it shall be necessary, for putting this Act in Execution; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act or to adjourn (Three Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in such Case the Clerk to the said Trustees, by public Notice in Writing to be affixed at or on the Turnpike Gates then erected on the said Road, and also inserted in One of the *Manchester Newspapers*, or in some other public Newspaper printed in the Neighbourhood of the said Road, at least Fourteen Days before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting of such Trustees was appointed to be holden, or at some other convenient House, on that Day Three Weeks from the Day on which such Meeting was appointed to have been holden; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days next after such Refusal, Neglect, or Prevention of such Clerk, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint such Trustees to meet at some convenient House, to be mentioned in such Notice, upon that Day Three Weeks after the Date of such last-mentioned Notice; and that the Trustees at all their Meetings shall defray their own Expences; and all Orders and Determinations of

First Meeting of Trustees.

Clerk to adjourn and call Meetings, if a sufficient Number of Trustees do not attend.

Trustees to pay their own Expences.

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All Orders to be made at Meetings, and no Order to be revoked at a subsequent one, unless by a Majority of Nine at least present, and Notice given of proposed Alteration.

the said Trustees in the Execution of this Act shall be made at Meetings to be holden in pursuance of this Act, and not otherwise; and no Order or Determination shall be made, unless a Majority of the Trustees present at a Meeting shall concur therein, such Meeting not consisting of less than Nine of the said Trustees; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Notice in Writing, specifying the Revocation or Alteration proposed to be made, be affixed upon all the Turnpike Gates then erected in and upon the said Road, and also inserted in One of the *Manchester* Newspapers, or in some other public Newspaper printed in the Neighbourhood of the said Road, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of the said Trustees present at such Meeting, such Majority to consist of Three at the least, shall concur in such Revocation or Alteration.

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

VIII. 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 by the Clerk to the said Trustees for that Purpose, and signed by the Trustees present at the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had, or the major Part of such Trustees; and that such Book or Books shall be open at all reasonable Times to the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward; and such Orders and Proceedings, so entered and signed by such Number of the said Trustees as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation herein-before directed to be taken by the said Trustees, shall be entered, and also the Book or Books directed to be kept for registering the Mortgages and Assignments herein-after mentioned, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts whatsoever, in all Cases of Appeal, and in all Prosecutions, Suits, and Actions touching any Thing done or to be done by virtue or in pursuance of this Act.

Trustees may appoint and remove Officers.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint or continue such Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls hereby granted, and other Officers respectively, as they shall think proper; and that the said Trustees, or any Five or more of them, shall and may, at any Meeting to be held for that Purpose, of which Meeting and the Purport thereof Twenty-one Days Notice shall be given in Writing, to be affixed upon the respective Turnpike Gates then erected upon the said Road, by any Writing or Writings under their Hands, from Time to Time remove such Clerk, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Tolls shall be paid, after the Rates herein-after mentioned, to such Person or Persons as shall be so appointed to receive the same; and the said 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, at a General Annual Meeting, to be held on the First Friday in the Month of September in every Year (which Annual Meeting the said Trustees, or any Five or more of them,

Officers shall account upon Oath at the General Annual Meeting.

them, are hereby directed to hold), give unto such Trustees true and perfect Accounts, in Writing under their respective Hands, of all the Monies which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they or any Five or more of them shall direct or appoint; and if any of the said Officers or other Persons shall not give and render such Account, then and in any or either of the said Cases it shall be lawful for any Two Justices of the Peace for the said County Palatine of Lancaster, and such Justices are hereby authorized and required, upon Complaint made to them by any Five or more of the said Trustees for that Purpose, to make Inquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer, without Fee or Reward); and if any such Person shall be thereof convicted, such Justices shall and may commit the Party to the Common Gaol of the said County, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account in Manner aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) on Demand, after the Money remaining due and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Two Justices, shall and may commit such Person or Persons to the Common Gaol of the County or Place where such Person shall reside, there to remain without Bail or Mainprize until he or they shall have paid over such Money in Manner as aforesaid, or shall have compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they or any Five or more of them shall appoint to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby empowered to make: Provided always, that no Person who shall be committed for Want of sufficient Distress, shall, by virtue of this Act, be detained in Prison for any longer Time than Three Calendar Months.

Proceedings
against Officers neglect-
ing to ac-
count.

X. And be it further enacted, That upon the Death, Incapacity, absconding, misbehaving, or Absence of any Collector or Receiver of the Tolls, it shall and may be lawful for any Five or more of the said Trustees, though not assembled at a Meeting of the said Trustees to be held in pursuance of this Act, by Writing under their Hands, to discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls in the Stead of such Collector or Receiver so dying or being discharged; and the Person so appointed

Trustees
may appoint
temporary
Collectors.

appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person who shall so die or be discharged would have had or been subject to, until the said Trustees or any Five or more of them shall, at a Meeting to be holden by virtue of this Act, appoint a Collector of such Tolls.

For removing
Collectors,
&c. mis-
behaving
themselves.

XI. 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 Three Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees or any Five 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 Five or more of them, or such new appointed Collector, Receiver, or other Officer into the Possession thereof.

Trustees may
allow Salaries.

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

Treasurer to
give Security.

XIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from their Treasurers, Clerks, Collectors of the Tolls, and other Officers, for the due and faithful Execution of their respective Offices, as to such Trustees or any Five or more of them shall seem expedient; and that no such Treasurer, Clerk, Collector, or other Officer shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Clerk not to
act as Trea-
surer, and
vice versa.

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

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 of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of 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* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

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

Persons employed under the former Act to account to the Trustees under this Act.

XVI. And be it further enacted, That the Trustees named and appointed and hereafter to be named and appointed under the Authority of this Act, shall and may sue and be sued in the Name of their Clerk for the Time being; and that no Action which may be brought or commenced by the Direction of or against the said Trustees or any of them by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Incapacity, or Removal of any such Clerk, or by the Act of such Clerk without the Consent of the said Trustees or any Five or more of them at a public Meeting to be held for that Purpose; but the Clerk to the said Trustees for the Time being shall be deemed to be Plaintiff or Defendant in every such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein as aforesaid.

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

How Expences of Actions are to be reimbursed.

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 their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account 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 seasonable Times be open to the Inspection of the said Trustees or any of them, 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

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

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the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

Trustees may
continue the
present
Turnpike
Gates and
Toll Houses.

XVIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may continue the Turnpike Gate now erected, and which now stands across the said Road in the Township of *Woolston with Martinscroft* called *The Martinscroft Bar*, or from Time to Time remove the same, and in lieu of the said Gate erect and set up across the said Road a Turnpike Gate at any Place between *Warrington* aforesaid and *Hollinsgreen*, and on the said Road leading towards *Manchester*; and also shall and may continue, or erect and provide such Toll Houses in, upon, or adjoining to the said Road at such Places where the said Turnpikes and Turnpike Gates are or shall be erected or set up, as the said Trustees, or any Five or more of them, shall think proper, and order and direct the Expences of removing, setting up, and erecting such Turnpikes and Turnpike Gates, as the Case may happen; and of building and erecting all such Toll Houses, and of keeping up and supporting the same respectively, to be borne and paid by and out of the Monies to be raised, procured, and collected by and under the Powers and Authorities of this present Act, in the Manner herein-after mentioned and provided.

Toll Houses
and other
Things
vested in the
Trustees.

XIX. And be it further enacted, That the Right and Property of all and every the Turnpikes, Toll Houses, and Buildings erected upon the said Road by virtue of the said recited Act, or to be erected by virtue of this Act, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Road, and also of all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had for amending and repairing the said Road, shall be and the same are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby empowered to prefer or order to be preferred any Bill or Bills of Indictment or Indictments against any Person or Persons who shall steal, take, carry away, or injure the same, or shall interrupt them the said Trustees, or any of their Officers, in the Possession thereof; in which Bill or Bills of Indictment it shall be sufficient to state generally such Turnpikes, Toll Houses, Buildings, Materials, Tools, Implements, and other Matters and Things, to be the Property of the Clerk for the Time being to the said Trustees.

Tolls to be
taken.

XX. And be it further enacted, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse, Beast, or other Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through the said Turnpike herein-before mentioned called *The Martinscroft Bar*, or any Turnpike to be erected in lieu of the same, or either of them; (that is to say),

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Three Shillings;

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

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

For every Waggon or other Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, drawn by Five or Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four or by fewer than Four Horses or Beasts of Draught, the Sum of Two Shillings:

For every Waggon or other Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, drawn by Four or fewer than Four Horses, the Sum of Three Shillings; and by more than Four Horses, the Sum of Four Shillings:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforesaid, drawn by Four or by more than Four Horses or Beasts of Draught, the Sum of 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, or by One Horse, the Sum of Sixpence:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches, drawn by Four 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, or by One Horse, the Sum of Sixpence:

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

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

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

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

Which said respective Sums of Money shall be demanded and taken as and for or in the Name of a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses or other Cattle, or of any Carriage, upon which any Toll is by this Act imposed, or by Distress of any of the Goods or Chattels of such Person or Persons; and

Tolls to be levied by Distress and Sale.

and if such Tolls, and the reasonable Charges of such Distress; shall not be paid within the Space of Four Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) on Demand to the Owner thereof, after such Toll and all reasonable Charges shall be deducted; and that all Monies so to be collected or levied shall be and are hereby vested in the said Trustees, and shall be applied to the Purposes of this Act.

Tolls vested in the Trustees.

Trustees may either continue the present Side Gates and Toll Houses, or erect others in lieu of them.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to cause to be erected, set up, and provided One or more Turnpike or Turnpikes, or Turnpike Gate or Gates, Toll House or Toll Houses, on the Side or Sides of any Part or Parts of the said Road, across any Highway leading into the same, and to cause such Tolls to be collected and levied at such respective Turnpikes as are by this Act made payable upon the same Road, so as that the same do not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid for passing through the said Turnpike or Turnpike Gate herein-before authorized to be continued or erected across the said Road hereby directed to be repaired.

Application of Tolls collected at the Side Gates.

XXII. And be it further enacted, That the Tolls to be collected at the said Turnpikes on the Side of the said Road shall be applied in and on account of repairing and widening the said Road.

For settling Disputes concerning Tolls.

XXIII. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charge of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County or Place where such Dispute shall happen, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witnesses or Witnessess (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar Keepers not incompetent Witnesses.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be, and are hereby declared not to be, incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being so appointed to collect the said Tolls, or by reason of his or their acting under the Authority of the said Trustees.

XXV. Provided

XXV. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any of the said Turnpikes herein-before mentioned, or any Turnpike to be erected in lieu of the same, or any of them, shall be subject to the Payment of any Toll for returning through such Turnpikes the same Day before Twelve of the Clock at Night, with the same Horses, Mules, Asses, or other Cattle, or with the same Coach, Chaise, Waggon, Cart, Caravan, Timber Carriage, or other Carriage, but shall return Toll-free, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes, which Ticket such Collector is hereby required to deliver *gratis*, on Receipt of the said Tolls.

Tolls to be paid but Once a Day for passing and repassing.

XXVI. Provided always, and be it further enacted, That notwithstanding any Thing herein-before contained to the contrary, the Tolls hereby granted shall be demanded and paid for and in respect of every Waggon, Cart, Caravan, Timber Carriage, or other Carriage which shall pass or repass through any of the said Turnpikes laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred; and also in respect of every Chaise or other Carriage for Hire which shall repass through any of the said Turnpikes now erected or hereafter to be erected upon the said Road, and for which a Ticket shall be delivered denoting a fresh Hiring; and in respect of every Coach, Berlin, Landau, Chariot, Calash with Four Wheels, Chaise Marine, Diligence, Chaise with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriages now is or are or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a public Stage Coach or Stage Coaches or Stage Carriages, licensed to carry Passengers to and from different Places; in all which Cases the Tolls afore-said shall be again paid.

Waggons and other such Carriages, laden with 500lbs. Weight, and Chaises with fresh Passengers, and Stage Coaches, to pay every Time of passing, &c.

XXVII. Provided always, and be it further enacted, That the said Tolls shall not be demanded or taken at more than One Toll Gate in any One Day from any Person or Persons for the same Horse, Beast, Cattle, or Carriage upon the said Road (save and except in the several Cases last herein-before mentioned), such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Tolls to be paid but once a Day.

XXVIII. 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.

No Toll for crossing the Road.

XXIX. 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 Tolls, 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.

Trustees to provide Tickets denoting Payment of Tolls, &c.

XXX. 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

Power to reduce the Tolls.

[Local.]

II I

Act

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 Three Trustees at the least, shall concur in such Reduction.

Exemptions
from Toll.

XXXI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Carriage passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with, Stone, Brick, Lime, Gravel, or other Materials for making and repairing the said Road, or for repairing the Highways in any Township through which any Part of the Road directed by this Act to be repaired leads; nor for any Horse, Cattle, or Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with, Stone, Lime, Marl, Muck, Dung, Mould, Soil, Compost, or Manure of any Nature or Kind whatsoever, to be used in the draining, manuring, or improving of Land; nor for any Horse, Cattle, or Carriage laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with Hay or Corn in the Straw, in the Time of Harvest, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Inhabitants of any of the said Townships, nor for any Ploughs, Harrows, or Implements of Husbandry belonging to any of the said Inhabitants; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor of or from any Person or Persons for passing through any of the said Turnpikes to or from his, her, or their proper Parochial Church or Chapel, or other Place of religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Cattle or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in any of the Townships through which the said Road doth lead; nor for any Horse or other Cattle belonging to any of the said Inhabitants, which shall only be going to or returning from Pasture or Water, or from Plough or Tillage, or Work in Husbandry; or for any Horse, Cattle, or Carriage belonging to any Inhabitant of any Township wherein any Turnpike or Turnpike Gate is or shall be erected, which shall only be passing to the Smith's Shop in such Township in order to be shod or repaired, or for the

the Return of any such Horse, Cattle, or Carriage unladen; or for any Horse, Cattle, or Carriage belonging to any Inhabitant of any Township in which any such Turnpike is or shall be erected, going to or returning from any Corn Mill in such Township, for or with any Corn, Grain, Malt, Meal, or Flour for the Owner's own Use or Consumption in his or her Dwelling House, and not for Sale; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horses of Soldiers on their March, or on Duty, or for Cattle or Carriages attending them, laden only with their Arms or Baggage, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying such Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Carriage drawing the same, 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 empty after having been so employed, or any sick, wounded, or disabled Soldiers; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place of Exercise, Inspection, or Review, provided that such Person is or shall be dressed in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements, according to the Regulations appointed for such Corps, at the Time of claiming the Exemption; nor for any Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to Gaol, or to the House of Correction, or returning after being so employed; nor from any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Lancaster*, on the Day before, the Day of such Election, or the Day after the same shall be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the said Exemptions, or any other Exemptions from Tolls by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same.

XXXII. 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 or 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 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, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways

Exempting
Carriages
conveying
King's Stores
from Penalties for Overweight.

ways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

55G.3.c.119.
extended to
this Act.

XXXIII. Provided always, and be it further enacted, That the several Powers, Clauses, and Provisions contained and expressed in an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weights in certain Cases*, shall be extended to this Act, and shall and may be exercised and executed by the Trustees for executing this Act, or any Five or more of them, and be applicable to Waggon, Carts, or other Carriages passing along or over the said Road, any Thing in this Act to the contrary notwithstanding.

Power to
compound
for the Tolls.

XXXIV. 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 travelling for Hire; and all such Composition Money shall be paid One Year in Advance, otherwise such Composition shall be void.

Power to let
the Tolls.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, or under the Hand and Seal, Hands and Seals of their Clerk or Clerks, Treasurer or Treasurers for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of this Act, or any Part or Parts 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 Five or more of them shall direct or appoint, of which letting Twenty-one 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 herein-after is mentioned and directed.

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

XXXVI. 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, Mule, or Ass laden with Milk, Whey, Butter Milk, or Curds, or for the Return of any such Horse, Mule, or Ass with the empty Vessels in which such Milk, Whey, Butter Milk, or Curds shall have been conveyed; any Thing herein-before contained to the contrary notwithstanding.

Penalty on
Persons disposing
of
Tickets to

XXXVII. And be it further enacted, That if any Person shall offer or dispose of any Note or Ticket to any Person in order to evade the Payment of the said Tolls, every such Person so offering or disposing of such Note
or

or Ticket, and the Person receiving or making use of the same, shall respectively forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act. evade Payment of Tolls.

XXXVIII. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, go or pass through or over any Land, Ground, or Place lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a public Highway, and such Person or Persons not being the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family), with an Intent to evade the Payment of the Tolls by this Act granted; or if any Person or Persons, being the Owner or Occupier of any such Ground, Land, or Place, shall knowingly or wilfully permit or suffer any Person or Persons, not being his, her, or their Servant or Servants, or Person or Persons in his, her, or their Family, with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land, Ground, or Place, with Intent to evade any of the said Tolls; or if any Person or Persons shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons, any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Horse or other Cattle or Beast, or shall unload or cause to be unloaded any Goods, Wares, or Merchandize, or shall take off or cause to be taken off any Horse or other Beast or Cattle from any Carriage, either before or after having passed through any Toll Gate or Turnpike, or having passed through any Toll Gate or Turnpike shall afterwards add or put any Horse or other Beast to any such Carriage, and draw therewith upon any Part of the said Road, so as to increase the Number of Horses or other Beasts drawing the said Carriage after the same shall have passed through the said Toll Gate or Turnpike, whereby the Payment of any of the said Tolls shall or may be evaded; or if any Person or Persons shall do any other Act in order or with Intent to evade the Payment of the said Tolls or any Part thereof, such Person or Persons and every of them shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Penalty on evading Tolls.

XXXIX. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take For preventing Toll Collectors from taking undue Tolls.

[Local.]

II K

a Toll

a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the said Tolls, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Application
of the Tolls.

XL. And be it further enacted, That all Monies and other Effects, which the Trustees of the said Road comprised in this Act, or any of them, or any Treasurer, Collector, or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Act, so far as relate to the said Road hereby directed to be repaired, shall be by the said Trustees applied for the Purposes of this Act; and that out of the Money arising or to arise in respect of the said Road by virtue of the said recited Act or this Act, the Expences of procuring and passing this Act shall in the first Place be paid and discharged, and the Remainder thereof shall from Time to Time be applied in amending, widening, altering, turning, repairing, and keeping in Repair the said Road from the Division of *Lower Irlam* and *Cadishead*, in the said County of *Lancaster*, to the Eighteenth Mile Stone on the Road from *Manchester* to *Warrington*, and in paying the Principal and Interest of all Monies now due and owing on the Credit of the Tolls arising from the Turnpikes erected on the said Road by virtue of the said recited Act, or which may hereafter become due and owing on the Credit of this Act, and in defraying the Expences attending the obtaining and Execution of this Act, and to or for no other Use or Purpose whatsoever.

Trustees may
borrow Money
upon
Mortgage of
the Tolls.

XLI. And be it further enacted, That the said Trustees or any Five or more of them, at any Meeting to be holden for that Purpose, whereof Fourteen Days Notice shall be given in Writing, to be affixed upon the said Turnpikes and inserted in One of the *Manchester* Newspapers, or some other public Newspaper printed in the Neighbourhood of the said Road, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals respectively, to assign over or mortgage all or any of the Tolls to arise and be collected by virtue of this Act, and also the Toll Houses and Appurtenances thereunto belonging (the Charges of assigning or mortgaging the same to be paid out of such Tolls), for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees or any Five or more of them upon the Credit of such Tolls, to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, or his, her, or their Trustee or Trustees, who shall advance and lend the same,

same, to secure the Repayment thereof, with such Interest (not exceeding legal Interest) as the said Trustees or any Five 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 and be collected at the said Turnpike Gates are hereby intended to be applied and disposed of, and to no other Use, Intent, or Purpose whatsoever; and that such Mortgage or Mortgages, Assignment or Assignments, may be in the Form following, or in such other Form as the said Trustees making the same shall think proper; (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* [here insert the Title of this Act] in consideration of the Sum of
 ‘ to *A. B.* the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by
 ‘ *C. D.* of We, whose
 ‘ Hands and Seals are hereunto subscribed and set, being
 ‘ of the said Trustees, do grant and assign unto the said
 ‘ his Executors, Administrators, and Assigns, such Proportion of the Tolls arising or to arise 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
 ‘ his Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the Term 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
 ‘ his Executors, Administrators, or Assigns, together with Interest for the same, after the Rate of *per Centum per Annum*,
 ‘ without any Deduction whatsoever, on or before the
 ‘ Day of now next ensuing, then this Assignment
 ‘ shall be void, or else shall remain in full Force. In Witness whereof we
 ‘ have hereunto set our Hands and Seals, this
 ‘ Day of

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit in and to the said Mortgage, and the Principal Money and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing an Instrument, to be annexed to, or by indorsing on the Back of such Security, before One credible Witness, the following Words, or Words to the like Effect; (that is to say),

‘ **I**, the within-named *A. B.* [or, *I, C. D.* Assignee, Executor, or Administrator of the within-named *A. B.* as the Case may happen to be] do
 ‘ do

Form of Mortgage.

Mortgages to be entered in a Book or Books; and may be assigned.

Form of Transfer.

do transfer the within Mortgage Security, with all my Right and Title
 to the Principal Money thereby secured, and to all Interest now due
 and hereafter to become due thereon, unto
 his [or, her] Executors, Administrators, and Assigns. Dated this
 Day of One thousand eight hundred
 and
 Witnesses to the signing thereof, C. D.

Transfers to
 be entered by
 the Clerk.

Which Transfer shall be produced and notified to the said Clerk within
 Thirty Days next after the Date thereof, who shall cause an Entry or
 Memorial to be made thereof in the before-mentioned Book or Books,
 containing the Dates, Names of the Parties, and Sums of Money therein
 transferred; for which Entry or Memorial the said Clerk shall be paid the
 Sum of Five Shillings, and no more; and such Transfer shall then entitle
 such Assignee, his, her, or their Executors, Administrators, and Assigns,
 to the Benefit thereof, and Payment of the Principal and Interest thereby
 secured; and such Assignee 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 (except the Person or Persons to whom the same shall be last
 transferred) to make void, release, or discharge the original Security, or
 the Monies due thereon, or any Part thereof; and all Persons to whom
 any such Mortgages, Assignments, or Transfers shall be made as aforesaid,
 shall be, in proportion to the Sum or Sums of Money therein respectively
 mentioned, Creditors on the said Tolls and Toll Houses, in equal Degree
 one with another, and shall have no Preference in respect of the Priority
 of advancing any such Monies, or the Dates of such Mortgages, Assign-
 ments, or Transfers.

No Priority
 of Mort-
 gages.

Power to
 cancel old
 Mortgages,
 and give new
 ones.

XLII. And be it further enacted, That the said Trustees, or any
 Five or more of them, shall and may, if thereunto required, receive in
 and cancel all or any of the Mortgages now standing out, that were
 made by virtue of the said recited Act on the said Tolls, and give
 and execute another Mortgage or other Mortgages, instead and in lieu
 thereof respectively, in Manner and transferrable as herein-before is men-
 tioned.

Trustees may
 widen, divert,
 turn, or alter
 any Part of
 the Road, &c.

XLIII. 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 fully em-
 powered, from Time to Time, at their Discretion, to widen, divert, turn,
 or alter the Course or Path of any Part or Parts of the said Road, and to
 set out and make the same of any Width, not exceeding Forty Feet,
 through any Common or Waste Ground, without making any Satisfaction
 for the same, and also through any private or inclosed Grounds or Here-
 ditaments, first making Satisfaction to the Owners thereof and Persons inte-
 rested therein for the Damage they may sustain thereby; and for that Pur-
 pose it shall and may be lawful for the said Trustees, or any Five or more
 of them, to treat, contract, and agree with the Owners of and Persons
 interested in any Lands or Hereditaments for the Purchase thereof, or for
 the Loss or Damage which such Owners or Persons interested may sustain
 by the making, widening, diverting, turning, or altering the Course or
 Path of any Part or Parts of the said Road through such Lands and Here-
 ditaments; and it shall be lawful for all Bodies Politic or Corporate,
 Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees
 in

in Trust, Tenants for Life or in Tail, Executors, Administrators, Husband, Guardians, or other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Infants, Females Covert, or Cestuique Trusts, Lunatics, Idiots, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Sale of such Lands or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes of this Act, and to sell and convey the same as Occasion shall be or require; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Bodies Politic, &c. empowered to sell.

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

Trustees not to deviate more than 100 Yards from the present Line without Consent.

XLV. 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 or Hereditaments, upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands and Hereditaments intended to be taken in and added to the said Road, and through which the said Road shall be turned as aforesaid, shall, for the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the said County of *Lancaster* (which Oath any Two or more of the said Trustees are hereby empowered and required to administer); what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owners or Proprietors, or other Person or Persons interested, for or on account of the taking of such Lands or Hereditaments into the said Road, or of widening, diverting, turning, or altering such Road through the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they the said Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises; and 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

Where Persons interested neglect or refuse to treat;

Damage and Recompence to be settled by a Jury.

[Local.]

11 L

paid

Verdict of
Jury to be
final.

For impan-
nelling a Jury.

paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgment, Order, and Determination, shall be final and binding to all Intents and Purposes, against all Parties and Persons whatsoever claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of *Lancaster*, thereby commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve.

Jurors may
be chal-
lenged, and
Sheriff fined
for Default.

XLVI. Provided always, and be it further enacted, That the said Trustees, and all Persons interested, shall have their lawful Challenges against any of the said Jurymen; and the said Trustees, or any Five or more of them acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury and shall not appear, or refuse to be sworn on the said Jury, or being sworn and 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, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, or shall refuse to be examined and to give Evidence; and from Time to Time to levy and apply such Fine or Fines in such Manner as the said Penalties and Forfeitures are herein-after directed to be levied and disposed of, so as that no such Fine exceed the Sum of Five Pounds upon any one Person for one Offence.

Money
agreed upon
or assessed
for Lands
how to be
charged and
tendered.

XLVII. 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 Tolls by this Act granted, or on the Monies to be borrowed on the Credit of such 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 Persons or their Agents, or on depositing the same in the Bank of *England* in Manner by this Act directed (as the Case may be) for the Use of such
Persons,

Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into or upon, and to take unto or add to the said Road, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, in relation to such Lands and Hereditaments, as the said Trustees, or any Five or more of them, shall think proper; and such Lands and 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 is 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 shall be vested in and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purposes of this Act.

XLVIII. And whereas by reason of the diverting, altering, or turning the said Road, or by reason of the Purchases which the said Trustees are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Grounds or Soil, or Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

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

XLIX. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Road to be diverted, altered, or turned by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, and Hereditaments lying on both Sides of such diverted Road, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase the same (as the Case may happen to be), an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts what-

Persons whose Lands adjoin to have the Preference.

ever

ever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom it was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees or any Five or more of them in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

How Expences of Jury and Witnesses to be borne.

L. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Interest, or Property, or the Loss or Damage sustained as aforesaid, shall be borne and paid by the said Trustees or any Five or more of them, out of the Tolls or other Monies arising by virtue of this Act, or out of any Money borrowed or to be borrowed upon the Credit thereof; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees or any Five or more of them, before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the respective County or Place wherein such Lands or Grounds and Hereditaments shall lie, 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 or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being

being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided always, that where by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the Whole of such Costs and Expences shall be paid by the said Trustees out of the Monies to arise by virtue of this Act.

LI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other 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 Trustees for executing this Act, or any Five or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments; or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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 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 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 Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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.

Application of Compensation Money if amounting to 200l.

LII. 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

Application of Compensation Money where less than 200l.

[Local.]

11 M

Incapacity

and exceed-
ing 20l.

Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees 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 Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
of Compen-
sation Money
where not
more than
20l.

LIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, or if
Persons
cannot be
found, Pur-
chase Money
to be paid
into the
Bank, subject
to the Order
of the Court
Chancery.

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

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

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

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

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

The Court may order reasonable Expences of Purchases, &c. to be paid by Trustees.

LVII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Tenements, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made and executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law, to the said

Upon Payment of Purchase Money, Conveyances to be executed.

said Trustees or any Five or more of them, or to such Person or Persons as they shall appoint, of the said Lands, Tenements, or Hereditaments for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances, shall contain such usual and reasonable Covenants as shall on behalf of the Trustees be required; and in case any Person or Persons to whom such Money shall be agreed, awarded, or adjudged to be paid as aforesaid, shall not evince a clear and perfect Title to the said Premises, and make or procure to be made, at the Expence of the said Trustees, proper and effectual Conveyances thereof, or shall refuse so to do, being thereunto required, such Sum or Sums of Money so agreed, awarded, or adjudged to be paid as aforesaid, shall be paid into the Bank of *England* in Manner herein-before mentioned; and when and so soon as the same shall be so paid into the Bank, all Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever in Law and Equity, of all and every Person or Persons who shall be entitled to such Money, of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption whatsoever, either in Law or Equity, as fully and effectually to all Intents and Purposes as if all and every Person and Persons having any Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim or Demand, of, in, to, from, and out of the same Lands, Tenements, or Hereditaments, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

Trustees not
to take down
Houses.]

LVIII. Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid shall not extend to the taking or pulling down of any Dwelling House or other Buildings, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained for that Purpose; any Thing herein contained to the contrary notwithstanding.

Persons liable
to the Repair
of the High-
ways to con-
tinue so.

LIX. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be by this Act made chargeable towards repairing and amending the said Road or any Part thereof, shall still remain and be liable thereto in like Manner as they were before the passing of this Act, or as they are by this Act made chargeable and liable thereto, or as any Inhabitants or other Persons are liable thereto by Law, in respect of the Roads in their Parishes; and that it shall and may be lawful for the said Trustees or any Five or more of them, by their Surveyor or Surveyors, or any Two or more Justices of the Peace of the said County, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or any Five of them, or by their Clerk or Clerks, Surveyor or Surveyors, by

Statute
Work, or
Composition
Money in lieu
thereof, how
to be per-
formed or
paid.

by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road or any Part thereof doth lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Township, Parish, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto, it shall be lawful to and for the said Trustees or any Five or more of them, or 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 Writing before such Trustees or any Five or more of them, or such Justices, at some Place to be expressed in such Summons, (within Seven Days after the serving of such Summons, either personally or by leaving the same at his, her, or their Dwelling House or Dwelling Houses) a List or Lists of the Names of the several Persons who within such Parishes, Townships, or Places respectively, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in Force and Effect for the Repair of the Public Highways; and out of such Lists the said Trustees or any Five or more of them; or such Justices, shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road, as the said Trustees or any Five or more of them, or such Justices, shall think reasonable; and the same shall be done on such Days and at such Times, and on such Parts of the said Road, as the said Trustees or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Trustees or any Five or more of them, or the said Justices, may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Trustees or any Five or more of them, or the said Justices, shall think proper, to the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place for the Time being, to be by him or them paid to the said Trustees or to their Treasurer or Treasurers, at such Time or Times as the said Trustees or any Five or more of them, or 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 liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect

Surveyors
of Highways
to deliver in
Lists.

Penalty on
not perform-
ing Statute
Work, or
not paying
Composition
Money.

[Local.]

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for

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 or any Part thereof, shall be found idle or negligent by any Surveyor to the said Road, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid ; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road ; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road ; and in case the said 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 last-mentioned Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound
for Statute
Work.

LX. Provided always, and be it enacted, That it shall be lawful for the said Trustees or any Five or more of them to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or charged with the Repair of any Part of the said Road, within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon ; and that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part of the said Road ; and in case such Composition Money shall not be paid to the said Trustees or any Five or more of them, or to such other Person as they shall appoint to receive the same, within Ten Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Lancaster*, upon Oath made before him or them of such Default (which Oath the said Justice or Justices is and are hereby empowered to administer), and he or they is or are hereby required, to issue a Warrant under his or their Hand and Seal or Hands and Seals, empowering such Person so by the said Trustees or any Five or more of them appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or have made such Composition as aforesaid, and such Goods and Chattels so distrained, after the Space of Four Days (such Composition Money and the reasonable Charges of distraining and keeping the same not being paid) to sell, rendering the Overplus (if any) to the Owner or Owners thereof on Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale, shall be deducted, which Composition Money shall be applied to the Purposes of this Act ; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

LXI. 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 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.

Power to contract for repairing the Road, &c.

LXII. And be it further enacted and declared, That all Lands, Tenements, and Hereditaments, and all Rents and Profits issuing out of Lands, Tenements, or Hereditaments, which now are or hereafter shall be liable or chargeable towards the amending of the said Road, or any Part thereof, shall still remain liable and chargeable, and the Possessors and Occupiers thereof are hereby required to pay such Sum or Sums of Money as shall be liable to be paid out of or are chargeable upon such Lands, Tenements, or Hereditaments, Rents or Profits as aforesaid, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and upon Default of Payment, it shall be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, or under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, together with the Costs and Charges of such Distress and Sale.

Lands liable to the Repair of the Road to continue so.

LXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose), to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of the said Road, to the Prejudice thereof, and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall

Surveyors of the Road by Order of the Trustees may remove Annoyances.

shall think proper and necessary, or to fill up and level any Watercourses or Ditches adjoining to the said Road, or any Part thereof, provided that proper and sufficient Plats, Culverts, Soughs, or Passages of Stone, Brick, or other substantial Materials, be made by such Surveyor or Surveyors, or other Person or Persons as aforesaid, so as to carry off the Water, and prevent Damage to the adjoining Lands, and at proper Seasons of the Year to cut down, lop, or top any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, such Trees or Bushes not being an Ornament to a House or other Building, and not standing in any Garden, Orchard, Yard, Park, Paddock, or planted Walk or Avenue to a House, and to take and carry away the same in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or remove such other Annoyances, for the Space of Five Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; the same to be recovered in such Manner as the Penalties and Forfeitures are hereafter directed to be recovered; and if after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Surveyors, by Order of the Trustees, may make Causeways, Drains, &c.

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

LXV. And

LXV. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors to be appointed by virtue of this Act, and such Persons as he or they or any Five or more of the said Trustees shall appoint, to dig, gather, and take away, or search for, any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Road, in, from, or out of any common River or Brook, or any Commons or Waste Grounds in any Parish, Town, Village, or Hamlet in which any Part of the said Road doth lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise to be railed or fenced out, where and from whence any of such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers, and paying for the Damages done by leading; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing made by any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, upon the Application of the said Trustees, or any Five or more of them, for that Purpose), to search for, dig, gather, and take away such Materials out of the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted, and set apart as a Nursery for Trees, paying such Rates for such Materials, and for Damage done to the Owners or Occupiers of such Grounds where and from whence the same shall be carried, as the said Trustees or any Five or more of them shall judge reasonable; and in case of any Difference concerning the same, any Two or more Justices of the Peace for the said County of *Lancaster* shall and may adjudge and determine the same: Provided always, that nothing herein contained shall extend to authorize or empower the said Surveyor or Surveyors, or any other Person to be employed in the Execution of this Act, to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of any River or Brook whatsoever: Provided always, that nothing herein contained shall extend to authorize or empower the said Surveyor or Surveyors, or any other Person or Persons to be employed in the Execution of this Act, to dig or gather any Gravel or other Materials out of the River *Mersey* or *Irwell*, so far as the same are made navigable by Law, within the Distance of Two hundred Yards of any Lock or Weir erected on either of the said Rivers, unless with the Consent of the Committee or Managers elected or appointed by the Undertakers of the Navigation of the said Rivers for the Time being; or to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of either of the said Rivers, or of any other River or Brook whatsoever.

Surveyors may dig for Gravel.

No Gravel to be taken out of the Rivers *Mersey* or *Irwell*.

LXVI. And be it further enacted, That if any Person or Persons who shall be employed by the said Trustees, or their Agents, shall be guilty of the Offence of digging or gathering any Gravel, Sand, or other Materials out of the said Rivers *Mersey* and *Irwell*, or either of them, within the Distance of Two hundred Yards from any Lock erected on the said Rivers, or either of them, unless with the Consent of the Committee or Managers elected or appointed by the Undertakers of the Navigation of the said Rivers for the Time being, and shall be convicted thereof upon Oath before any Two Justices of the Peace for the said County of *Lancaster*

Penalty on Persons guilty of digging Gravel out of the Rivers *Mersey* and *Irwell*.

[Local.]

110

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caster (which Oath the said Justices are hereby empowered to administer), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered, paid, and applied in such Manner as the said Justices shall direct.

Surveyors not to carry away Materials out of Private Grounds without giving Notice to the Occupier.

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

Penalty on taking away Materials got by the Surveyors.

LXVIII. And be it further enacted, That if any Person whomsoever shall take or carry away any Stones or other Materials which shall have been dug or gathered for the Purpose of making, completing, or amending the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Two Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds.

Roads to be measured, and Mile Stones erected.

Penalty on pulling up or defacing Mile Stones; or riding or driving Horses, &c. on Footways; or damaging Horse Causeways, &c. or dragging Timber or Stone;

LXIX. And be it further enacted, That the said Trustees or any Five or more of them shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees or any Five or more of them shall think proper, and order and direct; and if any Person shall wilfully pull up or damage any of such Posts or Stones or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage thereon, or shall cause any Damage to be done to such Footways; or if the Driver of any Waggon, Wain, Cart, or other Carriage, shall wilfully or carelessly pull up, break, or damage any Posts or Stones erected for the Security of the Foot Causeway, or drive the Wheel of his Carriage against the same, or shall wilfully or carelessly drive the Wheel of his Carriage upon any Foot Causeway made or to be made in any Part of the said Road, or against the Side thereof; or if any Person shall haul or draw, or cause to be hauled

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, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Road, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the said Road or any Part thereof, or the Hedges, Fences, Walls, Bankings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, Beast, or Pigs to be and remain loose on the said Road; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on the said Road or any Part thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Road to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road with an Iron Cow Rake, or other Instrument with sharp Points, whereby the said Road or any Part thereof shall be damaged; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of any Part of the said Road, either with or without any Horse or Beast harnessed or yoked thereto (except in case of Accidents), longer than may be necessary for the loading or unloading of the same, or in case the same shall not, during such Time, be drawn up or placed as near the Side of the said Road as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Annoyance thereof, or of any Person or Persons travelling thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the said County, (which Oath the said Justice or Justices is and are hereby empowered and required, upon Application made to him or them for that Purpose, to administer), every Person so offending shall forfeit any Sum not exceeding Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattels of such Offender, One Moiety whereof shall be allotted and paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the House of Correction, there to remain for any Time not exceeding Three Calendar Months, without Bail or Mainprize, until the Expiration of the said Time, or until he or she shall have paid the Sum adjudged by the said Justice or Justices to have been so forfeited.

or laying Hay, Straw, &c. upon the Road to be made into Manure, or scraping the Road with sharp-pointed Instruments, or leaving Waggons, Timber, Stones, Hay, or Rubbish, &c. on the Sides of the Road.

LXX. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore further enacted, That it shall be lawful for any of the said Trustees, 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 or detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the said County of *Lancaster*; and

For securing transient Offenders.

and such Justice is hereby empowered and directed to proceed to the hearing and determining of the Complaint.

Gates to
Fields, &c.
to open in-
wards.

LXXI. And be it further enacted, That all Gates to be hereafter made and placed in any Hedge or other Fence of any Field, Ground, Yard, or other Place, adjoining to the said Road, shall be so made, hung, and constructed as to open inward towards such Field or Ground, and not outward towards the said Road; and in case any Person or Persons shall hang or construct any Gate or Gates contrary to the Directions of this Act, or shall, after the same shall have been hung so as to open inward towards such Field or Ground, again alter the same so as to open outward towards the said Road, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees to cause all or any of such Gates as are now erected, and open outward towards the said Road, to be altered and made to open inward towards such Field, Ground, Yard, or other Place, as they the said Trustees shall think proper.

Penalty on
Persons ob-
structing any
one in the
Execution of
this Act.

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

Penalty on
Witnesses not
attending
when sum-
moned.

LXXIII. And be it further enacted, That if any Person or Persons, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs, Charges, and Expences, shall be summoned as a Witness or Witnesses to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor, or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, and give Evidence before such Justice of the Peace, or at such Sessions or Adjournment thereof, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

Conviction.

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

Form of
Conviction.

‘ Lancashire } BE it remembered, That on the Day of
‘ (to wit.) } in the Year of the Reign of His present
‘ Majesty, and in the Year of our Lord A. B. is con-
‘ victed before One of His Majesty’s Justices of the Peace
‘ for the County of *Lancaster*, [*here specify the Offence, when and where*
‘ *committed*] contrary to the Form of the Statute made in the Fifty-eighth
‘ Year of the Reign of His Majesty King *George* the Third, intituled [*here*
‘ *set forth the Title of this Act*]; and I do hereby declare and adjudge that
‘ the

the said *A.B.* hath forfeited, for the said Offence, the Sum of
 or shall be committed to for the Space of
 Given under my Hand and Seal the Day and Year first above written.

LXXV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Lancaster*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice or Justices is or are hereby empowered and required to administer without Fee or Reward); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charge of such Distress and Sale being first deducted), shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the said Road; and for Want of Distress, it shall and may be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction for any Time not exceeding Three Calendar Months, there to remain without Bail or Mainprize, unless such Penalty or Penalties, Forfeiture or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery and
Application
of Penalties.

LXXVI. 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.

Power to
compound
for Penalties.

LXXVII. Provided always, and be it further enacted, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, it shall be lawful for such Person to 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 of *Lancaster*, or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to such Justices at the Second General Quarter Sessions of the Peace to be holden for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and if such Justices see Cause, they may by Order of such Sessions mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable, and may make such Orders and

Appeal.

[Local.]

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Judgments

Judgments in regard to the Premises as they shall think proper ; but the Person so appealing shall give Notice in Writing to the Clerk or Clerks to the said Trustees, of such his or her Intention of bringing such Appeal, Ten Days before the said Quarter Sessions, and shall also enter into sufficient Bail, before One or more Justice or Justices of the Peace, for prosecuting such Appeal, and abiding such Order as shall be made thereon.

Proceedings
not to be
vacated for
want of
Form.

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

Limitation of
Actions.

LXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing be given to the Clerk to the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed, and every such Action shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere ; and the Defendant or Defendants in every such Action

General Issue.

shall and may plead, at his Election, specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or that such Action or Suit shall be brought before Fourteen Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in such County as aforesaid, then the Jury shall find for the Defendant or Defendants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or

Treble Costs.

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.

Public Act.

LXXX. 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.

Commence-
ment and
Duration of
this Act.

LXXXI. And be it further enacted, That this Act shall commence upon the said First Day of *July* next after the passing of this Act, and from thence shall have Continuance and be in full Force and Effect 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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