



ANNO QUINQUAGESIMO OCTAVO

GEORGH III. REGIS.

Cap. ix.

An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Thirty-third Year of His present Majesty's Reign, for repairing the Road from *Manchester*, in the County Palatine of *Lancaster*, to *Salter's Brook*, in the County Palatine of *Chester*.

[17th March 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 repairing and amending the Roads leading from the Town of Manchester, in the County of Lancaster, through the Town of Ashton-under-Lyne, and Parish of Mottram Longdendale, and from thence to Salter's Brook, in the County Palatine of Chester*: And whereas the Trustees appointed in or by virtue of the said Act have made great Progress in repairing and improving the said Roads, and have for that Purpose borrowed very considerable Sums of Money upon the Credit of the Tolls thereby granted; which Money still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term granted by the said recited Act be continued, and the Powers and Provisions thereof altered, amended, and enlarged; and it is expedient that the Tolls granted by the said Act should be varied, and altered, and in some Respects increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and

[Local.] 3 A with

33G.3 c.139.

The said re-
cited Act
continued.

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 the said recited Act, and all and every the Clauses, Powers, Provisions, Orders, Regulations, Restrictions, Penalties, Forfeitures, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall be in full Force and Effect, and shall be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein-after contained, and which shall commence and take effect immediately on the passing of this Act, and continue and be in force during the Term hereby granted; and this Act, and the additional Term, and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said recited Act, and of such other Sum and Sums of Money as shall be borrowed or become due and owing on the Credit or on Account of the said recited Act and of this Act, and the Interest due and to grow due for the same respectively.

Trustees.

II. And be it further enacted, That the Trustees named in or appointed under or by virtue of the said recited Act, and their Successors, to be elected in the Manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying the said recited Act and this Act into Execution, as fully and effectually to all Intents and Purposes, as if they had been named or appointed in and by this Act.

Power to
elect an addi-
tional Num-
ber of Trus-
tees.

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

For electing
new Trustees.

IV. And be it further enacted, That when and as often as any Trustee named in or appointed under or by virtue of the said recited Act, or to be appointed as aforesaid, or in Manner herein-after mentioned, shall become, by Bankruptcy or Insolvency, or Reduction of Property, or in any other Manner, disqualified to act, or shall die, neglect or refuse to act, or in case any such Trustees shall have died before the passing of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by Writing under their Hands, to elect One other Person to be a Trustee in the Room of such Trustee so disqualified to act, or deceased, neglecting or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in and upon the said Roads, and also by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads pass, at least Ten Days before every such Meeting shall be held; and all Persons so elected are hereby declared to be vested with the same Powers and Authorities, for putting the said recited Act and this Act in Execution, as the
Persons

Persons in whose Places they shall be respectively chosen were vested with.

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, or either of them, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Fifty Pounds above Reprizes; or shall be Heir Apparent of a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid, of the clear Yearly Value of One hundred Pounds above Reprizes; or shall be possessed of or entitled to a Personal Estate to the Amount of One thousand five hundred Pounds; nor (except in administering the Oath or Affirmation following) before he shall have taken and subscribed 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, in the Words or to the Effect following; (that is to say),

Qualification
of Trustees.

‘ 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, of the clear Yearly Value of Fifty Pounds [*or, possessed of a Personal Estate to the Amount of One thousand five hundred Pounds*]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by an Act, passed in the Fifty-eighth Year of the Reign of King George the Third, intituled *An Act [here insert the Title of this Act]*.
‘ So help me GOD.’

Oath of
Qualification.

And if any Person not being so qualified shall presume to act as a Trustee, in the Execution of the said recited Act and of this Act, or being so qualified shall act as such Trustee before he hath taken and subscribed the said Oath, every Person so offending in all or any of the Premises, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty’s Courts of Record at *Westminster*, or elsewhere, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of the said recited Act and this Act; provided nevertheless, that all Acts and Proceedings of any Person or Persons, having acted or acting as a Trustee or Trustees in the Execution of the said recited Act or this Act (although not duly qualified as aforesaid), previously 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 qualified according to the Directions of this Act; and that no Person shall be capable of acting as a Trustee in the Execution of any of the Powers granted by the said recited Act or this Act during the Time he

Penalty on
acting before
having taken
the Oath.

Victuallers,
&c. not to
hold Places
of Profit.

he shall hold any Place of Profit under the said recited Act or this Act; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under the said recited Act or this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of the said recited Act and this Act, notwithstanding their being Trustees (except only in such Cases where they shall be personally interested); and the said Trustees shall at all their Meetings pay and defray their own Expences.

Former Tolls
repealed, and
new Tolls
granted.

VI. And whereas the Tolls granted by the said recited Act have been found inadequate to the proper Execution thereof; and it is expedient that the said Tolls should be repealed, and further and other Tolls granted in lieu thereof; be it therefore further enacted, That from and after the Thirty-first Day of *May* One thousand eight hundred and eighteen, the said Tolls shall be and the same are hereby declared to be repealed, and that instead thereof the Tolls following shall from thenceforth be demanded and taken at each and every of the Turnpikes and Toll-gates erected or to be erected upon or across or on the Sides of the said Roads, before any Horse or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through the same, (except as herein-after is excepted and provided); that is to say,

Tolls.

For every Coach, Chariot, Landau, Landaulet, Phaeton, Marine-Barouche, Berlin, Chaise, Hearse, Calash, or other such Carriage, having more than Two Wheels, and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Six Horses or Beasts of Draught, the Sum of Two Shillings and Four-pence:

For every Curricule, Chair, Gig, or other such Carriage, having Two Wheels only, and drawn by One Horse or Beast of Draught, the Sum of Sixpence; and drawn by more than One Horse or Beast of Draught, the Sum of One Shilling:

For every Waggon, Wain, or other such Carriage, having more than Two Wheels, the Fellies and Tire of such Wheels being of the Breadth of Sixteen Inches from Side to Side, at the Bottom or Sole thereof, and rolling upon a flat Surface, the Sum of Sixpence:

For every Waggon, Wain, or other such Carriage, having more than Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Sixteen Inches, but not less than Twelve Inches, from Side to Side, at the Bottom or Sole thereof, and rolling upon a flat Surface, the Sum of Nine-pence:

For every Waggon, Wain, or other such Carriage, having more than Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Twelve Inches, but not less than Nine Inches, from Side to Side, at the Bottom or Sole thereof, the Sum of One Shilling and Sixpence:

For every Waggon, Wain, or other such Carriage, having more than Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Nine Inches, and not less than Six Inches, from Side to Side, at the Bottom or Sole thereof, the Sum of Two Shillings:

For every Waggon, Wain, or other such Carriage, having more than

Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Six Inches from Side to Side, at the Bottom or Sole thereof, the Sum of Four Shillings :

For every Cart, Wain, or other such Carriage with not more than Two Wheels, the Fellies and Tire of such Wheels being of the Breadth of Nine Inches from Side to Side, at the Bottom or Sole thereof, the Sum of Nine-pence :

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Nine Inches, and not less than Six Inches from Side to Side, at the Bottom or Sole thereof, and drawn by One Horse or Beast of Draught only, the Sum of Sixpence ; and drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence ; and drawn by more than Two Horses or Beasts of Draught, the Sum of One Shilling :

For every Cart, Wain, or other such Carriage with Two Wheels, the Fellies and Tire of such Wheels being of a less Breadth than Six Inches from Side to Side, at the Bottom or Sole thereof, and drawn by One Horse or Beast of Draught only, the Sum of Eight-pence ; and drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Two-pence ; and drawn by more than Two Horses or Beasts of Draught, the Sum of One Shilling and Eight-pence :

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

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

For every Drove of Calves, Sheep, Lambs, or Swine, (except a single Calf, Sheep, Lamb, or Swine, for which the Sum of One Halfpenny shall be paid), the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

And also that on each and every *Sunday* after the said Thirty-first Day of *May* One thousand eight hundred and eighteen, there shall be demanded and taken at all and every the Turnpikes and Toll Gates erected or to be erected upon, across, or on the Sides of the said Roads, before any Horse or other Cattle or Beast, Coach, Waggon, Cart, or other Carriage, shall be permitted to pass through the same Turnpikes or Toll Gates on a *Sunday*, in addition to the Tolls by this Act authorized to be taken for every Horse or other Cattle or Beast, Coach, Waggon, Cart, or other Carriage passing through the said Turnpikes or Toll Gates, or any of them, upon any other Day of the Week, One Half more of the same Tolls ; except for such Horses, Carts, or other Carriages as shall be used or employed for carrying Milk only, the same being hereby declared to be liable on a *Sunday* to the Payment of the same Tolls as are due and payable on any other Day of the Week, and no more.

A Half Toll to be taken in addition on Sundays.

VII. And be it further enacted, That so much of the said recited Act as enacts, That when any Person or Persons should have passed through any of the Toll Gates erected or to be erected upon, across, or on the Side of the said Roads, and should have paid the full Toll therein-before mentioned, and should produce a Note or Ticket that the said Toll was so paid, such Person or Persons should pay One Half of a like Toll for passing through the next Toll Gate erected or to be erected upon, across, or on

Regulating the Toll to be taken at a Second Gate.

[*Local.*]

3 B

the

the Side of the said Roads ; and that no more than Two full Tolls and a Half be taken for passing through all the Toll Gates erected or to be erected upon, across, or on the Side of the said Roads in one and the same Day, shall, from and after the Thirty-first Day of *May* One thousand eight hundred and eighteen, be and the same is hereby declared to be repealed ; and that thenceforth, when any Person or Persons shall pass through any of the Turnpikes or Toll Gates erected or to be erected upon, across, or on the Sides of the said Roads, with Waggon, Cart, or other Carriages, and shall have paid the full Toll directed to be demanded and taken at the First of such Turnpikes or Toll Gates through which he, she, or they shall pass, for such Waggon, Cart, or other Carriage, and shall produce a Note or Ticket denoting that the said Toll has been paid, such Person or Persons shall pay One Half only of a like Toll for passing with such Waggon, Cart, or other Carriage through the next Turnpike or Toll Gate erected or to be erected upon, across, or on the Side of the said Roads through which such Person or Persons shall so pass : Provided always, that no more than Three full Tolls and a Half shall be demanded or taken for passing with Waggon, Cart, or Carriages through all the Turnpikes or Toll Gates erected or to be erected upon, across, or on the Side of the said Roads, between the said Town of *Manchester* and *Salter's Brook*, in one and the same Day : Provided also, that no more than a Half of a full Toll shall be demanded or taken for passing with Waggon, Cart, or Carriages along the said Roads from the said Town of *Manchester* into *Gorton Lane*, or from and out of *Gorton Lane*, to the said Town of *Manchester*, in one and the same Day ; nor more than One full Toll for passing with Waggon, Cart, or Carriages along the said Roads from *Abbey Hay Lane* to *Ashton-under-Lyne* ; nor more than One full Toll and a Half of a full Toll shall be demanded or taken for passing with Waggon, Cart, or Carriages along the said Roads from the said Town of *Manchester* to the said Town of *Ashton-under-Lyne*, or from the said Town of *Ashton-under-Lyne* to the said Town of *Manchester*, in one and the same Day ; nor more than Two full Tolls and a Half of a full Toll shall be demanded or taken for passing with Waggon, Cart, or Carriages along the said Roads from the said Town of *Manchester* to the Village of *Tintwisle* in the Parish of *Mottram Longdendale* aforesaid, or from the Village of *Tintwisle* aforesaid to the said Town of *Manchester*, in one and the same Day.

Trustees to
provide
Tickets
denoting Pay-
ment of
Tolls, &c.

VIII. 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.

Tolls to be
paid Once
only for
passing and
repassing the
same Day.

IX. And be it further enacted, That no Person who shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates erected or set up by virtue of this Act, shall be subject to any Toll for returning once through the several Toll Gates erected or to be erected on the said Roads the same Day (to be computed as aforesaid) with the same Horses, Mules, Asses, or other Cattle, or with the same Coach, Chaise, Waggon, Cart,

Cart, or Carriage, but shall return Toll-free, upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate.

X. And be it further enacted, That if any Person or Persons shall pass or go a Third Time on the same Day with any Horse, Cattle, or Carriage through all or any of the Toll Gates or Turnpikes erected or to be erected by virtue of this Act, then every such Person or Persons shall be liable and compellable to pay One Half of a full Toll for such Horse, Cattle, or Carriage, in such and the same Manner as he, she, or they are and would have been liable to pay a full Toll (or a Half Toll, as the Case may be) in case he, she, or they had not before on the same Day paid any Tolls or passed through any of the said Gates or Turnpikes.

A Half Toll to be paid on passing a Third Time the same Day.

XI. And be it further enacted, That from and after the said Thirty-first Day of *May* One thousand eight hundred and eighteen, the Exemptions granted by the said recited Act shall be and the same are hereby declared to be repealed; and that from thenceforth no Toll shall be demanded or taken from any Person or Persons residing within any of the Townships through which the said Roads or any Part thereof respectively lead, for or in respect of any Horse or Horses or other Beasts going to be shod at or returning from any Smithy within any of the said Townships, or from any such Person or Persons for any Carriage, or any Horse, Cattle or Beast, laden only with, or going unladen for, or returning unladen after having been only laden on the same Day with Corn or Grain to be ground at any Mill within any of the said Townships, for his, her, or their own Use and Consumption only, and not for Sale; nor for any Horse, Cattle, Beast, or Carriage passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden only with any Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in any of the Parishes, Townships, or Places through which the said Roads or any Part thereof respectively lead; nor with any Grass, Hay, or Corn in the Straw only, passing to be laid up or placed in the respective Houses, Outhouses, or Lands of the Owner or Owners thereof, (but any Carriage laden with any Hay or Straw fold, or for Sale, shall not be exempted from Toll); nor with any Ploughs, Harrows, or Implements of Husbandry only passing through the said Turnpikes or Toll-gates for the Purpose of using or repairing the same; nor for carrying or conveying any Mould, Dung, Lime Lime-ashes, Marl, Compost, or other Manure, to be employed in Husbandry for manuring or improving Land, nor for any other Thing whatsoever employed in Husbandry, or for stocking of Land; nor for any Horse or other Cattle or Sheep going to or returning from Water, Pasture, or Plough, or other Tillage or Work in Husbandry; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, or other Person going to or returning from his own Parish Church, Chapel, or other Place of Divine Worship, on *Sundays*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor of or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or other Place of Religious Worship, on *Sundays*, or on any other Days on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes; nor from any Clergyman going to or returning from visiting any sick Person, or upon other

Exemptions from Tolls.

other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Coach, Landau, Berlin, Chariot, Calash, Chair, or other Carriage, or any Horse or other Beast, conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for either of the said Counties Palatine of *Lancaster* or *Chester*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; nor for any Horses, Cattle, 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 the same; nor for any Horses, Carts, or Waggon attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them, laden with their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in carrying or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed; nor for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; nor for any Horses, Carts, Waggon, or other Carriages employed in the Conveyance of Vagrants sent by legal Passes, or Prisoners sent to Gaol or House of Correction, or returning after having been so employed; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions 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, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied in the Purposes of this Act.

Owners or Drivers of Waggon in the Service of His Majesty, not subject to Penalty for Overweight.

XII. Provided always, and be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, 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 any such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act contained, to the contrary notwithstanding.

XIII. And

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

One-horse
Carts to be
weighed.

XIV. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be and the same are hereby vested in the Trustees for putting the said recited Act and this Act in Execution; and the same, and every Part thereof, shall be collected, received, levied, paid, assigned, and varied, in such and the same Manner, and by such Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisoos, Exemptions, and Restrictions, as are contained in the said recited Act with respect to the Tolls thereby granted, but subject nevertheless to this Act, and the Alterations, Provisions, Regulations, and Restrictions herein contained.

Tolls vested
in the Trust-
tees.

XV. And be it further enacted, That out of the Tolls to arise and be levied by virtue of this Act, or out of the First Monies to be borrowed on the Credit thereof, the said Trustees, or any Five or more of them, shall in the First Place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or anywise relating thereto, with lawful Interest for the Money which shall have been advanced from Time to Time for that Purpose; and the Remainder of such Monies shall from Time to Time be applied by the said Trustees, or any Five or more of them, in paying the Principal and Interest of the Monies due and owing, or hereafter to be borrowed and become due and owing on the Credit of the said recited Act and of this Act, and in repairing, widening, diverting, and amending the said Roads, and in paying and defraying the necessary

Application
of the Tolls.

[*Local.*]

3 C

Expences

Expences attending the Execution of the said recited Act and this Act, and in such other Manner as the said Trustees, or any Five or more of them, shall from Time to Time direct or appoint, and to no other Use or Purpose whatsoever.

For settling
Disputes con-
cerning Tolls.

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

Old Mort-
gages may be
called in, and
new one's
granted.

XVII. Provided always, 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 on the Credit of the said recited Act, and give and execute, instead and in lieu thereof respectively, another Mortgage or other Mortgages of the said Tolls granted by this Act, for and during the Term granted by this Act.

Toll Col-
lectors to put
up their
Names.

XVIII. And be it further enacted, That all and every Toll Collector appointed, either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, upon the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on coming on Duty, each of the Letters of such Name 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 or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand; or shall refuse or neglect to deliver a Ticket, gratis, denoting

the Payment of the Toll, and naming and specifying the several Gates freed by such Payment; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Roads; or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon; then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, paid, and applied in such and the same Manner as other Penalties are by the said recited Act or this Act, or either of them, directed to be levied, recovered, paid, and applied.

XIX. 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 Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Clerks shall refuse to permit the said Trustees or such Creditors 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.

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

XX. 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 the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Act and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and 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 the said recited Act and 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 Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XXI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act at the Turnpikes or Toll Gates erected or to be erected upon, across, or on the Side of the said Roads or any of them, shall be demised or let to farm to any Person or Persons in pursuance of

To enable Trustees to take Possession of Toll-houses.

the

the said recited Act or this Act, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same are let to him, her, or them, either by taking a greater or less Toll in respect of any kind of Carriage, Waggon, Wain, Cart, Horse, Beast or Cattle, than those demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Instalment thereof, shall be in Arrear and unpaid for the Space of Fourteen Days next after any of the Days and Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll-house or Toll-houses appertaining to such Turnpike or Toll Gate, Turnpikes or Toll Gates, shall be in Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed to collect the Tolls thereat; then and in any of the said Cases it shall be lawful for the said Trustees, or any Five or more of them, (although not assembled at a Meeting) to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same, or causing the same to be left, at the Toll-house or Toll-houses at such respective Turnpike or Toll Gate, Turnpikes or Toll Gates; and such Lease or Contract shall from that Time be utterly void to all Intents and Purposes (save as to the Covenants for Payment of the Rent to the Day of such Notice being delivered), as if the same had not been made; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver the Possession of the Toll-house or Toll-houses, and the Turnpike or Toll Gate, Turnpikes or Toll Gates, with the Appurtenances, so demised or let to him, her, or them, it shall be lawful for any Justice of the Peace for the County in which such Toll-house or Toll-houses, Turnpike, Toll Gate, Turnpikes or Toll Gates, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll-house or Toll-houses and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with their Goods, out of such House or Houses, and to put such Person or Persons into the Possession thereof, as the said Trustees or any Five or more of them (although not assembled at a Meeting) shall appoint.

Turnpikes,
&c. vested in
the Trustees.

XXII. And be it further enacted, That the Right and Property of the several Toll-houses and Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, and other Erections and Buildings already erected and provided, or hereafter to be erected and provided by virtue of the said recited Act or of this Act, with the Materials, Grounds, Fences, and Appurtenances thereto belonging, and of all Arches, Bridges, Walls, and other Erections, Buildings and Premises, and of all Milestones and Posts already erected or hereafter to be erected, and also of all Materials, Tools, and Implements which are or shall be provided for the Use of or for repairing the said Roads, shall be and the same respectively are and is hereby vested in the said Trustees; and they or any Five or more of them are hereby empowered to cause any Action to be brought, in the Name of their Clerk or Treasurer for the Time being, and any Bill or Bills of Indictment to be preferred, against any Person or Persons who shall steal, break down, take away, injure, spoil, or deface any such Toll-houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences,
Mile-

Milestones, Posts, or any of them, or any such Materials, Tools, or Implements as aforesaid; in which Bill or Bills of Indictment it shall be sufficient to state generally that any such Toll Houses, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Milestones, Posts, or any such Materials, Tools or Implements, or other Matters or Things, to be the Property of the Clerk for the Time being to the said Trustees.

XXIII. 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 Roads directed to be kept in Repair by the said recited Act, to deviate more than One hundred Yards from the present Line or Course of the said Roads 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.

XXIV. And be it further enacted, That so much of the said recited Act as authorizes and empowers the said Trustees to compound and agree with any Person or Persons for any Horses, Cattle, Beasts, or Carriages passing through any of the said Turnpikes or Toll Gates, shall be and the same is hereby repealed.

Repealing Power to compound for Tolls.

XXV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her last or usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order or Orders, to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his or her Agent had attended; any Thing in the said recited Act contained to the contrary notwithstanding.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXVI. Provided always, and be it further enacted, That if any Person whosoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein, for the Space of Forty Days (except the Owner

Penalty on taking away Materials got by the Surveyor.

[*Local.*]

3 D

or

or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; the same to be recovered, levied, and applied in Manner by the said recited Act mentioned.

Gates not to
open or swing
into the
Roads.

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

For impound-
ing Cattle or
Swine stray-
ing on the
Roads, &c.

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

Penalty on
Persons not
keeping on

XXIX. And be it further enacted, That if any Person or Persons driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads (except when overtaking, in order to pass another Coach, Chaise,

Chaise, Waggon, Cart, or other Carriage), shall not drive or keep his Carriage on the Left Hand Side of the Middle of the said Roads; or if any Person shall ride upon any Footway on the Side of or adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, upon any such Footway, or shall cause any Damage to be done thereto; or if any Person driving any Waggon or Cart shall absent himself therefrom, or shall not drive on the Left Hand Side of his Horse or Horses; or if any Person or Persons driving or riding upon any Horse or other Beast carrying Milk Cans, Crates, Cans or Panniers, shall not keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Roads; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing upon any Part of the said Roads or the Sides thereof, to be made into Manure, or shall scrape off the same any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Roads, with an Iron Cowrake, or other Instrument with sharp Points, whereby the said Roads or any Part thereof shall be damaged; or if any Person or Persons shall break, damage, or destroy any Lamp or Lamp Post which may be set up on or near the said Roads or shall wilfully cause any Damage whatsoever to be done thereto; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up and damage the same or any Part thereof, or the Fences, Hedge-backings or Copsie on either Side thereof; or if any Person having the Care of or driving any Waggon, Cart, or other such Carriage, upon the said Roads, shall suffer the Horse or Horses or Beasts of Draught therein to go faster than a Walk; or if any Person or Persons shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care; or if any Person shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part or Parts of the said Roads, or play at Football, or any other Game or Games whatsoever, on any Part of the said Roads, or damage or injure any of the Stone Walls, Hedges, or Fences on the Side or Sides of the said Roads; or if any Blacksmith, or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not by good and close Doors and Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, longer than may be necessary for loading or unloading the same, in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or shall not place the same, during the loading or unloading thereof as near to the Side of the said Roads as conveniently may be, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever (except Materials for the Repair of the said Roads, deposited by or by the Order of the Surveyor thereof), on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance or Prejudice of any Person or Persons travelling thereon, or shall do any other wilful Act, Damage, or Injury to the said Roads, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the said Penalties, Forfeitures, or Fines, and other the Penalties, Forfeitures, and

and Fines mentioned and imposed by this Act, shall be recoverable and applied in the same Manner as is provided and directed by the said recited Act touching the Penalties and Forfeitures thereby inflicted or authorized to be imposed.

Power to sell
Toll Houses.

XXX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them absolutely to sell and dispose of any Toll House or Toll Houses now or hereafter to be erected upon the said Roads, and the Ground whereon the same shall stand, together with the Outhouses, Gardens, and Appurtenances thereto belonging, and any other Piece or Pieces of Ground, when the same shall be considered by the said Trustees or any Five or more of them to be useless and unnecessary for the Purposes of the said recited Act and this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees or any Five or more of them can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee-simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs and Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof.

First Offer to
be made to
Owners of
adjoining
Estates.

XXXI. Provided always, and be it further enacted, That the Offer of the Purchase of any Toll House or Toll Houses, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereto belonging, or any other Piece or Pieces of Ground not wanted for the Purposes of the said recited Act or this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Toll House or Toll Houses with the Appurtenances thereto belonging, or any Piece or Pieces of Ground as aforesaid, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Act is directed to be settled and ascertained in and by the said recited Act; and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by the Jury to be the Value thereof and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by the said recited Act is directed with respect to Purchases made by the said Trustees, *mutatis mutandis*; and in case such Owner shall refuse to pay such Money on Demand made thereof by the Treasurer or Clerk to the said Trustees, and Tender of the Conveyances of such Toll House or Toll Houses with the Appurtenances, or any Piece or Pieces of Ground as aforesaid, the same shall and may be recovered by the said Trustees by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such Toll House or Toll Houses with the Appurtenances,

or

or any such Piece or Pieces of Ground as aforesaid, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit, to be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, Division, or Place where such Toll House or Toll Houses and Appurtenances, or any such Piece or Pieces of Ground, shall lie, stating that such Offer has been made by or on behalf of the said Trustees, and that such Owner has not agreed or has refused to purchase such Toll House or Toll Houses and Appurtenances, or Piece or Pieces of Ground (as the Case may be), and such Affidavits shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner.

XXXII. 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 the said recited Act and this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands, Tenements, or Hereditaments are or shall be limited in strict or other Settlement, or to any Persons under any other Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing the said recited Act and this Act, 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 to be 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 or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other 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, 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,

Application of Compensation Money if amounting to 200l.

[*Local.*]

3 E

shall

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 less than
£200, and
exceeding
£20.

XXXIII. 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 any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by any Five or more of the said Trustees for executing the said recited Act and 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 be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application
of Compensation
Money
if less than
£20.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, 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, Idiocy, or Lunacy, then such Money shall be paid 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 Person
cannot be
found, Pur-
chase Money
to be paid
into the
Bank;

XXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or 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 in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the

paid

faid Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 and are hereby empowered, in a summary way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery, on Motion or Petition.

XXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Act or of this Act, or to any Bank Annuities so 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 have been 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 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.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, &c.

XXXVII. 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 the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the 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 the said recited Act and 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 the said recited Act or this Act, or so much of such Expences

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

as

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

Persons liable
to the Repair
of the Roads
to continue
so.

XXXVIII. And be it further enacted, That where any particular Part or Parts of the said Roads hath or have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Body or Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, all and every such Part and Parts of the said Roads shall from Time to Time be maintained and kept in Repair by such Person or Persons, Body or Bodies Politic and Corporate, in such and the like Manner as the same respectively were or ought to have been maintained and kept in Repair before the passing of this Act.

Townships
liable to the
repair of the
Roads.

XXXIX. And be it further enacted, That all the Inhabitants of the several Townships or Hamlets through which the said Roads pass, shall be liable to the Repair of such Parts of the said Roads as are within their respective Townships or Hamlets, in such and the same Manner as they are liable to the Repair of any other Highway within the same respectively; any Thing in the said recited Act to the contrary notwithstanding.

Statute
Labour.

XL. 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 chargeable towards the repairing and amending of the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful to and for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, as to so much of the said Roads as lie in the same County Palatine, and for any Two or more Justices of the Peace of the said County Palatine of *Chester*, as to so much of the said Roads as lie in the same County, and they are hereby respectively required and empowered, upon Application made to them by the said Trustees or any Five or more of them, or by their Treasurer, Clerk, or Surveyor by their Order, or by any Person or Persons liable to do such Statute Work (Ten Days Notice of such last-mentioned Application being first given to the said Treasurer, Clerk, or Surveyor), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done by the Inhabitants of the respective Parishes or Places in which the said Roads lie, upon those Parts of the said Roads as lie within the same respective Parishes or Places, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices respectively from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise,
and

and also the Amount of the respective Sums to be paid; which Lists of Names, and of the respective Sums to be paid, 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 or Effect for the Repairs of the Public Highways; and out of such Lists the said Justices respectively 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 Roads, as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads nevertheless within the same Township or Place in which the Party resides, 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 Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for the Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or any Five or more of them, or to their Treasurer or Surveyor, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed 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 to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor 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 Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in Force or Effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss 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 as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the full Amount of the Composition Money received or gathered in any one Township or Place by or for the Use of the said Trustees as aforesaid, shall be laid out and expended in the Repair of that Part of the said Roads lying within the same Township or Place.

XLI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year Work. Trustees may compound for Statute Work.

[Local.]

58° GEORGII III. *Cap. ix.*

Year or, otherwise with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Townships or Places in which the said Roads shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees or any Five or more of them shall think reasonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Township, or by the Person or Persons so compounding, to the Treasurer of the said Trustees, in Advance, on or before the First Day of *May* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, and the Inhabitants and Occupiers within such Township or Place, shall not be permitted to compound for that Year.

Public Act.

XLII. 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.

Term of Act.

XLIII. And be it further enacted, That the Term granted and continued by the said recited Act shall, from and after the said Thirty-first Day of *May* One thousand eight hundred and eighteen cease and determine; and that the said recited Act (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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