



ANNO TRICESIMO NONO

GEORGI II. REGIS.

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Cap. 25.

An Act for more effectually repairing and improving the Roads from *Manchester*, in the County Palatine of *Lancaster*, through *Oldham* to *Austerlands*, in the Parish of *Saddleworth*, in the County of *York*, and from *Oldham* to *Ashton-under-Lyne*, and from *Oldham* to the Village of *Reyton*, in the said County Palatine of *Lancaster*. [10th May 1799.]

**W**HEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from the Town of Manchester, leading through Newton, Failsworth, and Oldham, in the County Palatine of Lancaster, to Austerlands, in the Parish of Saddleworth, in the County of York*: And whereas an Act was passed in the Twenty-first Year of His said late Majesty, for enlarging the Term and Powers of the said Act: And whereas an Act was passed in the Eleventh Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term contained in Two several Acts of Parliament, and to repair, widen, and amend the Road from the Guide Post at the Westerly End of Newton Lane, within the Township of Manchester, in the County Palatine of Lancaster, to Austerlands, in the Parish of Saddleworth, in the County of York*; whereby the said Two first mentioned Acts were, from and after the First Day of *May* One thousand seven hundred and seventy-one, save the Remainder of the Term thereby granted, repealed, and a further Term is thereby granted for the Execution of the same Act; and divers Tolls, Powers, and Authorities, are

Preamble:  
8 Geo. II,  
21 Geo. II, and  
11 Geo. III,  
recited.

thereby given and granted for repairing the said Road, from the Guide Post at the Westerly End of *Newton Lane* aforesaid to *Austerlands* aforesaid: And whereas by virtue and in pursuance of the Powers contained in the said Acts, the Trustees therein named have borrowed and taken up at Interest several considerable Sums of Money upon the Tolls thereby granted, and have applied the same, together with the said Tolls and Duties, in and towards repairing the said Road: And whereas the Debt so incurred cannot be paid off, nor the said Road be properly repaired and kept in Repair, unless the Term of the said Act be continued; and the Powers granted in and by the said last mentioned Act being in many Respects defective, it would be more convenient to the Trustees, and beneficial to the said Road, if the said last recited Act was repealed, and further and other Powers granted instead thereof: And whereas the Roads leading out of the said Turnpike Road, from the Town of *Oldham* to the Town of *Ashton-under-Lyne*, and from the Town of *Oldham* aforesaid to the Village of *Royton*, are in a very ruinous Condition, and incommodious and dangerous to Travellers, and cannot be sufficiently amended, widened, altered, repaired, and kept in Repair by the ordinary Course of Law; and it would be a great Advantage and Convenience to the populous Towns of *Oldham* and *Ashton-under-Lyne* aforesaid, and to the Neighbourhood thereof, as well as to the Publick in general, if the said last-mentioned Roads were made Turnpike, and the Whole of the said Roads included in One Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Twenty-second Day of *May* One thousand seven hundred and ninety-nine, the said last recited Act shall be, and the same is hereby declared to be repealed; and that on the same Day this Act shall commence and take Effect, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, altering, repairing, and keeping in Repair the Roads leading from the Cross at the Westerly End of *Newton Lane* aforesaid to *Austerlands* aforesaid, and from the Town of *Oldham* aforesaid to the Town of *Ashton-under-Lyne* aforesaid, and from the Town of *Oldham* aforesaid to the Village of *Royton* aforesaid; and that the Term and Tolls hereby granted shall be, and are hereby charged with and made subject to the Payment of all Monies now due and owing upon the Credit or on Account of the said former Acts, or any of them, and of the Interest due and to grow due thereon respectively, as fully, to all Intents and Purposes, as if such Monies had been borrowed or become due on the Credit of this Act, or of the Tolls and Duties hereby authorized to be collected.

Former Act repealed.

Commencement of this Act.

Trustees.

II. And be it further enacted, That *Edward Abbott, James Ackers, Holland Ackers, James Ainsworth, John Andrew, Jonab Andrew, Thomas Andrew, Sir George Armitage* Baronet, the Rector of *Ashton-under-Lyne* for the Time being, *Francis Dukinfield Astley, Major Bamford, Richard Bamford, Samuel Barker, Thomas Barker, Thomas Barrow, Thomas Butterworth Bayly, Jonathan Beever, William Beever, Archibald Bell, Michael Bentley, John Birch, John Blackburne, John Booth of Greenacres, Jonathan Booth, John Booth of Failsworth, Champion Bray, William Brennan, James Brown, William Broome, Robert Buckley, John Butler, James Butterworth, John Chadwick, William Chadwick, William Chippendale, George Hyde*

Hyde Clarke, Edward Clarke, Abraham Clegg, Abraham Clegg the younger, James Clegg Hatter, James Clegg Timber Merchant, John Clegg of Manchester, John Clegg the younger, John Clegg Timber Merchant, Joseph Clegg, William Clegg, Samuel Clowes the younger, William Crane, William Cresswell, the Reverend John Darby, the Reverend Thomas Drake Doctor in Divinity, Peter Drinkwater, John Duncuft, John Dunkerley, Joseph Dunkerley, James Entwistle, John Entwistle, John Entwistle the younger, Henry Fletcher, James Fletcher, John Fletcher, Matthew Fletcher, William Fletcher, Edward Greaves, the Right Honourable George Harry Grey, commonly called Lord Grey, the Honourable William Booth Grey, the Honourable and Reverend Anchtel Grey, John Grimshaw, Neddy Hall, the Right Honourable Archibald Hamilton, commonly called Lord Archibald Hamilton, James Hampson, William Hardman, John Harrop of Ashton-under-Lyne, John Harrop of Dobcross, Thomas Harrop, Jonah Harrop, Isaac Harrop, the Reverend William Robert Hay, Henry Henshaw, Thomas Henshaw, William Hibbert, James Hilton, Thomas Hobson, Robert Gregg Hopwood, Sir Watts Horton Baronet, Sir Henry Philip Hoghton Baronet, William Howard, Dauntsey Hulme, John Jones, Joseph Jones, William Jones the younger, Thomas Judson, Ralph Kershaw, Daniel Knott, the Reverend Thomas Langborn, John Leaf, James Lees of Austerlands, John Lees of Fairfield, John Lees of Oldham, James Lees of Clarksfield, Joseph Lees, Edward Lees, John Lees the younger of Fairfield, Daniel Lees, James Lees of Mumps, Samuel Lees of Dean, Henry Lees, John Lees of Ashton-under-Lyne, John George Legh, George Lloyd, James Mallalieu, the Warden and Fellows of Manchester for the Time being, Benjamin Marland, Robert Mayall, Samuel Mayall, Thomas Milne, Sir Oswald Mosley Baronet, James Newton, Thomas Ogden, James Ogden, Ralph Ogden, Thomas Percival Doctor of Physick, the Reverend Joseph Pickford, the Reverend Charles Prescott, Joseph Radcliffe, Robert Radcliffe, John Radcliffe, Thomas Richardson, John Roberts the younger, the Honourable Richard Lumley Saville, John Saxon, Samuel Siddall, Radclyffe Sidebotham, John Simpson, John Smith, James Starkie, Joseph Starkie, James Stelfox, Richard Swire, John Taylor of Ashton-under-Lyne, John Taylor of Greenacres Moor, John Taylor of Primrose Bank, Samuel Taylor of Moston, Thomas Taylor of Lees, Thomas Taylor of Blackley, Samuel Taylor the younger, Joseph Tipping, Thomas Tipping, John Travis, John Twemlow, Charles White, Thomas Whittaker, James Whittaker of Oldham, James Whittaker of Manchester, Edmund Whitehead, John Whitehead, John Whittenbury, William Wilberforce, the Reverend William Winter, John Winterbottom of Oldham, John Winterbottom of Ashton-under-Lyne, Abel Wood, George Wood, John Wood, John Wood of Ashton-under-Lyne, Joshua Wood, Henry Worrall, Nathan Wortbington, Isaac Wortbington, George Wortbington of Altrincham, George Wortbington of Audenshaw, John Wright, John Wych, and their Successors, to be elected in Manner herein-after mentioned, shall be, and are hereby appointed Trustees for carrying this Act into Execution; and that when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands, to elect One other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in

On the Death  
of Trustees,  
others to be  
chosen.

some

some publick Newspaper circulating in the Neighbourhood through which the said Roads lead, at least Ten Days before every such Meeting; and all Persons who shall be so elected are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification  
of Trustees.

Penalty on  
acting with-  
out such Qua-  
lification.

No Trustee  
to act whilst  
he holds any  
Place of Pro-  
fit, or is  
personally  
interested;  
and no Vic-  
tualler nor  
menial Ser-  
vant of any  
Trustee to  
hold any Place  
of Profit; but  
Trustees being  
Justices, may  
act as such.

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

Clerks to be  
reimbursed  
their Ex-  
pences.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, or possessed of a Personal Estate to the Amount of Two thousand Pounds; and if any Person not being so qualified, shall presume to act in the Trust aforesaid contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person has acted as a Trustee in the Execution of this Act; and that no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act, or in any Case where he shall be personally concerned in Interest; nor shall any Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act; but all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

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

V. Provided always, That all and every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such  
Action



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

Trustees to  
appoint Offi-  
cers.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be due and payable by virtue of this Act, (and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit), and also a Surveyor or Surveyors, and such other Officers as they the said Trustees, or any Five or more of them, shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account, in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One of the said Trustees is hereby empowered to administer); and also such Officers and Persons shall, and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them,

Officers to  
account;

or be punish-  
ed.

them; or such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons; all Books, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, then and in every such Case Complaint being made by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County, Riding, or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice may, and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found, sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the common Gaol or House of Correction of the County, Riding, or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, That no Person who shall be committed for  
Want

Want of sufficient Distress, shall be detained in Prison for any longer Time than Three Calendar Months.

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

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

Three Trustees may appoint temporary Collectors, discharge those misbehaving, and appoint others till next Meeting.

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

Surveyor to get Gravel, &c.

XI. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials proper for repairing the said Roads, in, upon, out of or from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Township, or Place, in which any Part of the said Roads lie, or in any neighbouring Parish, Township, or Place, to be used in repairing the said



faid Roads, without paying any Thing for the same, (provided no such Gravel, Sand, Stones, or other Materials be taken within Fifty Yards from any Weir or Bridge), and to cart and carry away the same over the Lands or Grounds of any Person or Persons, (making Satisfaction as after mentioned), such Surveyors or other Persons filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, Gravel, Sand, or other Materials proper and sufficient for that Purpose cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads therewith to be repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, from, and over the Lands or Grounds of any Person or Persons, (such Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees), paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages; for the cutting, digging, gathering, taking, and carrying away the said Furze, Heath, Stones, Gravel, Sand, and Materials, and for carrying the same, or the Materials gotten in any Commons or Waste Grounds, Rivers or Brooks as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees, or any of them, or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace of the County, Riding, or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be holden in and for the same County, Riding, or Place, next after such Difference shall arise, and on Six clear Days Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or by such Owner or Owners, Occupier or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damages; and the Costs attending the hearing and determining the same; whose Judgement and Order therein shall be final and conclusive to all Parties.

Justices may determine Differences.

XII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to dig, gather, take, or carry away any Materials for repairing the said Roads out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two or more Justices of the Peace acting for the County, Riding, or Place wherein such Premises shall lie, to shew cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or

Notice to be given to Occupiers of Lands, before Materials for repairing the Roads be taken from inclosed Lands.

[Loc. & Per.]

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Surveyors,

Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they may see fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Causeways,  
Bridges, &c.  
may be made.

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

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

XIV. And be it further enacted, That if any Person or Persons whosoever, shall take or carry away any Materials which shall have been digged, gotten, or gathered for the Repairs or for the Use of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors of the said Roads, and his and their Workmen, shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Twenty Pounds nor less than Forty Shillings.

Surveyors  
may remove  
Annoyances,

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time

to Time to remove and prevent all Annoyances on any Part of the said Roads, or on the Side or Sides thereof, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or on the Side or Sides thereof, or in the Hedges or Banks adjacent thereto, (not being a Park, Paddock, Garden, Orchard, Plantation, Nursery for Trees, Walk, or Avenue to a House), and to take and carry away the same, in case the Owners or Occupiers of the Premises shall, for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, shall require, the Charges whereof (to be settled by the said Trustees, or any Five or more of them), shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

cut down,  
lop, or top  
Trees.

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

Trustees may  
divert the  
Roads, &c.

Contract for  
Lands.

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

Damage,

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

Damage, Value, or Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition and Judgement, Order and Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to swear, or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, or Agent or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Three Pounds nor less than Forty Shillings, on any One Person for One Offence.

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

Jury may be challenged.

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

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

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

[Loc. & Per.]

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such

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

Money allowed for Lands how to be paid.

Lands purchased to become a Part of the Roads.

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

Bridleways; as the Case may be, for ever after; and shall be repaired and kept in Repair in such Manner as the Roads comprized in this Act are hereby directed to be repaired, and from thenceforth all Parties and Persons whosoever shall be divested of all Right or Title to such Lands and Hereditaments; and after such new Road shall be completed, the Lands constituting such former Road, or any Part thereof, unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place to which such new Road shall not lead, shall be vested in the said Trustees; and shall and may be sold and conveyed by them, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied for the Purposes of this Act; or the said Trustees, or any Five or more of them, are hereby empowered to give in Exchange any Part or Parts of the Land constituting such former Road; for any Part or Parts of such new Road, and the Sale or Sales, Conveyance or Conveyances, or Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County or Riding wherein such old Road shall happen to lie, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

XIX. Provided always nevertheless, That this Act shall not extend to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, Avenue to a House, or Plantation or Nursery for Trees, or to the taking down of any Dwelling House or other Building, without the Consent of the Owners or Proprietors thereof, and other Persons interested therein.

Trustees not empowered to take in Gardens, &c. without Owners Consent.

XX. And be it further enacted, That if any Money or Recompence shall be to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity, as aforesaid, such Money shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, for the Purposes of this Act, were settled, limited, or assured; and in the mean Time and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be

Forreinvesting Purchase Monies.

be laid out in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments, to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as, at the Time of making such Conveyances and Settlements, shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively, as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act; and in case any such Money shall be less than the Sum of Twenty Pounds, then the same shall be paid to the Person or Persons, Party or Parties respectively entitled thereto as aforesaid.

Trustees, etc.  
may enter  
Lands to  
make the  
Roads.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for their Surveyor and Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the said Lands, Grounds, and Premises, for widening, turning, varying, or altering the said Roads, or for extending the Highways or Bridleways respectively aforesaid, and to  
stake



stake out the same in such Manner as the said Trustees, or any Five or more of them, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such Lands, Grounds, or Premises respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands, Grounds, and Premises for the Damage that shall be done to the Lands or Grounds on the Side or Sides of any Part or Parts of the said Roads that shall be varied, turned, altered, or widened, whilst the same shall be making, in case such Damage shall exceed the Sum of One Shilling; and if any Person shall wilfully pull up, remove, or destroy, any of the Stakes or other Marks used in laying out or making any such Roads, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Forty Shillings, nor less than Twenty Shillings.

XXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time cause to be erected and set up such and so many Turnpikes and Toll Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Roads, and across any Lane, Street, Way, or Passage, now or at any Time hereafter leading into, or to be made, laid out, or opened into the same, and also a Toll House to each Gate or Turnpike, with suitable Outbuildings thereto, and also may inclose from the said Roads such convenient Garden Spots to any of the said Toll Houses, as they, or any Five or more of them, shall judge proper, and may cause the present, or any such other Turnpikes, Toll Gates, Toll Houses, or other Buildings, from Time to Time to be taken down, removed, or altered, as they, or any Five or more of them, shall judge proper; and that the Tolls following shall and may be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Cattle or Carriage shall be permitted to pass through any such Turnpike or Toll Gate respectively, on any Day in the Week except *Sunday*; (that is to say),

For every Coach, Berlin, Landau, Chaise, Hearse, Chair, Curricule, Calash, or other such Carriage, drawn by Five 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:

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

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

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

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For

Trustees may erect Turnpikes and Toll Houses;

and take Tolls

Tolls;

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

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

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

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

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

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

Double Tolls  
on Sunday.

And that on each and every *Sunday* after the Commencement of this Act, there shall be demanded and taken at the said Turnpikes or Toll Gates respectively, by such Person or Persons to be nominated and appointed as aforesaid, before any Cattle or Carriage shall be permitted to pass through the same on a *Sunday*, Double the Tolls above mentioned, to be respectively demanded and taken for every Horse or other Cattle, Coach, Waggon, Cart, or other Carriage, (except such Horses, Carts, or Carriages as shall be used or employed for carrying Milk only, the same being liable to the Payment of the same Tolls as are due and payable on any other Day of the Week, and no more); passing through any of the said Turnpikes or Toll Gates on any other Day of the Week, which said respective Sums of Money shall be demanded and taken in the Name of and as Toll; but nothing in this Act contained shall extend to authorize or empower the demanding or taking more than the respective Tolls aforesaid, for any Carriage, Horse, or other Cattle passing through all or any of the Turnpikes or Toll Gates continued or erected by virtue of this Act, in One and the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful for the Person or Persons to be appointed as aforesaid, to collect such Tolls, to seize and distrain any Horse, Beast, or other Cattle, or any of their Harness or Accoutrements, or Lading, or any Carriage upon which any such Toll is by this Act

Upon Refusal  
of Payment  
of Tolls, Col-  
lector may  
distrain any  
Horse, &c.

Act imposed, or any of the Lading therein; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Horse, Cattle, Beast, Carriage, or Things, Goods and Chattels so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted; and that all the Tolls to be collected or levied by virtue of this Act, shall be and are hereby vested in the said Trustees, and shall be applied and disposed of, and may be assigned in such Manner as herein-after mentioned.

Tolls vested  
in Trustees.

XXIII. Provided always, and be it further enacted, That all and every Person and Persons having paid the Toll hereby authorized to be taken at any Turnpike or Turnpikes, Toll Gate or Toll Gates, on any Part of the said Roads, or on the Side or Sides thereof, for any Carriage, Horse, or other Cattle as aforesaid, shall, upon producing a Note or Ticket, Notes or Tickets, denoting such Payment, (and which Note or Ticket, Notes or Tickets, the Receivers or Collectors are hereby required to deliver gratis on Receipt of such Toll), be permitted to return Toll free the same Day, to be computed as aforesaid, through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, and through any other Turnpike or Turnpikes, Toll Gate or Toll Gates, through which such Person or Persons shall have passed Toll free, by virtue of such Note or Ticket, Notes or Tickets, with such Carriage, Horse, or other Cattle, except any Person or Persons going and returning the same Day through all or any of the said Turnpikes or Toll Gates, with any Waggon, Cart, or other such Carriage, laden both going and returning, in which Case such Person or Persons shall pay One Half of the respective Toll for the same Carriage when returning through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, but no such Carriage shall be deemed to be laden, unless the Lading therein or thereon shall be of the Weight of Two hundred and Forty Pounds Avoirdupois or upwards: Provided also nevertheless, That all and every Person and Persons going and returning the same Day through all or any of the said Turnpikes or Toll Gates, with any Coach, Berlin, Landau, Chariot, Calash, Diligence, or Chaise with Four Wheels, or Caravan, or by what Name soever such Carriage or Carriages now is or are, or hereafter shall or may be called or known, kept or used by or for any Person or Persons as a publick Stage Coach or Stage Coaches, or Stage Carriages, employed in carrying Passengers for Hire to and from different Places, shall pay the respective Toll for every such Carriage both going and returning.

Persons having  
paid the Toll,  
to return Toll  
free.

XXIV. Provided also, and be it further enacted, That no more than One Third Part of the Tolls authorized to be collected by virtue of this Act, shall be collected at any Gate or Gates to be erected or set up in the Parish of *Ashton-under-Lyne*, aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldbam* aforesaid, to the Town of *Ashton-under-Lyne* aforesaid; nor more than One Third Part of the Tolls aforesaid shall be collected at any Gate or Gates to be erected or set up in the Township of *Oldbam* aforesaid, upon, across, or on the Side or Sides of the Road leading from the Town of *Oldbam* aforesaid, to the Town of *Ashton-under-Lyne* aforesaid; nor more than One Third Part of the

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

But no Gates to be erected nor Toll taken till the Road in the respective Parishes is repaired.

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

For settling Disputes concerning the Tolls.

XXV. 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 to be, 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 the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined or assessed shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus after Sale thereof, or of any Part thereof.

Toll Bar Keepers to be competent Witnesses.

XXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, or Litigation.

Toll Houses vested in Trustees.

XXVII. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings already erected or to be erected, or provided in or upon the said Roads, and of the Materials for altering or building the same, and also of all Materials gotten or collected, or to be gotten or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring or cause to be brought any  
Action

Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order the preferring of any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to lessen or reduce all or any of the Tolls hereby granted for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper, and afterwards from Time to Time to advance all or any of the Tolls so lessened, to any Sum or Sums of Money, not exceeding the respective Rates herein-before mentioned, and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective 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 Thirds of the Money which shall have been lent, or shall be charged upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Thirty Days Notice at least of the Meeting to be held for the Purpose of making such Reduction shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall then be erected upon the said Roads, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Roads lead.

Tolls may be varied.

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

Trustees empowered to compound for the Tolls.

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

Trustees may lease Tolls.

Penalty for  
avoiding Pay-  
ment of Tolls.

XXXI. And be it further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, Cattle, or Carriage, through any Turnpike or Toll Gate continued or erected by virtue of this Act, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or shall unload any Carriage in Part or in all, or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House or other Place any Carriage, Beast, or Cattle, liable to pay Tolls or Duties in Part or entirely, or having passed through any of the said Turnpikes or Toll Gates shall afterwards add or put any Horse or other Beast to any Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes or Toll Gates, with Intent to evade or lessen, or having thereby evaded or lessened the Payment of any of the said Tolls, or any Part thereof, or if any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage through or over any Land, Ground, or Place lying by the Side of or near to the said Roads, (the same not being a publick Highway), or if any Person or Persons owning or occupying any Land, Ground, or other Place, or private Way, shall knowingly and wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage through or over such Land, Place, or private Way, in order or with Intent to avoid the Payment of the said Tolls, or any of them, or any Part thereof, or whereby, or by Reason or Means whereof, the Payment of any of the Tolls aforesaid shall or may be avoided, or in case any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage along or over the Towing Path or Paths on the Side of a certain intended Navigable Cut or Canal now making, and called or commonly known by the Name of *The Rochdale Canal*, or on any Part or Parts thereof, (other than and except any of the Company of Proprietors of the said Canal, and their Successors, Agents, Servants, and Workmen employed upon the Business of or relating to the said Canal, and also except every Person and Persons, Cattle and Carriages, to be used and employed in or upon Account of the drawing, towing, or haling any Boat or other Vessel, or any Matters or Things upon or along the said Canal), whereby the Payment of any of the said Tolls hereby granted shall or may be avoided, every Person so offending in every such Case, (except as aforesaid) shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Trustees may  
make Fences  
on Commons,  
to prevent  
Tolls being  
evaded.

XXXII. And whereas several Parts of the said Roads lead over Wastes, Commons, or uncultivated Grounds, and the Tolls and Duties by this Act imposed may, by reason of the great Width and Extent of such Wastes, Commons, or uncultivated Grounds, be easily evaded; be it therefore further enacted, That the said Trustees, or any Five or more of them, may, and are hereby authorized and empowered, if they shall see Occasion, to make or cause to be made such Hedges, Ditches, Cops, Walls, and Fences by the Side or Sides of the said Roads, or upon, over, or across the said Wastes, Commons, or uncultivated Grounds, in such Manner and Direction as they shall find necessary, so that the Payment of the said Tolls and Duties may not be evaded; and if any Person or Persons shall pull down, or in anywise damage, displace, or carry away any such Fence,

or

or any Part thereof, or shall fill up or spoil any such Ditch, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

XXXIII. Provided always, and be it further enacted, That no Tolls shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, passing laden with, or passing empty or unladen for, or returning the same Day empty or unladen after having been laden with any Stone, Gravel, Sand, or other Materials only, for repairing the said Roads, or any of the Roads in the Parishes and Townships in which the said Roads lie, or in any of the neighbouring Parishes or Townships; nor for any Carriage laden with, or passing empty or unladen for, or returning on the same Day empty or unladen after having been laden only with any Dung, Mould, Soil, or Compost of any Nature or Kind whatsoever; (other than and except Lime), for manuring of Gardens or Lands within any of the Parishes or Townships in which the said Roads lie; nor with any Hay or Corn in the Straw, such Hay or Corn in the Straw being the Product of the Lands lying in the Parish or Parishes, Township or Townships through which the said Roads, or any Part thereof lead, and in the Holding or Occupation of some Inhabitant thereof, to be laid up in the respective Houses, Outhouses, or Lands of the said respective Inhabitants, Landowners, or Landholders, in the Parish or Parishes, Township or Townships aforesaid, (but any Carriage laden with any Hay or Straw sold or for Sale, shall not be exempted from Toll); nor shall any Toll be demanded for any Ploughs, Harrows, or Implements of Husbandry taken through any of the said Turnpikes or Toll Gates for the Purpose of using or repairing the same, nor for any other Thing whatsoever employed in Husbandry, or for manuring or stocking of Land in any of the several Parishes or Townships through which the said Roads lead; nor for any Horse or any other Cattle or Sheep going to or from Water, Pasture, or Plough, or other Tillage or Work in Husbandry, upon or within any of the Lands in any such Parish or Township; nor for any Horse, Cattle, Beast, or Carriage laden with, or passing empty or unladen for, or returning on the same Day empty or unladen after having been laden with any Corn or Grain whatsoever, ground or to be ground at *Moston Mill*, or at *Ashton-under-Lyne Mill*; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or publick Place of Divine Worship, or visiting his sick Parishioners; nor of or from any Person or Persons residing in the Townships of *Oldham*, *Chadderton*, *Failsworth*, and *Newton*, or the Parish of *Ashton-under-Lyne*, or Township of *Royton*, or any of them, going to or returning from any Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Worship is ordered by Authority to be performed, or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the said Townships; nor from any Person or Persons going to or returning from any Election of a Member or Members to serve in Parliament for the said Counties of *Lancaster* or *York*, during the Time of, or on Two Days before or after such Election shall begin or be concluded; nor shall any Toll be taken for any Horses or Carriages of whatsoever Description, employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back therefrom; nor

Exemptions  
from Tolls.

for the Horses of any Officers or Soldiers passing who are upon their March or on Duty, nor for any Waggons, Wains, Carts, or Carriages attending them; nor for Horses or Carriages travelling with Vagrants sent by legal Passes, or Prisoners sent to a Gaol or House of Correction, or returning after having been so employed; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Obliging the  
Subscribers  
to pay their  
Subscriptions.

XXXIV. And be it further enacted, That the severall and respective Persons who have severally subscribed Money for and towards the widening, altering, varying, and amending the said Roads, from the Town of *Oldham* aforesaid, to the Town of *Ashton-under-Lyne* aforesaid, and from the Town of *Oldham* aforesaid, to the Village of *Royton* aforesaid, shall, and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct; and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall and may be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Trustees may  
borrow Mo-  
ney.

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



be in the Form following, or such other Form as the Trustees making the same may think proper; (*videlicet*),

‘ **BY** virtue and in pursuance of an Act, made in the Thirty-ninth  
 ‘ Year of the Reign of His Majesty King *George* the Third, intitule-  
 ‘ led, [*Here insert the Title of this Act*], and in Consideration of the  
 ‘ Sum of \_\_\_\_\_ to *A. B.* the Treasurer appointed  
 ‘ by the Trustees for putting the said Act into Execution, having been  
 ‘ this Day paid by *C. D.* of \_\_\_\_\_ We whose Hands  
 ‘ are hereunto subscribed; and Seals affixed, being \_\_\_\_\_ of the said  
 ‘ Trustees, do grant and assign unto the said *C. D.*, his Executors, Ad-  
 ‘ ministrators, and Assigns, such Proportion of the Tolls arising upon the  
 ‘ Roads in the said Act mentioned, and of the Turnpikes and Toll  
 ‘ Houses for collecting the same Tolls; as the said Sum of \_\_\_\_\_  
 ‘ doth or shall bear to the whole Sum due and owing on  
 ‘ the Credit of the same Tolls, or chargeable thereupon for the Term of  
 ‘ the said Act, to have, hold, receive, and take, such Proportion of the  
 ‘ said Tolls, Toll Houses, and Premises, with the Appurtenances, unto  
 ‘ the said *C. D.*, his Executors, Administrators, and Assigns, for the  
 ‘ Residue and Remainder now to come of the Term for which the said  
 ‘ Tolls are granted by the said Act, subject to the Proviso following;  
 ‘ (that is to say), provided always, that if the said Sum of \_\_\_\_\_  
 ‘ shall be repaid to the said *C. D.*, his Executors, Ad-  
 ‘ ministrators, 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 \_\_\_\_\_

Form of  
Mortgage:

Copies of all which Mortgages or Assignments shall be entered in a Book  
 or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer  
 or Treasurers to the said Trustees; but nothing in this Act contained  
 shall extend, or be construed to extend, to charge or subject the said Trus-  
 tees, or any of them, or the Person or Persons appointed to receive the  
 said Money, or any Part thereof, to any Payment of the same by reason  
 of their or any of their signing any such Mortgages, Assignments, or  
 other Securities, to be made in pursuance of this Act; and all and every  
 Person and Persons to whom any such Mortgage or Assignment shall be  
 made as aforesaid, and also all and every Person and Persons to whom any  
 Mortgage or Assignment shall have been made under or by virtue of the  
 said recited Acts, or any of them, or who shall be entitled to the same,  
 or the Money thereby secured respectively, is and are hereby empowered  
 from Time to Time, by Assignment under his, her, or their Hand and Seal,  
 or Hands and Seals, to be indorsed on his, her, or their Security, or by  
 any other Writing or Writings under his, her, or their Hand and Seal,  
 or Hands and Seals, before One or more credible Witness or Witnesses,  
 to assign over or transfer such Mortgage and Mortgages, Assignment and  
 Assignments, and his, her, or their Right to the Principal and Interest  
 Money thereby secured to any Person or Persons whomsoever; all which  
 Assignments or Transfers shall be produced and notified to the Clerk or  
 Clerks, Treasurer or Treasurers to the said Trustees, within Sixty Days  
 after the Date thereof respectively, who shall cause an Entry to be made  
 of every such Assignment or Transfer, containing the Date, and Names

Copies to be  
entered.

Trustees not  
to be liable  
in their pri-  
vate Capacity.

Mortgages  
may be al-  
signed.

[*Loc. & Per.*]

3 X

and

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

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

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

No Priority of Mortgages.

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

Old Mortgages may be called in and new ones granted.

XXXVIII. 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 former Acts, or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, in Manner and transferrable as herein-before mentioned.

XXXIX. And

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

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

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

Application of Tolls and Money borrowed.

XLI. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, and all other Person or Persons liable or chargeable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain

Persons liable to repair the Roads, &c. to continue so,

liable

and do Statute  
Duty.

liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act; and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending any Highways in the several Parishes, Townships, Hamlets, Districts, or Places, through which the said Roads lead, shall be liable to the Repair of the same Roads, and to perform their respective Works thereon, in such and the like Manner in every Respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place, respectively.

Parish Surveyors, &c. to deliver in Lists of Statute Work.

XLII. And be it further enacted, That the respective Surveyors of the Highways for the several Parishes, Townships, Hamlets, Districts, or Places, through which any Part of the said Roads lead, or in case no such Surveyor be appointed, then the Churchwardens or Overseers of the Poor of such Parishes, Townships, Hamlets, Districts, or Places, shall Once in every Year, within Ten Days after Demand made to them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue of this Act, or by the said Trustees, or any Five or more of them, deliver to such Surveyor or Surveyors, or to such Trustees, an exact Account in Writing under their Hands of the Christian and Surname of every Person who within their respective Parishes, Townships, Hamlets, Districts, and Places, are liable to do Statute Work, and shall distinguish in such Lists what Statute Work each of the said Persons is liable to do and perform, and the Statute Work shall be done by all such Persons on such Parts of the said Roads as are within the said respective Parishes, Townships, Hamlets, Districts, and Places, at such Times (not being Hay Time or Harvest), and in such Manner as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct, so that no more than Two Days Work shall be done by any One Person, or with any One Team, Plough, or Draught, on the said Roads in any One Year; and the said Surveyors of the Highways, Churchwardens, or Overseers of the Poor for such Parishes, Townships, Hamlets, Districts, and Places respectively, within Ten Days after Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, of the Time or Times when and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give Notice thereof to such Person; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Parish, Township, Hamlet, District, or Place, as aforesaid, shall neglect to do as he is hereby required, every such Surveyor, Churchwarden, or Overseer, shall, for every Neglect, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

Not more than Two Days Statute Duty to be done on these Roads.

Penalty on Surveyors, &c. not delivering in Lists, or not giving Notice to Inhabitants to do Statute Duty.

Trustees may compound for Statute Work.

XLIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets,

Hamlets, Districts, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, Hamlets, Districts, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

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

Trustees may contract for Repairs.

Contracts to be binding.

XLV. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting whereof Ten Days Notice in Writing, specifying the Time, Place, and Purpose, for which such Meeting is intended to be held, shall be fixed on all the Turnpikes or Toll Gates on the said Roads, and inserted in some publick Newspaper circulating in the Neighbourhood through which the said Roads lead, may, and they are hereby authorized and empowered, when and so often as they shall think fit and necessary, to direct an Indictment or Indictments to be preferred

Trustees may direct Prosecutions at the Expence of the Tolls.

[Loc. & Per.]

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ferred and prosecuted; with and out of the Tolls to be collected by virtue of this Act, against the Inhabitants of all or any of the Parishes, Townships, Hamlets, or Places, through which the said Roads pass, and against every Person or Persons liable, by reason of his, her, or their Tenure of Lands, or otherwise, to repair and amend any Part of the said Roads, who shall have neglected or refused to repair and amend the same; and in case the Defendant or Defendants in any such Indictment or Indictments shall happen to be convicted, the Whole of the Fine to be imposed shall be paid by such Defendant or Defendants, and not apportioned between such Defendant or Defendants and the Trustees under this Act.

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

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

Penalty on defacing Mile Stones;

riding upon Footpaths;

and for preventing Nuisances and Annoyances.

XLVII. And be it further enacted, That if any Person or Persons shall wilfully pull up or damage any Direction Posts or Mile Stones erected or fixed, or to be erected or fixed on the Side of or adjoining to the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks, inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, (otherwise than upon wheeled Carriages); or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to stop on the Roads, or to root up and damage the same, or any Part thereof, or the Fences, Hedge Backings, or Cops, on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Roads; 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 shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon,

Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set-fire to, or let off or throw any Squib, Rocket, Serpent, or Fire-work whatsoever, on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, 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 lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

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

Penalties how  
to be levied  
and applied.

XLIX. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Turnpike Surveyor or Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees employed in the Execution of this Act,

Penalty on  
obstructing  
any Person in  
the Execution  
of this Act.

every

every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Ten Shillings.

For securing  
transient Of-  
fenders.

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

Forms of  
Proceedings  
in the Sche-  
dule of the  
13 Geo. III,  
to be used.

Proceedings  
not to be  
quashed for  
Want of  
Form;

nor be re-  
moved.

LI. And be it further enacted, That all Forms of Proceedings expressed and set forth in the Schedule annexed to an Act, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, may be used upon all Occasions relative to the several Matters contained in this Act, or the Offences against the same, with such Additions and Variations only as may be necessary to adapt them respectively to the particular Exigencies of the Case, and making Use of the Title to this Act instead of the Title to the said recited General Act; and that no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in the Execution of any Power or Authority vested in such Trustees, or Justice or Justices respectively, by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, or any other Court of Record in the Kingdom of *Great Britain*; any Law or Statute to the contrary notwithstanding.

LII. Pro-



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

Distress not to be deemed unlawful for Want of Form, nor the Party distraining a Trespasser *ab initio*.

LIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the County of *York* or *Lancaster*, as the Case may be, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead, at his, her, or their Election, specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before Fourteen Days Notice shall have been thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought elsewhere than in the said Counties of *York* or *Lancaster*, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

General Issue

Treble Costs.

LIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the County, Riding, or Place, within which the Cause of Appeal shall arise, within Six Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the same County, Riding, or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to

Persons aggrieved may appeal to the Quarter Sessions.

[*Loc. & Per.*]

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pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Session may also, by their Order or Warrant, levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Riding, District, or Place, wherein such Quarter Session shall be held, as the Case may be, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Term of this Act.

Publick Act.

LV. And be it further enacted, That the Term of this Act shall commence upon the said Twenty-second Day of *May* One thousand seven hundred and ninety-nine, and shall continue and be in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament; and this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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