



ANNO QUADRAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 123.

An Act for making and maintaining a Road from the Turnpike Road leading from *Bolton* to *Blackburn*, at or near to the *Lamb Inn* otherwise *Fletcher's Publick House*, in the Township of *Sharples*, in the Parish of *Bolton in the Moors*, to the Turnpike Road leading from *Preston* to *Blackburn* aforesaid, at or near to *Brindle Lane End* otherwise *Foole Lane End*, in the Township of *Hoghton*, in the Parish of *Leyland*, all in the County Palatine of *Lancaster*. [24th June 1801.]

WHEREAS the Road leading from the *Lamb Inn* otherwise *Fletcher's Publick House*, in the Township of *Sharples*, in the Parish of *Bolton in the Moors*, to or near to *Brindle Lane End* otherwise *Foole Lane End*, in the Township of *Hoghton*, in the Parish of *Leyland*, all in the County Palatine of *Lancaster*, is very narrow, hilly, circuitous, and much out of Repair, and cannot be effectually amended, improved, and kept in Repair, by the ordinary Course of Law: And whereas the making and maintaining of a new Road from the Turnpike Road leading from *Bolton* to *Blackburn* aforesaid, at or near the *Lamb Inn*

[Loc. & Per.] 24 R *Inn*

Trustees.

Inn otherwise Fletcher's Publick House aforesaid, to the Turnpike Road leading from *Preston* to *Blackburn* aforesaid, at or near to *Brindle Lane End* otherwise *Foole Lane End* aforesaid, will be a great Convenience and Accommodation to the Neighbourhood and Publick in general; 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 *William Asheton, Peter Ainsworth, Thomas Ainsworth of Bolton, Richard Ainsworth, Thomas Ainsworth of Fenishcows, Matthew Ainsworth, Richard Aspindel, John Ashworth, Ralph Anderton, John Albinson, Thomas Butterworth Bayley, James Bradshaw, the Reverend Thomas Bancroft, James Brandwood, Richard Birley, Robert Boardman, Robert Bolton, Ralph Boardman, Thomas Bromiley, John Cooper, Richard Cardwell, James Carlile, Roger Cunliff, William Cocker, Thomas Crompton, Jonathan Clegg, De Champs, William Davenport, Richard Denham, Peter Ellingthorp, Thomas Eccles, Henry Feilden, William Feilden, John Fletcher, Matthew Fletcher, Adam Fletcher, Ralph Fletcher, James Fletcher of Bolton, James Fletcher of Sharples, Thomas Fogg, James Fowler, John Garbide, James Greene, Isaac Glover, George Grundy, James Gregory, Sir Henry Philip Houghton Baronet, John Hollinshead, John Fowden Hindle, the Reverend James Hampson, Edmund Harworth, John Harworth, John Haydock, Thomas Haydock, the Reverend William Heaton, Peter Heatley, Robert Hargreaves, John Hindle, Thomas Hindle, James Haslam, Richard Jackson, Andrew Knowles, Robert Knowles, Robert Knowles the Younger, Samuel Knowles, John Sharples Lawson Doctor of Physick, William Langshaw, Oliver Livesey, Bertie Markland, Thomas Naylor, John Nevill, John Pilkington, William Pickering, Pryce, the Reverend Richard Rothwell, James Rothwell, Benjamin Rawson, Peter Rasbotham, Richard Salisbury, Francis Reynolds, James Reddish, Peter Rothwell, Zacharias Rushforth, Henry Sudell, Thomas Slater, John Sudren, John Scott, Igdeliab Seddon, Thomas Smith, John Taylor, Lawrence Wright, John Whittle, Hugh Woods, John Wood, Joshua Wood, and Joseph Walton, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making and maintaining a Road from the said Turnpike Road leading from *Bolton* to *Blackburn*, at or near the *Lamb Inn* otherwise *Fletcher's Publick House*, in the Township of *Sharples* aforesaid, to the Turnpike Road leading from *Preston* to *Blackburn* aforesaid, at or near to *Brindle Lane End* otherwise *Foole Lane End*, in the Township of *Houghton* aforesaid, and for otherwise putting this Act in Execution; and that the said Road when made, shall from thenceforth be deemed and taken to be, and shall be for ever after a publick Highway for Cattle and Carriages, to all Intents and Purposes whatsoever.*

Qualification of Trustees;

II. 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 at the Time of his acting therein he shall be in his own Right or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, in the County of *Lancaster*, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of such an Estate of the clear yearly Value of One hundred Pounds, or shall be possessed of or entitled

entitled unto a Personal Estate, or Real and Personal Estate, of the Value of One thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) before he shall have taken and subscribed such Oath or Affirmation before any Three or more of the said Trustees, who are hereby authorized and empowered to administer the same; (that is to say),

I *A. B.* do swear [*or, being One of the People called Quakers, do solemnly affirm*] that I truly and *bonâ fide* am seised of in my own Right, [*or, in the Right of my Wife, as the Case may be*], and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate, in Law or Equity, of the clear yearly Value of Fifty Pounds [*or, Heir Apparent of a Person who, to the best of my Knowledge and Belief, is seised of such an Estate of the clear yearly Value of One hundred Pounds, or, am possessed of or entitled unto a Personal Estate, or, Real and Personal Estate, of the Value of One thousand Pounds, as the Case may be.*]

and their
Oath.

‘ So help me GOD.’

And if any Person, not being so qualified, shall presume to act contrary to the true Intent and Meaning hereof, 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 in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act.

Penalty on
acting if not
qualified.

III. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *Lamb Inn* otherwise *Fletcher's Publick House*, on the Second *Thursday* next after this Act shall receive the Royal Assent, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall proceed in the Execution of this Act; and the said Trustees shall from their said First Meeting adjourn themselves from Time to Time, and meet at the same Place, or such other Place or Places upon or near the said Road, as they the said Trustees, or any Five or more of them, shall think proper: Provided nevertheless, That if at any such Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day (Three Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall, by Notice in Writing to be fixed upon all the Turnpikes or Toll Gates then erected by virtue of this Act, and in the mean Time, or until the Erection of such Turnpikes, upon the principal Doors of the Parish Churches of *Bolton* and *Leyland* aforesaid, and in both Cases also inserted in some Newspaper published or circulated in the said County, at least Ten Days before the then next proposed Meeting, appoint the Trustees to meet at the Place where their then last Meeting was held or was appointed to have been held, on that Day Three Weeks next after the Day for which such last Meeting was held or was appointed to have been held as aforesaid;

First and sub-
sequent Meet-
ings.

Power to ad-
journ.

Trustees to
defray their
own Ex-
pences.

said; and that the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in or touching the Execution of this Act, shall be made at Meetings to be held in pursuance thereof, and not otherwise, except as herein particularly mentionen; and that no Order or Determination shall be made at any Meeting, unless the major Part of the Trustees present shall concur therein, such Meeting not consisting of less than the Number of Trustees hereby authorized to make such Order or Determination; and that none of the Trustees 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 have any Share or Interest in any Contract or Bargain relating to the Execution thereof: Provided nevertheless, That any Subscriber of Money for and towards the making or repairing the said Road; and any Mortgagee or Assignee of any Mortgage, or other-Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified to act as a Trustee; and that all Trustees, who are Justices of the Peace, may act as such in the Execution of this Act, except only in such Cases where they shall be personally interested.

Meeting on
Emergencies.

IV. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, the Clerk, by an Order in Writing signed by Three or more of the said Trustees, (although not assembled at a Meeting), mentioning the Time and Place and Purpose of such Meeting, shall forthwith give Notice thereof in 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 all Proceedings of the said Trustees at such Meetings shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment.

No Order to
be revoked
unless Two
Thirds of the
Trustees con-
cur.

V. And be it further enacted, That no Order or Appointment made by any Five or more of the said Trustees shall be revoked or altered, unless Thirteen Trustees at the least shall be then present, and Two Third Parts in Number of the Trustees then present shall concur therein, and unless Notice shall have been given by Five Trustees to the Clerk, of their Desire to have a Meeting for the Purpose of taking into Consideration the said Order, with a View to alter or revoke the same; and in such Case Notice shall be given by the Clerk Twenty-one Days at the least before such Meeting, to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order or Appointment.

New Trustees
may be
chosen.

VI. And be it further enacted, That upon the Death or Refusal, or Disability to act, of any of the Trustees hereby appointed, or their Successors, to be elected as herein-after mentioned, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each Trustee so dying, or refusing, or being incapable to act as aforesaid, Notice in Writing of the Time and Place of Meeting for

for every such Election having been given by the Clerk of the said Trustees, in like Manner as the said other Notices for Meetings are directed to be given as aforesaid, at the least Fourteen Days before every such Meeting; and that every such new Trustee, so to be elected and appointed as aforesaid, shall be and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample Manner as the Trustees herein-before nominated are hereby empowered to act.

VII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer, and that no Action or Prosecution to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk or Treasurer, shall be abated or discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Trustees, or any Seven or more of them, but the Clerk or Treasurer for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, That every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and also the Costs and Charges of prosecuting any Indictment or Indictments, or other Proceedings against any Person or Persons whomsoever, that shall or may be commenced or prosecuted by the Order or Consent of a Majority of the Trustees at any Meeting.

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

VIII. 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, to appoint a Gate Keeper or Gate Keepers, or Toll Gatherer or Toll Gatherers, at the several Toll Bars or Toll Gates to be erected in pursuance or by virtue of this Act, and also a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officer or Officers as they shall think necessary to employ in the Execution of this Act, and shall take such Securities for the due Execution of their respective Offices as they the said Trustees, or any Five or more of them, shall think fit, and may from Time to Time remove such Gate Keepers or Toll Gatherers, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any of them, and appoint others in their stead; and out of the Monies to be raised by virtue of this Act, allow such Gate Keepers or Toll Gatherers, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and such other Person or Persons as shall be assisting in or about the Execution of this Act, such Salaries or Allowances as to them the said Trustees, or any Five or more of them, shall seem reasonable: Provided always, That no Person shall be capable of holding any Place of Profit under this Act, who shall sell any Wine, Cyder, Ale, or Spirituous Liquors by Retail.

Officers.

IX. 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 Five or more

Five Trustees may appoint temporary Collectors:

[Loc. & Per.]

Discharge
those misbe-
having, and
appoint others
till next Meet-
ing.

of the said Trustees, though 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 Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be Collector or Receiver of the said Tolls, to continue until the then next Meeting of the respective 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 Road, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Five or more of the 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 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 Five or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

Officers to
account:

Upon Oath if
required.

X. And be it further enacted, That all such Officers and other Persons, and their respective Executors and Administrators, shall from Time to Time, within Seven Days after such Notice in Writing, signed by the Clerk or Treasurer to the said Trustees (pursuant to an Order of the said Trustees made at a Meeting held by virtue of this Act) to them respectively given, or left at their usual Place of Abode for that Purpose, 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 received, collected, or had, how, and to whom, and for what Purpose the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath; and such Officers and Persons shall, and they 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 any of the said Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same; or to verify the Articles thereof on Oath (which Oath the said Trustees, or any One or more of them, is and are hereby authorized and empowered to administer) or to pay

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 to such Person or Persons as they, or any Five or more of them, shall appoint, within Seven Days after such Notice given as aforesaid, all Books, Accounts, Papers, and Writings, in their Custody or Power, in anywise relating to the Execution of this Act, or to the said Road, and Complaint shall be made of such Neglect or Refusal to any Justice of the Peace for the County, Borough, City, or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall be or reside, by or on Behalf of the said Trustees, such Justice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing or not appearing (except for some reasonable Excuse) 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 might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, 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 and Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Account or Accounts, or of the Articles thereof upon Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers or Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or to the said Road, then and in any of the Cases aforesaid the said Justice may, and he is hereby authorized and required, by 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, City, Borough, or Place where he or they shall be 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 on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid the Money which shall appear to be in his or their Hands respectively, 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 Sum compounded for 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 (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings
as

as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, That no Person shall be committed for Want of sufficient Distress for any longer Space of Time than Three Calendar Months.

Trustees may
erect Toll
Gates.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, Three Turnpikes or Toll Gates, in, upon, and across the said Road, at such Places as the said Trustees, or any Nine or more of them, shall think proper, and also may erect and set up, or cause to be erected and set up, on the Side or Sides of any Part of the said Road where any Highway joins or meets the same, as many Side Gates or Turnpikes as they, or any Nine or more of them, shall think proper, and also a Toll House, and proper and necessary Buildings, Gardens, Conveniences, and Fences, near to each of the said Gates or Turnpikes, whether across the said Road or on the Sides thereof, or to such of them as they shall think proper; and that the respective Tolls following shall be demanded and taken at each of the said Turnpikes or Gates, 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 Horses or other Cattle, Coach, Waggon, Cart, or other Carriage, shall be permitted to pass through the same; (that is to say),

Tolls to be
taken.

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

For every Score of Oxen or neat Cattle, the Sum of Ten-pence, and so in Proportion for any greater or less Number :

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

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Curricule, Chair, Caravan, Hearse, Litter, or other such Carriage, drawn by Six or more Horses or other Breasts of Draught, the Sum of Two Shillings and Sixpence : and drawn by Four Horses or other Beasts of Draught, the Sum of Two Shillings ; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling :

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

For every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, and drawn by Four, Five, Six, Seven, or Eight Horses, or other Beasts of Draught, the Sum of Three Shillings ; and drawn by Three Horses or other Beast of Draught, the Sum of Two Shillings ; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence ; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling and Four-pence :

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad as aforesaid, and upwards, and not so broad as Nine Inches, and drawn by Four, Five, Six, Seven, or Eight Horses or other Beasts of Draught, the Sum of Two Shillings and Four-pence ; and drawn by Three or fewer than Three Horses or other Beasts of Draught, the Sum of One Shilling and Two-pence :

For

For every Waggon, Wain, or other such Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Four, Five, Six, Seven, or Eight Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One or Two Horses or other Beasts of Draught, the Sum of One Shilling:

For every Nine Inch Wheeled Waggon, Wain, or other such Carriage, rolling a flat Surface of Sixteen Inches, drawn by Six, Seven, or Eight Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four or Five Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three or fewer Horses or other Beasts of Draught, the Sum of One Shilling and Two-pence:

For every Cart or other such Carriage, having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Three Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling:

For every Cart or other such Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Three, Four, or Five Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Eight-pence:

For every Cart or other such Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Four or Five Horses or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Two or Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Eight-pence:

And that on every *Sunday* throughout the Year, there shall be demanded and taken at each of the said Gates or Turnpikes, by such Person or Persons so to be nominated and appointed as aforesaid, before any Coach, Waggon, Cart, or other Carriage, or any Horse, Cattle, or other Beast, shall be permitted to pass through the same, double the respective Tolls herein-before mentioned.

Which said respective Sums of Money shall be demanded and taken in the Name of or as Toll; and if any Person or Persons subject to the Payment of any of the Tolls at any Gate or Gates to be erected by virtue of this Act, shall, after Demand thereof made, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid, for collecting such Tolls, or any Person or Persons authorized by him or them, to seize and distrain any Horse, or other Cattle, or Beast, or any Carriage; upon which any such Toll is by this Act imposed, and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days after such Distress made, the Person or Persons so distraining, shall and may sell the Horse, Cattle, Beast, or Carriage so distrained, returning the Overplus, (if any be), upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges of making and keeping such Distress, and of such Sale, shall be deducted; and that all Tolls collected and

Manner of Recovery.

levied by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and shall be applied and disposed of in such Manner as is herein-after mentioned.

Exemptions from so much Toll as shall have been paid at certain Gates.

XII. Provided always, and be it further enacted, That all Horses, Cattle, or Carriages, which shall pass the same Day through any Side Bar or Gate to be erected on the Side or Sides of the said Turnpike Road authorized to be made by this Act, across any Lane or Way leading into or out of the same, and through the next Gate or Bar to be erected in, upon, or across the said Turnpike Road, shall be exempt, at the other of the same last-mentioned Gates or Bars, from so much Toll as shall have been respectively paid for such Horses, Cattle, or Carriages, at the other of the same Gates or Bars as they shall have so previously passed through, by a Note or Ticket, which the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Tolls.

No Toll for crossing the Road.

XIII. And be it further enacted, That no Toll shall be taken in respect of any Horse, Beast, Cattle, or Carriage, which shall only cross the said Road.

Trustees may lessen the Tolls, and advance them again.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered, by and with the Consent of the Person or Persons who shall be entitled to Three Fourth Parts of the Money which shall be then due on the Credit of the said Tolls, to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees, or any Nine or more of them, shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Rates herein-before mentioned, and also from Time to Time to direct the Tolls hereby granted, or so reduced as aforesaid, to be collected in such Parts or Proportions at the said Turnpikes or Toll Gates upon the said Road, as they shall think proper; and that such reduced Tolls, and also such Parts and Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the said Tolls hereby granted are directed to be collected, levied, and applied, but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the Tolls so lessened, after the First Meeting, unless Twenty-one Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected upon the said Road, and also inserted in some Newspaper published or circulated in the said County.

Tolls to be paid but once for passing the same Day, except, &c.

XV. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate to be erected by virtue of this Act, shall be subject to any Toll for returning through such Turnpike or Toll Gate the same Day, or before Twelve of the Clock at Night of the same Day, with the same Horse or Horses, Cattle or Carriage, but shall return Toll-free, (except such Waggon, Cart, or other Carriage, which shall pass or repass through any of the said Turnpikes or Toll Gates, laden with any Lading of the Weight of

of Five hundred Pounds or upwards, of Five Score to the Hundred, and shall return the same Day also laden with any Lading of Five hundred Pounds or upwards, as aforesaid, and also except such Coach, Chariot, Landau, Berlin, Chaise with Four Wheels, Calash with Four Wheels, Chaise-Marine, Diligence, or Caravan, or by what Name soever such Carriage or Carriages, now is or are, or hereafter may be called or known, which shall be 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), on delivering a Ticket to the Collector of the Tolls at such respective Turnpikes or Toll Gates; which Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls.

XVI. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground, or Hereditaments, belonging to any Person or Persons, or through or over any Common or Waste Ground adjoining to or lying near any Turnpike or Toll Gate to be erected by virtue of this Act, (the same not being a publick Way), or if any Owner or Occupier of such Ground, Land, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided, or if any Person or Persons shall take off or cause to be taken off any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road any Cattle or Carriage, with an Intent to avoid paying any of the said Tolls, or any Part thereof, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate with any Carriage, Horse, or other Cattle, or Beast, without Payment of Toll, or if any Person shall forge or counterfeit, or offer to dispose of any Note or Ticket, denoting the Payment of Toll to any other Person, in order to evade the Payment of the said Tolls, or if any Person shall receive or make use of the same with that Intent, every Person so offending in each and every of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as other Penalties are by this Act directed to be applied.

Penalty on evading the Tolls.

XVII. And whereas several Parts of the said Road will lead over Wastes, Commons, or uncultivated Grounds, and the Tolls by this Act granted may be easily evaded; be it therefore further enacted, That the said Trustees, or any Five or more of them, may and they are hereby authorized and empowered, if they shall see Occasion, but not otherwise, to make or cause to be made, such Hedges, Ditches, and Fences, by the Side or Sides of the said Road, so that the Payment of the said Tolls may not be evaded; and if any Person or Persons shall pull down, or in anywise damage or displace any such Fence, 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.

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

XVIII. Provided

Power to re-
move Gates.

XVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time to take down and remove any Gate, Turnpike, or Toll Gate, Buildings, and other Conveniences, erected or provided by virtue of this Act, and to set up the same again in any other Place or Places in, upon, across, or on the Side or Sides of the said Road.

Trustees not
to remove
Gates without
Notice.

XIX. Provided always, and be it further enacted, That no Gate or Turnpike to be erected or set up by virtue of this Act, shall at any Time after the same shall be so set up, be taken down or removed to any other Place, except by the Order of the said Trustees, or any Nine or more of them, at a Meeting convened for that Purpose, and unless Notice in Writing, specifying the Intent thereof, be fixed on all Turnpikes then erected by virtue of this Act, and also inserted Twice in One of the *Manchester* or *Blackburn* Newspapers, Twenty-one Days at least before such Meeting; any Thing in this Act contained to the contrary thereof notwithstanding.

Exemptions
from Toll.

XX. And be it further enacted, That no Toll shall be demanded or taken at any of the Turnpikes or Toll Gates to be erected by virtue of this Act, upon the said Road, for or in respect of Carriages solely employed in carrying Hay or Corn in the Straw, or going to such Employment, or returning empty after having been so employed, or in carrying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure, for manuring or improving Lands adjoining or near to the said Road, the Occupiers whereof shall, by Performance of Statute Duty upon the said Road, or by Payment of Composition Money in lieu of Statute Duty for the Use of the said Road in respect of such Lands, actually contribute to the Repairs of the said Road; and that no Toll shall be demanded or taken from any Person or Persons residing in any Township in which any Turnpike or Toll Gate shall by virtue of this Act be erected, who shall pass through such Turnpike or Toll Gate to or from their proper Parish or Parochial Church, Chapel, or other Place of Religious Worship, which they usually resort to on *Sundays*, or on any other Days on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral or Funerals of any Person or Persons who shall die and be buried in any of the said Townships, or from any Clergyman going to perform, or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; and that no Toll shall be demanded or taken at any Turnpike or Toll Gate on the said Road, for any Horses and Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Cattle going to or returning from Water or Pasture, in any Township wherein any such Turnpike or Toll Gate shall be erected; or for the Horses of any Soldiers upon their March, or on Duty, or Carriages attending them with their Baggage, or for any Carriages laden with Ammunition or Artillery as shall be for His Majesty's Service; or for any Cattle or Carriage employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or
Chair,

Chair, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County Palatine of *Lancaster*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and that if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt from the Payment of any of the Tolls aforesaid, any Cattle or Carriage employed in the Conveyance of Lime to be used for any Purpose whatsoever. Lime exempted from Toll.

XXII. And, to obviate any Doubts which may arise with respect to such Four-wheeled Carriages as consist of Two Wheels of the Breadth of Six Inches, and Two of a less Breadth, and with respect to Carts and other Carriages laden with Hay or Corn in the Straw; be it further enacted, That all such Carriages with Four Wheels, Two whereof shall be of a less Breadth than Six Inches, although the other Two shall be of a greater Breadth, which shall pass through any Gate or Turnpike to be erected by virtue of this Act, shall be liable to and charged with the Tolls by this Act imposed upon every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches; and that all Carts and other Carriages laden with Hay or Corn in the Straw, which is not intended for the private Use and Consumption of the Person who grew the same, shall be liable to and charged with the Tolls by this Act granted for passing through any Gate or Turnpike to be erected by virtue of this Act. For obviating Difficulties respecting Waggon's with Wheels of different Breadths.

XXIII. Provided always, and be it further enacted, That if any Dispute shall happen about the Quantity of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Quantity of the Tolls, or Charges of distraining or selling the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County of *Lancaster*, who, upon Application made to him for that Purpose, shall examine the said Matter by Oath of the Parties, or other Witness or Witnesses, and shall determine the Quantity of Toll due, and also shall 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 any Part thereof. For settling Disputes concerning Tolls.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation, shall arise, touching or in anywise relating to the said Tolls, or in case of any Proceeding or Prosecution for the obtaining any of the Penalties imposed by this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be and are hereby declared to Collectors of Tolls competent Witnesses.

[*Loc. & Per.*]

24 U

be

be competent to give Evidence in any such Dispute, Suit, Litigation, or Proceeding.

Turnpikes,
 &c. vested in
 Trustees.

XXV. And be it further enacted, That the Right and Property of all the Turnpikes, Bars, Rails, and Fences, Toll Houses, and Buildings to be erected or provided by virtue of this Act, and the Right and Property of the Materials to be provided for erecting, building, or repairing the same, or any of them respectively, and also of all the Tools, Materials, and other Requisites, got, provided, or collected for any of the Purposes of this Act, shall be, and are hereby vested in the Trustees of the said Road, and they, or any Nine or more of them, are hereby empowered to dispose thereof as they shall think proper, for the Purposes of this Act, and to bring or cause to be brought any Action or Actions, or to prefer or order to be preferred any Indictment or Indictments, against any Person or Persons who shall take, steal, carry away, break down, injure, or spoil the same, or any Part thereof, or disturb the Trustees, their Agents or Servants, in the Possession thereof.

Power to lease
 Tolls.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Twenty-one Days Notice in Writing, to be affixed on all the Turnpikes which shall be then erected upon the said Road, and advertising the same in some Newspaper published or circulated in the County of *Lancaster*, from Time to Time to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years, not exceeding Three Years at a Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants as the said Trustees, or any Five or more of them, shall think fit, they the said Trustees having a Countepart of such Lease or Leases, and taking such other sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised, for Payment of such Rents, and Performance of the Covenants to be reserved and comprized in such Lease or Leases, as the said Trustees, or any Five or more of them, shall think fit.

Trustees may
 compound for
 Tolls.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term, not exceeding One Year at a Time, with any Person or Persons, for any Carriages, Horses, Beasts, or Cattle travelling on the said Road, for all or any of the Tolls to be paid in respect of such Carriages, Horses, Beasts, or Cattle; and all such Composition Money shall be paid in advance, Quarterly or otherwise, as the said Trustees shall think fit, and in Default thereof the Composition to be void.

Trustees may
 borrow
 Money.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be given in Writing, to be affixed upon all the said Turnpikes, and inserted in One of the Newspapers printed in the said County, and they are hereby empowered from Time to Time to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such Sum or Sums of Money as they, or any Five or more of them, shall think fit, and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same,
 or

or any of them, or any Part thereof, and the Costs and Charges of such Mortgages to be paid out of such Tolls, as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands and Seals, or by any other Words to the like Effect; (*videlicet*),

‘ BY virtue and in pursuance of an Act, made and passed in the
 ‘ Forty-first Year of the Reign of His Majesty King George the Form of
 ‘ Third, intituled, *An Act [here set forth the Title of this Act]*, We Mortgage.
 ‘ of the Trustees for the said Road,
 ‘ in Consideration of the Sum of
 ‘ to the Treasurer for the said Road in Hand paid, do grant, bargain,
 ‘ sell, and demise unto *A. B.*, his Executors, Administrators, and
 ‘ Assigns, such Proportion of the Tolls arising upon the said Road,
 ‘ or by virtue of the said Act, and of the Turnpikes and Toll Houses
 ‘ for collecting the same, as the said Sum of
 ‘ doth or shall bear to the whole Sum due and owing on
 ‘ the Credit thereof, to be had and holden from this
 ‘ in the Year of our Lord
 ‘ for and during the Continuance of the said Act, unless the said Sum of
 ‘ with Interest at the Rate of
 ‘ *per Centum per Annum*, shall be sooner repaid
 ‘ and satisfied.’

And Copies of all such Mortgages shall be entered in a Book or Book^s to be kept for that Purpose, by the Clerk or Treasurer to the Trustee^s for the said Road; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign over or transfer his, her, or their Right, Title, Interest, or Benefit, to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by indorsing on the Back of such Security, or by any other Writing or Writings under his, her, or their Hand or Hands, before One credible Witness, the following Words, or Words to the like Effect; (*videlicet*),

‘ I Do transfer this Mortgage [*or, a certain Mortgage, as the Case may* Form of
 ‘ *be*] with all my Right and Title to the Principal thereof [*or, thereby*] Transfer.
 ‘ secured, and to all Interest due upon the same, unto
 ‘ Executors, Administrators, and Assigns. Dated this
 ‘ Day of
 ‘ *A. B.*’

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer of the said Road, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Five Shillings, and such Assignment or Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; but in case any Sum or Sums of Money so to be transferred shall not exceed the Sum of Fifty Pounds, it shall be lawful for the respective
Persons

Persons entitled thereto, by an Indorsement of his, her, or their Name or Names, without Witness, to transfer, his, her, or their Property therein to any other Person or Persons, without an Entry being made thereof in Manner aforesaid; and it shall not be in the Power of any Person (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference with respect to the Priority of any Monies advanced.

Application
of the Money.

XXIX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, shall in the first Place be paid and defrayed out of the respective Tolls to be collected by virtue of this Act, or out of the first Money borrowed on the Credit thereof, and the Remainder of the Money so raised, and all other Money which shall come to the Hands of the said Trustees by virtue of this Act, shall from Time to Time be applied in re-paying the Principal Monies by this Act borrowed, and the Interest thereof, and in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever.

Surveyors
may take
Gravel, Sand,
&c. filling up
Pits.

XXX. And be it further enacted, That the said Surveyor or Surveyors of the said Road, and such other Person and Persons as shall be employed by him and them for that Purpose, is and are hereby empowered, but under the Restrictions in that Behalf contained in an Act made in the Thirteenth Year of the Reign of His present Majesty, commonly called *The General Turnpike Act*, to get and take any Furze, Heath, Stone, Chalk, Flint, Gravel, Sand, or other Materials proper for the making or repairing of the said Road from any Waste Grounds or Commons, Rivers or Brooks, in any Parish or Place wherein any Part of the said Road lies, or in any neighbouring Parish or Place, (except Stone from such Part or Parts of Quarries as is or are open and in working, and except Gravel, Sand, Stones, and other Materials within Fifty Yards Distance from the Foot of any Mill Dam, or River Lock or Locks) without paying any Thing for the same, such Surveyors or other Persons filling up the Pits, and levelling the Ground from whence 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 also by Order of the said Trustees, or any Five or more of them, but under such Restrictions as aforesaid, to take and carry away such Materials in, upon, and out of, from, and over the Lands of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment for the Materials, and for the Damage done to such private Lands over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between the Owners or Occupiers of such private Lands or Grounds, and the said Trustees, touching the Payment for such Materials and Damages, the Justices of the Peace for the said County of *Lancaster*, at their General Quarter Session to be holden in and for the said County

County next after such Difference, shall and may assess, adjudge, and finally determine the same.

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

Notice to be given to the Occupiers of Lands before Materials are to be taken for repairing Roads.

XXXII. Provided always, and be it enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take away any Materials which shall have been dug or gathered in any Ground, River, or Brook, for the Purpose of making or repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Ground for his private Use, and Persons authorized by him to get Materials therein for his proper Use only, and not for Sale), every Person so offending shall forfeit, for every such Offence, any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalty on taking away Materials.

XXXIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors of the said Road, and such Persons as he or they shall appoint, from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them), to remove and prevent all Annoyances on any Part of the said Road by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourses or Ditches adjoining thereto, and make the same as deep and as large as he or they shall think necessary, and to cut down, lop, or crop any Trees, Shrubs, or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to lop or crop, cut down, and remove such Shrubs, Trees, 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 Surveyor or

Annoyances.

[Loc. & Per.]

24 X

Surveyors

Surveyors shall require, for the Space of Ten Days next after Notice in Writing, given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, and that the Charges thereof, (after being first 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 applied for the Purposes of this Act, and be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and all Gates to be hereafter made and placed in any Fence adjoining the said Road, shall be made and hung to open inwards into the adjoining Lands, and not outwards into the said Road.

Causeways.

XXXIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors of the said Road, and 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 or cause to be made any Causeway or Causeways, or other Footway or Footways, for the Use of Foot Passengers, along any Part of the said Road, in such Manner as they shall see convenient; and also Ditches or Drains in and upon the said Road, and also through any Ground lying contiguous thereto, and to erect, rebuild, and keep in Repair Bridges, Arches, Soughs, and Culverts upon the said Road, or across any such Ditches or Drains where necessary; and also to widen any of the narrow Parts of the said Road; by opening, clearing, or laying into the same any Grounds of any Person or Persons lying contiguous thereto; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous Part of the said Road, (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees), to be made Use of by all Passengers, Cattle, and Carriages as a publick Highway, whilst such ruinous Part of the said Road shall be repairing or widening, and until it shall be convenient for Passengers and Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such 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, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Moor or Waste Ground; and in case of any Difference concerning the same between such Owners or Occupiers, and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at their next General Quarter Sessions of the Peace for the said County, or at their Second Quarter Sessions of the Peace at farthest, to settle, adjudge, and finally determine what Recompence shall be made to such Owners or Occupiers for the Damages they shall have sustained as aforesaid; which Determination shall be final.

Penalty on riding and driving Cattle on Footways, &c.

XXXV. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or other Way or Ways to be made upon the said Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle, or Swine upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall, for every such Offence, forfeit

forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings.

XXXVI. And be it further enacted, That the said Trustees, or any Nine or more of them, may and they are hereby fully empowered to make and from Time to Time afterwards, as they may think proper, to widen, divert, or alter and maintain a Road from the *Lamb Inn*, to or near to *Brindle Lane End*, as before mentioned, and to set out and make the same of any Width not exceeding Sixty Feet, through any Common or Waste Grounds, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, not exceeding Forty-eight Feet, making Satisfaction for the same as herein-after mentioned, and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase or Exchange thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, or Administrators, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Femes Covert, who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed or interested in any such Lands or Hereditaments, to contract with such Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to exchange with, sell, or convey to any Five or more of them, all 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 whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, 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, or in a printed Form, at the Dwelling House or 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, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, or altered, shall, for the Space of Twenty Days next after such Notice given or left, 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 and Recompence to be enquired into and ascer-

Trustees may make and from Time to Time turn and alter the Road.

tained

For summon-
ing Juries.

tained by a Jury of Twelve indifferent Men of the County of *Lancaster*, and in order thereto the said Trustees, or any Five or more of them, are hereby required and empowered, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath all and every Person or Persons whomsoever, who shall be thought necessary and 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 the said Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own as the said Jury's Information in the Premises; and after the said Jury shall have enquired of and assessed such Damage and Recompence as aforesaid, 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 or 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, or Determination thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whomsoever, claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well present as absent, Females Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or 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 for the County of *Lancaster*, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, and 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 summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees acting in the Premises, or any Five or more of them, shall and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can 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, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, except for some reasonable Excuse, or shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give, or for not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and upon 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 give Evidence, and which Fine or Fines shall be levied and applied,

in

in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and applied, so that no such Fine be more than Five Pounds nor less than Forty Shillings, on any One Person for One Offence: Provided always, That nothing herein contained shall extend or be construed to extend to authorize the said Trustees, or any Person or Persons whomsoever, to take down any Dwelling House or other Building, or to take in any Ground, planted or set apart as a Yard, Garden, Orchard, Park, Paddock, Plantation, Nursery of Trees, or Avenue to any House, without the Consent of the Owner or Proprietor thereof.

XXXVII. And be it further enacted, That in case any Jury shall give in or deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any 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 and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Tolls hereby granted, or out of the Money to be borrowed on the Credit thereof; but if such Jury shall give 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 and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Charges and Expences attending the hearing and determining of such Difference, 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 said County of *Lancaster*, 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 Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in Case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the Trustees in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

XXXVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be, and is and are hereby charged upon the Monies which shall be raised or borrowed by virtue of this Act, and shall accordingly be paid thereout to the respective Persons entitled thereto, or to their Agents, after deducting such Proportion of Expences as aforesaid, (if any be), and that upon Tender thereof to such Persons or their Agents, and in case of their Refusal or Incapacity to accept the same, then upon leaving it in the Hands of the Clerk or Treasurer for the Time being of the said Trustees, for the Use of such Persons,

[*Loc. & Per.*]

24 Y

it

How Expences of Jury shall be borne.

To charge the Money assessed for Lands upon the Monies to be raised by this Act.

Upon Tender of the due Monies, the Trustees may

take the Lands
into the
Roads;

It shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Agents, and Workmen, to lay out and make, widen, divert, or turn such Road, in and upon, through or over such Lands or Hereditaments, and to do every Act, Matter, and Thing relating thereto, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of the said Lands and Hereditaments, or after such Adjudication of the Value thereof made, and the Tender of Payment, such Lands and Hereditaments shall be taken into and made Part of the said Road hereby directed to be made and repaired, in such Manner as the said Trustees, or any Five or more of them, shall order and direct, and shall be set out accordingly, and shall, to all Intents and Purposes whatsoever, become and be, and shall be deemed and taken to be a publick Highway, and shall be a Part of the said Road hereby directed to be made and repaired for ever after, and shall be kept in Repair by such Ways and Means, and in such Manner as is herein-after mentioned; and after such new Road shall be completed, the Lands constituting the old or former Road, unless leading over some Moor, Common, or Waste Ground, or to some Town, Village, or Place, to which such new Road doth not lead, shall become and be vested in, and shall and may be sold by the said Trustees, or any Five or more of them, to such Person or Persons as shall be willing to purchase the same, at the best Price that can be gotten for the same, and the Monies arising by such Sale shall be applied and disposed of for repairing and amending the said Road, and other Purposes relating thereto; and the Sales and Conveyances to be made of such Lands constituting such old or former Road, being executed by the said Trustees, or any Five or more of them, shall be good, valid, and effectual in Law to all Intents and Purposes.

and any old
deserted Road
shall become
the Property
of the Trustees,
and may
be by them
sold.

Trustees may
enter Lands
to make the
Roads.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors, and Workmen, with and without Carriages and Cattle, from Time to Time to enter upon the Lands and Hereditaments through which or whereupon the said Road may be to be made, altered, or turned, or adjoining thereto, and to stake out, make, alter, and turn the same, in such Manner as the said Trustees 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 or Hereditaments respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands or Hereditaments for the Damage that shall be done to the Lands or Hereditaments, in case such Damage shall exceed the Sum of Two Shillings; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out, making, altering, or turning any such Road, every Person so offending, shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Application of
Compensation
where exceeding
200 l.

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient

Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLI. Provided, always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied

Application where the Compensation shall be less than 200 *l.* and exceed 20 *l.*

in

in any Manner herein before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20 l.

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

The Inhabitants of the several Townships, made liable to repair the Roads.

Trustees to direct a List of Persons liable to Statute Work, to be given by Surveyors of Highways.

XLIII. And be it further enacted, That the Road hereby authorized to be made, amended, widened, turned, and varied, shall be deemed and taken to be, and shall be the King's common Highway forever, to all Intents and Purposes whatsoever, and that the Inhabitants of the several Townships through which the said Road shall lead, pass, and extend, shall be and for ever continue subject and liable to the Repair thereof, in like Manner and in every Respect as they are by Law liable to the Repair of any other common Highway in the said Townships; and that it shall be lawful for any Five or more of the said Trustees, by their Surveyor or Surveyors, or for any Two Justices of the Peace, to summon the Surveyors of the Highways for the respective Townships or Places wherein any Part of the said Road doth or shall lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Fifteen Days of such Summons (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer) a List of the Names of every Person who within such Townships, Districts, or Places respectively, are by Law obliged to do their Statute Work towards repairing the Roads in any of the said Townships or Places respectively, for that Year, with Teams and Draughts, as also the Number of Days Work which each Person, Team, and Draught, ought to do on the said Road in such Townships, Districts, or Places respectively, out of which List the said Trustees, or any Five or more of them, shall and may appoint and order so many Persons to do their Statute Work on the Road directed by this Act to be made and repaired, as they are liable by Law to do, which said Statute Work shall be done by such Persons, at such Times, in such Manner, and in such Parts of the said Road within such respective Townships and Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time direct and appoint; and the said Surveyor or Surveyors of every such Township or Place for the Time being, within Two Days after Notice shall be given to him or them in Writing by the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do their respective Statute Work as directed and appointed as aforesaid, in or upon any Part or Parts of the said Road; shall summon or give Notice thereof to such of the said several Persons so chargeable as aforesaid; and if any such Person shall, after such Summons or Notice, neglect or refuse to do such Statute Work, every such Person, for each Day he shall make Default, shall forfeit

forfeit any Sum not exceeding Fifteen Shillings nor less than Ten Shillings, for each Team or Draught; and if any Person or Persons shall be found idle or negligent in the Performance of such Statute Work, the Turnpike Surveyor may and he is hereby required to discharge such Person, and it shall be deemed as if such Person, or such Teams or Draughts had not come or been sent to work; and every such Person, or the Owners of such Team or Draught, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for such Townships or Places, shall neglect or refuse to do as they are hereby required and directed, every such Surveyor shall, for each Neglect or Refusal, forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds.

Penalty on
not perform-
ing Statute
Work.

XLIV. And, for preventing Differences between the said Trustees and the Surveyors of the Highways for the Time being, of the several Townships and Places, through which the Road may lead, touching what Parts of the Statute Work in any Township or Place ought to be done on the said Road, be it further enacted, That it shall be lawful for any Two or more of the Justices of the Peace, at any Special Session to be holden for the Division or Hundred, Divisions or Hundreds, where such Part or Parts of the said Road may lie, upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall be done on the said Road, by and in each and every of the Townships and Places aforesaid.

Justices to de-
termine Sta-
tute Work.

XLV. Provided always, and be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree, by the Year or otherwise, with any Person or Persons for the Performance of his, her, or their Statute Work on the said Road; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships and Places, by and with the Consent of the Majority of the Inhabitants of such Townships 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 Road, all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in Repair of the said Road; and all such Surveyors 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.

Trustees may
compound for
Statute Work.

XLVI. And whereas by making the said new publick Road by virtue of this Act, certain old publick Highways or Roads near the same, or certain Parts thereof, will be deserted and rendered unnecessary to be continued as Highways, and Doubts may arise whether the Inhabitants of any Township or Place, or any particular Person or Persons liable to repair such old publick Highway or Road by Statute Duty, Tenure, or otherwise, ought to repair or contribute to the Repair of some and what Part or Proportion of such new Highway, for obviating which Doubts and preventing Disputes about the same, be it further enacted, That the said Trustees,

Persons liable
to Repair old
Highways
rendered un-
necessary, shall
be liable to re-
pair Part of
the new High-
way equal to
the Burthen
of the old
one.

[Loc. & Per.]

24 Z

or

Power for Trustees to agree with Persons liable by Tenure to Repair any Part of the Roads, concerning the future Repair thereof.

or any Nine or more of them, shall and may order and determine what Part or Parts of such old Highways or Roads will be unnecessary, and shall be discontinued as a Highway, and that the Inhabitants of every such Township or Place, and every Person or Persons who was, were, or shall be liable as aforesaid to the Repair of any such old Highway or Road which hath been, or shall be so determined to be unnecessary, and to be discontinued as a Highway, shall respectively be and continue in the same Manner liable to the Repair of such new Highway, or so much thereof as shall be equal to the Burthen and Expence of repairing such old Highway or Road, from which he, she, or they shall be exonerated by the same becoming unnecessary to be continued a Highway as aforesaid; and that it shall be lawful for the said Trustees, or any Five or more of them, to agree with the Person or Persons liable to repair such Highway, for the Repair thereof in such Manner as they shall think fit, and to contribute so much to the Repair thereof, out of the Tolls to be taken by virtue of this Act, or out of the Statute Duty or the Composition Money to be paid instead thereof, as they shall think just and reasonable; and that if the several Parties interested cannot agree therein, the same shall be viewed by Two Justices of the Peace acting within the District where such Road shall be, and settled, adjusted, and determined by them in such Manner as they shall think just and reasonable.

Trustees may direct Prosecutions at the Expence of the Tolls.

XLVII. And be it further enacted, That the said Trustees, or any Five or more of them, at a Meeting to be held pursuant to this Act, whereof Fourteen Days Notice in Writing, specifying the Time and Place, and the Purpose for which such Meeting is intended to be held, shall be affixed upon the said Turnpike Gates, and inserted in some one of the Newspapers published in the said County, at least Fourteen Days previous to the Time when such Meeting is appointed to be held, may, and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct Indictments to be preferred and prosecuted at the Expence of the Revenues arising from the said Turnpike Gates, against the Inhabitants of all or any of the Townships or Places through which the said Road passes, and against every Person or Persons liable, by reason of his, her, or their Tenure, or otherwise, to repair and make any Part of the said Turnpike Road within the said Division or District respectively, who shall have neglected or refused to make or repair the same.

Penalty on Persons drawing Timber on the Road.

XLVIII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the Road included in this Act, any Tree or Piece of Timber, or any Stone, (Mill Stones excepted), otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Road, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Two Pounds nor less than Ten Shillings.

Trustees may contract for repairing the Road.

XLIX. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered to contract with any Person or Persons for making, repairing, widening, or altering the said Road, or any Part thereof, and for erecting Mile Stones or Posts

Posts thereon, or for doing any other Work authorized to be done by this Act, in such Manner, and for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall from Time to Time think fit.

L. And be it further enacted; That all Contracts in Writing entered into pursuant to any Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding on all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum or Sums of Money stipulated to be paid to such Contractor or Contractors, shall be the Measure of the Damages to be recovered against such Contractor making Default in fulfilling his Contract; any Law or Usage to the contrary notwithstanding.

Contracts binding on the Parties.

LI. And be it further enacted, That if any Person or Persons shall assault, interrupt, hinder, or disturb, or cause, promote, or encourage to be assaulted, interrupted, hindered, or disturbed, the Collectors of the Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or Person or Persons employed by him or them, or by the said Trustees, in the Execution of any Part of this Act, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalty on assaulting Persons in the Execution of this Act.

LII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides of the said Road, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place; and also such and so many Direction Posts as to the said Trustees shall seem meet; and if any Person shall wilfully pull up or damage any such Post or Stone, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon, every Person so offending shall forfeit and pay for every such Offence, any Sum not exceeding Two Pounds nor less than Ten Shillings.

Mile Stones and Direction Posts to be erected.

Penalty on damaging the same.

LIII. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers under this Act, be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence as aforesaid, and to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where any such Offence or Offences shall be committed, without any Warrant or other Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty or Special Sessions, to be holden for the Division or Place where such Offence or Offences shall be committed; and on such Conviction, or for Want of sufficient Security, to commit the

Power for Collectors, Surveyors, or other Officers, to detain Persons guilty of Offences.

otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Lancaster*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby empowered and required to administer without Fee or Reward), and the Penalties and Forfeitures, when recovered, shall be applied (if not otherwise directed to be applied by this Act) in amending the said Road; rendering the Overplus (if any be) after the said Penalty and Forfeiture, together with the reasonable Charges of such Distress and Sale, be deducted thereout, when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold; and for Want of Distress, is shall and may be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction, there to remain, without Bail or Mainprize, until he, she, or they shall have paid such Penalty or Penalties, Forfeiture or Forfeitures, or until the Expiration of Three Calendar Months.

LVIII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the said County of *Lancaster* next after such Cause of Complaint shall arise, unless the same shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and shall and may, if they see Cause, by Order of such Sessions, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy, by their Order or Warrant, 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, to commit such Person or Persons to the Common Gaol of or for the said County of *Lancaster*, for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

Persons aggrieved may appeal to the Sessions.

LIX. Provided always, That the Person or Persons so appealing as aforesaid, shall, and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Road, of such his and their Intention of bringing or prosecuting such Appeal, Fourteen Days before the said Quarter Sessions, and shall, before such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace for the said County of *Lancaster*, with Two sufficient Sureties, in the Sum of Twenty Pounds, with Condition to prosecute such Appeal, and to pay all

Persons intending to appeal, are to give the Clerk 14 Days Notice, &c.

[Loc. & Per.]

25 A

Costs

Costs, in case such Appeal be determined against the Party or Parties so appealing.

Obliging Subscribers to pay their Subscription.

LX. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards making and repairing the said Road, shall and are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, within such Time and Times, and 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, so as the same be not directed to be paid before such Time or Times as such Person or Persons respectively, prior to this Act, under their Hands, agreed to advance the same; and if any Person or Persons shall neglect or refuse to pay the same, or such Parts or Proportions thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Names, or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law or more than One Imparance, shall be allowed.

Limitation of Actions.

LXI. 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 Thirty Days Notice thereof shall be given to the Clerk or Clerks to the said Trustees respectively, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action shall be laid in the said County of *Lancaster*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may plead the General Issue, Not Guilty, 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 be so done, or that such Action or Suit shall be brought before Thirty Days Notice thereof shall be 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 in any other County, Place, or Places, than where the Fact was committed, 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 any Case by Law.

Treble Costs.

Publick Act.

LXII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LXIII. And

LXIII. And be it further enacted, That this Act shall commence upon and have Continuance from the Day on which it shall receive the Royal Assent, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term of the Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1801.

