



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 59.

An Act for amending the Roads from *Oldham*, in the County of *Lancaster*, to *Ripponden*, in the County of *York*; and from *Denshaw* to *Brownhill*, and from *Grains* to *Delph*, all within *Saddleworth*, in the said County of *York*. [20th April 1812.]

WHEREAS an Act was passed in the Thirty-fifth Year of the 35 G. 3. Reign of His present Majesty King *George* the Third, intituled, *An Act for making and maintaining a Turnpike Road from Mumps Brook, within Oldham, in the County Palatine of Lancaster, to Ripponden in the West Riding of the County of York, and a Branch therefrom, at or near Denshaw, to or near to Brownhill, and another Branch therefrom, at or near Grains, to Delph, all within Saddleworth, in the said Riding*: And whereas by virtue and in pursuance of the Powers contained in the said recited Act, the Trustees therein named have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls thereby granted; and have applied the same, together with the said Tolls, in and towards making and maintaining the said Roads; and great Progress hath been made in the doing thereof: And whereas the Powers granted in and by the said recited Act are in many Respects defective, and the Roads therein described cannot be effectually amended, widened, repaired, improved, and kept in Repair,
[Loc. & Per.] 13 Z and

Former Act
repealed.
Commence-
ment of this
Act.

and the Money borrowed and now owing upon the Credit of the said Tolls be paid off, unless the Term of the said recited Act is continued; and it would be more convenient to the Trustees, and beneficial to the said Roads, and to the Public, if the said recited Act was repealed, and further and other Powers granted instead thereof; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Second Day of *August* One thousand eight hundred and twelve the said recited Act passed in the Thirty-fifth Year of the Reign of His present Majesty, shall be and the same is hereby declared to be repealed, and that on the said Second Day of *August* One thousand eight hundred and twelve this Act shall commence and take effect, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending, widening, altering, repairing, improving, and keeping in Repair the Roads leading from *Mumps Brook*, within *Oldham* aforesaid, to *Ripponden* aforesaid, and from *Denshaw* to *Brownhill*, and from *Grains* to *Delph*, all within *Saddleworth* aforesaid; and that the Term and Tolls by this Act granted shall be and are hereby charged with and made subject to the Payment of all Monies now due and owing upon the Credit or on account of the said Act, and of the Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due on the Credit of this Act, or of the Tolls hereby authorized to be collected.

Trustees.

II. And be it further enacted, That Sir *George Armitage* Baronet, *John Armitage*, *Jesse Ainsworth*, *Thomas Allen*, *John Allen*, *George Armitage*, *Thomas Atkinson*, *Charles Atkinson*, *John Atkinson*, *Jonas Ainley*, *Disney Alexander*, *Francis Dukensfield Astley*, *Thomas Barker*, *James Barker*, *James Barton*, *Henry Barton*, *Thomas Barrow*, *Richard Henry Beaumont*, *Michael Bentley*, *John Birch*, *John Blackburne*, *John Booth*, *William Booth*, *Joseph Booth*, *George Booth*, *John Booth the Younger*, *Charles Frederick Brant*, *Richard Broom*, *Mark Buckley*, *Robert Buckley of Limehurst*, *William Atkinson Busfield*, *Johnson Atkinson Busfield*, *Abraham Bellott*, *James Buckley of New Barn*, *John Buckley of Upper Mill*, *Thomas Brideoake*, the Reverend *James Buckley*, the Reverend *John Buckley*, *John Beaumont*, *Daniel Battye*, *Joseph Beaumont*, *Edward Browne*, *William Buckley of Linfits*, *Benjamin Buckley*, *James Buckley of Upper Mill*, *William Buckley of Upper Mill*, *Thomas Bradbury*, *Henry Barlow*, *James Butterworth of Holebottom*, *John Clegg of Manchester*, *Abraham Clegg*, *William Clegg*, *James Clegg*, *William Henry Coulthurst*, *William Cresswell*, *James Crossley*, *John Taylor Clegg*, *Arthur Clegg*, *Ashton Clegg*, *Henry Crutchley*, *Benjamin Cowper*, *James Cocker*, *William Chippendale*, *James Crossland*, the Reverend *John Clowes*, *Dawson Clegg*, *Philip Cocker*, *John Clegg of Bent*, *Richard Clegg*, *Thomas Cuffons*, *John Duncuft*, *John Dunkerley*, *James Duncuft*, *John Dyson*, *Thomas Dyson*, *John Dyson of Willow Hall*, *Francis Downing*, *Bramhall Dyson*, *John Dyson of Clay House*, *John Denton*, *Samuel Dyson*, *John Edwards*, *Henry Edwards*, *John Entwistle*, *Edmund Eastwood*, *James Eckersley*, *Roger Ferrand*, the Reverend *Thomas Fawcette*, *Richard Fawcette*, *William Fox*, *James Fletcher*, *Thomas Firth*, *John Fisher*, *Samuel Fenton*, *John Fletcher*, *Edward Fletcher*, *John Garfide*, *Edward Greaves*, *William Greenup*, *George Greenup*,

Greenup, Thomas Greenwood, John Griffith, John Gartside, William Greenwood, Henry Gatley, James Gleadhill, John Haigh, John Halkyard, Edward Halkyard, William Hardman, Joseph Harrop, John Harrop, Thomas Harrop, Thomas Howarth, Benjamin Arthur Heywood, Nathaniel Heywood, William Hibbert, Samuel Hodgson, Robert Holroyd, James Holroyd, John Hope, the Reverend Sir Thomas Horton Baronet, John Howarth, James Hoyle, Charles Hudson, Dauntsey Hulme, John Hodson of Halifax, George Hadfield, Richard Howarth, James Harrop, Thomas Hoiroyde, Benjamin Haigh, Joseph Haigh, the Reverend Joseph Horder, William Horsfall, Rowland Houghton, John Hoyle, Richard Hoyle, Thomas Hollins, John Horsfall, James Hall, Joseph Harrop, John Harrop of Dobcross, James Harrop, John Harrop of Grasscroft, Joshua Hudson, the Reverend John Hargreaves, John Hoyle, Robert Gregge Hopwood, Abraham Hilton, Abraham Jackson, Joseph Jones, John Jones, William Jones, Joseph Jones the Younger, Daniel Knott, Henry Kelsall, Peter Law, John Leaf, John Lees of Church Lane, John Lees of Fairfield, John Lees the Younger, of Fairfield, Joseph Lees, Daniel Lees, James Lees of Oldham Lane, John Lees of Hilltop, James Lees of Mofsley, John Lees of Halifax, Edward Lees, James Lees of Clarksfield, Gamaliel Loyd, Thomas Lodge, Henry Lodge, John Lees of Oldham Lane, John Lees of Bankside, John Lockwood, William Horton Loyd, Thomas Fenton Lambert, James Mallalieu, John Marlcor, John Mills, James Mills, John Mitchell, James Moore, Thomas Milne, James Mills the Younger, John Milne of Top of Hill, Abraham Milne, James Milne, James Milne the Younger, George Mallalieu, George Nelson, Thomas Ogden, the Reverend Amos Ogden, John Ogden, Joseph Pickford, William Perciwall Pickford, the Rector of Prestwich for the Time being, Thomas Preston, Joseph Priestley, John Priestley, George Priestley, Walker Priestley, John Platt, Ammon Platt, Robert Radcliffe of Bath, Joshua Radcliffe, John Radcliffe, William Rawson, Samuel Rawson, John Rawson, William Rhodes, Abraham Rhodes, Thomas Royds, John Richardson, Thomas Richardson, John Ridgway, John Roberts the Elder, John Roberts the Younger, William Rothwell, William Rowbottom, Joseph Rowland, John Rothwell of Halifax, William Rothwell the Younger, William Radcliffe, James Roberts, Joseph Roberts, George Roberts, John Roberts of Longwood House, Atherton Rawsthorne, Joseph Radcliffe, John Radcliffe of Stonebreaks, the Reverend William Robinson, Henry Roberts, the Honourable Richard Lumley Saville, James Schofield of Hollinwood, John Schofield of Hollinwood, John Schofield of Old Tame, James Schofield of Old Tame, Joseph Schofield of Liverpool, Thomas Shaw of Mantley-Yate, James Shaw of Hollinbank, John Shaw, George Smith, Joshua Smithson, Thomas Stanley, Thomas Sutcliffe the Younger, John Sykes, William Sykes, the Reverend John Sunderland, Joseph Scott, John Shaw of Dumfrieze, John Schofield of Heights, Joseph Shaw, Thomas Stead, Edmund Shaw, Giles Shaw, Thomas Shaw of Fur Lane, William Shaw, James Shaw of New Barn, John Sutcliffe the Elder, Robert Stansfield of Sowerby, Thomas Shaw of Upper Mill, John Sutcliffe the Younger, Joseph Shaw of Dolph, John Scholfield of Sandbed, George Shaw, Walter Stables, John Taylor of Primrose Bank, Edmund Taylor, Thomas Taylor, John Travis, John Twemlow, John Taylor of Hargreaves, James Mayers Taylor, Joseph Taylor, John Taylor of Manchester, Joseph Travis, James Taylor of Walkers, John Taylor Surgeon, Thomas Thornhill, Richard Greaves Townley, Nathaniel Wainhouse, John Walker of Dearhead, William Walker, John Walker of Crownest, John Walker of Waterclough, James Walker, Thomas Walpole, John Wheelwright, Edmund Whitehead,

Whitehead, Abraham Whitehead of Shaw, Abraham Whitehead of Carr Cotes, Thomas Whitley, Thomas Whittaker, Lamplugh Wickam, William Wilberforce, William Wilcock, John Wright, John Wrigley of Dobcross, James Wylde, the Reverend William Winter, Joseph Walker, John Winterbottom, Robert Whittaker, John Whitaker, John Worthington, Thomas Walmsley, John Walmsley the Younger, William Walmsley of Skircoat, Henry Whitehead, Robert Walmesley of Skircoat, William Waterhouse of Linley, Hugo Worthington, Benjamin Whitehead, Benjamin Wilson, John Wilson, James Whitehead, John Wylde, the Reverend Robert Webster, John Wrigley of Hollingsmere, Edmund Walker, Joseph Walker, Thomas Wroe, Thomas Wroe the Younger, Kinder Wood, the Reverend Ralph Younger, and the Members in Parliament for the Counties of York and Lancaster respectively for the Time being, and their Successors to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

On the Death
of Trustees,
others to be
chosen.

III. And be it further enacted, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by an Order in Writing under their Hands, to elect one other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees; by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, or by inserting the same in some public Newspaper circulating in the Neighbourhood through which the said Roads lead, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for putting this Act into Execution as the Persons in whose Places they shall be respectively chosen were vested with.

Qualification
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent to a Person possessed of an Estate in such Lands, Tenements, or Hereditaments as aforesaid; of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of One thousand Pounds; nor shall any such Person be capable of acting as a Trustee in the Execution of this Act, (save and except in administering the Oath or Affirmation following to the other Trustees) until he shall have taken and subscribed the Oath following before any Two or more of the said Trustees, who are and each of them is hereby authorized to administer the same; (that is to say)

Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers,*
‘ do solemnly affirm,] that I truly and *bonâ fide* am in my own
‘ Right, [*or, in the Right of my Wife, as the Case may be*] in the
‘ actual Possession or Enjoyment of Lands, Tenements, or Hereditaments,
‘ of the clear yearly Value of Fifty Pounds, *or, possessed of or en-*
‘ titled

‘ titled to a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds.

‘ So help me GOD.’

And if any Person not being so qualified shall presume to act as such Penalty on Persons acting not being qualified. Trustee, contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*; or in His Majesty's Court of Common Pleas held in and for the said County Palatine of *Lancaster*, by Action of Debt, or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

V. And be it further enacted, That no Trustee shall be capable of Trustees holding Places of Profit not to act. acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act: Provided always, that any Mortgagee or Assignee of any Mortgage or other Security, or any Mortgagee may act. Lender of Money upon the Credit of the Tolls granted by this Act, or receiving Interest thereout for the same, shall not on that Account be deemed unqualified, or be defeated from acting as a Trustee in the Execution of this Act; provided also, that all such Trustees as are Justices Trustees being Justices may act as such. of the Peace for the said County Palatine of *Lancaster*, or the said County of *York*, may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be individually interested; and that no Person or Persons who shall keep any Victuallingshouse, Alehouse, or other House of public Victuallers, &c. incapable of acting. Entertainment, or who shall sell any Wine, Cyder, Beer, Ale, or spirituous or other strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under this Act, or of collecting the Tolls hereby granted and made payable, during such Time as he, she, or they shall keep such Victuallingshouse, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cyder, Beer, Ale, or spirituous or other strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they do employ a Person or Persons to collect such Tolls, who shall not be under any such Incapacity.

VI. And be it further enacted, That the said Trustees, or any Five or Meetings appointed. more of them, shall meet together at the *Junction Inn* in *Saddleworth* aforesaid, on the Third Day of *August* next, or as soon after as conveniently may be, at Ten of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall there adjourn themselves, and from Time to Time afterwards meet at and again adjourn themselves to such Place near to the said Roads as they, or any Five or more of them, shall think proper; and if at any Meeting to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to adjourn to another Day (Two Trustees being hereby declared to be

[*Loc. & Per.*]

14 A

sufficient

sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing to be affixed and inserted in Manner aforesaid, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held, or was to have been held, on such a Day as shall be specified in such Notice, not exceeding Three Calendar Months, nor sooner than Three Weeks after the Day on which such last Meeting was held or was to have been held as aforesaid; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days next after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House near to the said Roads, upon the Day fortnight next after the Date of such last mentioned Notice; but no Business shall be done or proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, and no Adjournment shall be made to, or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings, shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, and unless the Person or Persons applying to have any such Order or Determination revoked or altered shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks, to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them affixed and inserted in Manner hereinbefore mentioned, at least Ten Days previous to the Meeting.

Clerk to call Meetings if Trustees do not attend, or the Trustees omit to adjourn.

If the Clerk neglect or omit to call such Meetings, Trustees may do so.

Hours of Meeting for Business.

Trustees to defray their own Expences. Orders to be made at Meetings only.

Orders not to be revoked unless Nine Trustees are present.

Meetings on Emergencies.

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

VIII. And

VIII. And be it further enacted, That the said Trustees, or any Five Trustees to
 or more of them, at their first or any subsequent Meeting, as Occasion appoint Offi-
 shall require, shall or may by Writing under their Hands, elect and ap- cers.
 point a Treasurer or Treasurers, Clerk or Clerks, Receiver or Receivers,
 Collector or Collectors of such Monies as shall be due and payable by vir-
 tue of this Act, and also a Surveyor or Surveyors, and such other Offi-
 cers as they the said Trustees, or any Five or more of them, shall think
 proper; and also may from Time to Time remove such Treasurers,
 Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of
 them; as they the said Trustees, or any Five or more of them, shall see
 Occasion; and the said Trustees, or any Five or more of them, shall and
 may, out of the Money to be raised by this Act, make such Allowance
 unto the Treasurers, Clerks, Receivers, Collectors, Surveyors, or other
 Officers so appointed, for and in Consideration of the Care and Pains re-
 spectively taken in the Execution of their respective Offices, and to such
 other Persons as shall be assisting in and about the Execution of this Act,
 as to them the said Trustees, or any Five or more of them, shall seem
 proper; and all such Officers and Persons shall from Time to Time, Officers to
 when thereunto required by the said Trustees, or any Five or more of account.
 them, deliver to such Trustees, or to such Person or Persons as they, or
 any Five or more of them, shall for that Purpose appoint, a true and perfect
 Account in Writing under their respective Hands, of all Monies which
 shall have been by them respectively had, collected, or received, and how
 and to whom, and for what Purpose the same and every Part thereof hath
 been disposed of, together with the Vouchers and Receipts for such Pay-
 ments, and shall verify such Accounts upon Oath, if thereunto required
 by the said Trustees, or any Five or more of them, (which Oath any
 One or more of the said Trustees is or are hereby empowered to admi-
 nister;) and all such Officers and Persons shall and are hereby respectively
 required to pay all such Monies as upon the Balance of such Account or
 Accounts shall appear to be in their Hands, to such Person or Persons as
 the said Trustees, or any Five or more of them, shall appoint to receive
 the same; and if the said Officers or Persons, or any of them, shall refuse Refusing to
 and neglect to render and give such Account as aforesaid, or to pro- account.
 duce and deliver up the Vouchers and Receipts relating to the same, or
 to verify the Articles thereof upon Oath, or to pay the Balance thereof
 remaining in their Hands, when thereunto required in Manner aforesaid;
 or if any such Officers or Persons shall refuse or neglect to deliver up to
 the said Trustees, or any Five or more of them, or to such Person or
 Persons as they, or any Five or more them, shall appoint, within Ten Days
 after being thereunto required by the said Trustees, or any Five or more
 of them, or by such other Person or Persons, all Books, Papers, and
 Writings in their Custody or Power, relating to the Execution of this
 Act, then and in every such Case, Complaint being made by the said
 Trustees, or any Five or more of them, or by any Person or Persons Proceedings
 on their Behalf, of any such Neglect or Refusal, to any Justice of the against Offi-
 Peace for the County, Riding, or Place where the Officer or Officers, cers.
 Person or Persons so neglecting or refusing shall live or reside, such
 Justice may and he is hereby authorized and required, by 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 ap-
 pearing, or not being to be found, to hear and determine the Matter of
 such

On Convic-
tion one
Justice to
issue War-
rants of
Distress.

For want of
Distress, the
Offender to
be committed
to Prison.

Trustees
empowered
to compound
with Officers.

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

Officers to
give Securi-
ty.

such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, might have done; and if upon Confession of the Officer or Officers, Person or Persons against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and empowered, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same; or if such Officer or Officers, Person or Persons shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relative to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid; then and in either of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons to the Common Gaol or House of Correction of the County, Riding, or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, (which Composition the said Trustees, or any Five or more of them, are hereby empowered to make,) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person or Persons who shall be committed for Want of sufficient Distress, shall remain in Prison for a longer Space of Time than Six Calendar Months; provided also, that all Persons who shall have been employed, or who shall have received any Tolls or other Money by virtue or on account of the said Act, and shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for the same and every Part thereof to the said Trustees, in like Manner and under the like Penalties as the several other Officers and Persons are hereinbefore directed to account.

IX. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer or Receiver,

Receiver, Collector, or other Officer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office.

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

Three Trustees may appoint temporary Collectors.

Discharge those misbehaving, and appoint others till next Meeting.

Collectors refusing to deliver up Toll Houses.

Justices empowered to grant Warrant, and Constable to enter and remove such Collector.

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

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

XII. And be it further enacted, That in all Actions, Causes, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, prosecuted, defended, or done by virtue or in pursuance of this Act, the said Trustees may sue and be sued in the Name or Names of their Clerk or Clerks for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees, or defended by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or

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

Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the Trustees, or any Five or more of them, but that the Clerk or Clerks for the Time being to the said Trustees shall be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action or Suit: Provided always, that all and every such Clerk or Clerks in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Actions or Proceedings, he or they shall pay, bear, sustain, expend, or be put unto, or become chargeable with, by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

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

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

Trustees may erect Turnpikes and Toll Houses.

XIV. 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 cause to be erected and set up such and so many Turnpikes and Toll Gates in, upon, across, or on the Side or Sides of any Part or Parts of the said Roads, and across any Lane, Street, Way, or Passage, now or at any Time hereafter leading into, or to be made, laid out, or opened into the same, and also a Toll House to each Gate or Turnpike, with suitable Out-buildings thereto; and also may inclose from the said Roads such convenient Garden Spots to any of the said Toll Houses, not exceeding One Quarter of an Acre each, as they or any Five or more of them shall judge proper; and may cause the present or any such other Turnpikes, Toll Gates, Toll Houses, or other Buildings, from Time to Time to be continued or taken down, removed, or altered, or sold and disposed of to the Owner or Owners of the Land adjoining thereto, as they, or any Five or more of them, shall judge proper.

Limiting the Number of Turnpikes.

XV. Provided always, and be it further enacted, That no more than Four Toll Gates shall be erected and set up across that Part of the said Road leading from *Mumps Brook* aforesaid to *Ripponden* aforesaid, another such Toll Gate across the Road leading from *Dobcross* to *Delph*, another such Toll Gate across the Road leading from *Delph* to *Denshaw*, and another such Toll Gate across the Road leading from *Delph* to *Grains*, all within *Saddleworth* aforesaid.

XVI. And be it further enacted, That the Right and Property of all the Turnpikes and Toll Houses, and other Buildings already erected or to be erected, or provided in or upon the said Roads, and of the Materials for altering or building the same, and of all Bridges, Arches, Tunnels, Walls, and other Erections or Works made or erected on the said Roads by the said Trustees, and also of all Materials gotten or collected, or to be gotten or collected for repairing the said Roads, shall be and they are hereby vested in the said Trustees, and they, or any Five or more of them, are hereby empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk or Clerks for the Time being, or to prefer or order to be preferred any Indictment or Indictments against any Person or Persons who shall injure the same, or disturb them in the Possession thereof.

Toll Houses
vested in
Trustees.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls and Duties following at each and every of the respective Turnpikes or Toll Gates, or Turnpike or Toll Gate which shall be erected in, upon, or across, or on the Side or Sides of any Part of the said Roads by virtue of this Act, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

For every Horse or other Beast of Draught, drawing a Carriage of any Description, the Sum of Four-pence: Tolls.

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

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

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

And the said respective Tolls shall be demanded and taken before any Horse or Horses, or other Beast or Cattle, or any Carriage whatsoever, be permitted to pass through any such Turnpikes or Toll Gates; and if any Person or Person subject to the Payment of any of the said Tolls shall, after Demand thereof made, whether immediately on the same becoming due, or at any Time after, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons so appointed Collector as aforesaid; by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any Horse, Beast, or other Cattle, upon which any such Toll is by this Act imposed, and also any Carriage upon which such Horse, Beast, or other Cattle may be drawing, together with their Saddles, Bridles, Geers, Harness, or other Accoutrements, except the Bridle or Reins of such Horse or other Beast apart from such Horse or other Beast, or any other of the Goods or Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing

seizing and distraining may sell the Horse, Cattle, Beast, or Carriage, or Goods and Chattels so seized and distrained, or a sufficient Part thereof, returning the Overplus (if any) and what shall remain unfold, upon Demand to the Owner thereof, after such Tolls and all reasonable Charges shall be deducted and paid.

Persons having paid the Toll, to go and return Toll free.

XVIII. Provided always, and be it further enacted, That all and every Person and Persons having paid the Tolls hereby authorized to be taken at any Turnpike or Turnpikes, Toll Gate or Toll Gates, on any Part of the said Roads, for any Horse or other Cattle or Carriage as aforesaid, shall be permitted to go and return twice over through any such Turnpike or Turnpikes, Toll Gate or Toll Gates, on the same Day, to be computed as aforesaid, through the same Turnpike or Turnpikes, Toll Gate or Toll Gates; but if such Horse or other Cattle or Carriage shall in the course of such Day pass a Fifth Time through any such Turnpike or Turnpikes, Toll Gate or Toll Gates, then and in such Case a new Toll shall be demanded and taken for the same, and so *toties quoties* for every Fifth Time of passing; and provided also, that no Toll shall be demanded or taken for any Horse or other Beast of Draught at the said last-mentioned Toll Gate across the Road between *Delph* and *Grains*, which shall have previously on the same Day passed through and paid Toll at the said Toll Gate between *Dobcross* and *Delph*, on producing a Note or Ticket of such Payment, which the Collector of such Tolls is hereby required to deliver *gratis*.

Penalty for avoiding Payment of Tolls.

XIX. And be it further enacted, That if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, Cattle, or Carriage through any Turnpike or Toll Gate continued or erected by virtue of this Act, without paying the Toll or Tolls by this Act directed to be paid for the same, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or shall unload any Carriage in part or in all, or having passed through any of the said Turnpikes or Toll Gates, shall afterwards add or put any Horse or other Beast to any Carriage, and draw therewith upon any Part of the said Roads, so as to increase the Number of Horses or other Beasts drawing the said Carriage, after the same shall have passed through any of the said Turnpikes or Toll Gates, in order to evade or lessen, or having thereby evaded or lessened, the Payment of any of the said Tolls or any Part thereof; or if any Person or Persons shall go or pass with any Horse, Beast, Cattle, or Carriage, through or over any Land, Ground, or Place lying by the Side of or near to the said Roads (the same not being a public Highway); or if any Person or Persons owning or occupying any Land, Ground, or other Place, or private Way, shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, or Carriage, through or over such Land, Place, or private Way, in order to avoid the Payment of the said Tolls or any of them, or any Part thereof, or whereby or by reason or means whereof the Payment of any of the Tolls aforesaid shall or may be avoided, every Person so offending in every such Case shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XX. And

XX. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen to be) until the Amount of the Tolls or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen) be ascertained by some Justice of the Peace for the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined or assessed shall be paid to the said Collector, before he shall be obliged to return the Distress, or the Overplus, after Sale thereof, or of any Part thereof.

For settling
Disputes con-
cerning the
Tolls.

XXI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not on that account be incompetent to give Evidence in any such Dispute, Suit, or Litigation.

Toll-bar
Keepers to be
competent
Witnesses.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lie; or with Seed for seeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, the Produce of Lands lying in any of the Parishes in which the said Roads lie; and not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast; or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Compost, or Manure employed in Husbandry for manuring or improving Lands, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts going to or returning from Pasture or Watering-Place, or going to be or returning from being shod or farried; or for any Horse or other Cattle going to the Pound, for trespassing upon Lands; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said

Exemptions
from Toll.

Roads lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying or returning therefrom, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes, or returning after having been so employed; or for any Horses, Coaches, or other Carriages going to or returning from any Election of Knight or Knights of the Shire to serve in Parliament for the said County of *Lancaster*, or for the said County of *York*, on the Day or Days of such Election, or the Day before or Day after such Election shall begin or be concluded; and if any Person shall by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Passengers on Election Days for Knights of the Shire exempted.

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

XXIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, while so employed, or the Horse or Horses drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

XXIV. And

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to lessen or reduce all or any of the Tolls hereby granted, for such Time or Times as they the said Trustees, or any Seven or more of them shall think proper, and afterwards from Time to Time advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates hereinbefore mentioned, and to order and direct such Tolls so lessened or reduced, or advanced, to be collected, received, taken, laid out, and applied for the Purposes of this Act, in such Manner as the said respective Tolls are by this Act directed to be collected, levied, and applied; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Five-sixth Parts of the Money which shall have been lent, or shall be charged upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made unless Thirty Days Notice at least of the Meeting to be held for the Purpose of making such Reduction, shall be given in Writing, to be affixed upon all the Turnpikes or Toll Gates which shall be then erected upon the said Roads, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Roads lead: Provided always, that when all or any of the said Tolls hereby granted shall be lessened or reduced, or again advanced as aforesaid, such lessening or reducing and advancing respectively, shall always be done rateably, and in like Proportion, at each and every the Turnpike or Turnpikes, Toll Gate or Toll Gates, which shall be then erected upon the said Roads,

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

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

shall be applied in such Manner as the Tolls so let or leased are hereby directed to be applied.

Lessees of
Tolls may ap-
point Persons
to receive the
same.

XXVII. And be it further enacted, That during such Time as the said Tolls or any Part or Parts thereof shall be leased, demised, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the said Tolls so leased, demised, or farmed, and to use all such Means and Methods for the Recovery thereof, in case of Non-payment or Evasion, as any Collector of the said Tolls appointed under or by virtue of this Act, is by this Act authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid, so demanding and taking the said Tolls, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees is subject or liable to.

Trustees may
borrow
Money.

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

Form of
Mortgage.

‘ BY virtue and in pursuance of an Act made in the Fifty-second
‘ Year of the Reign of His Majesty King *George* the Third, inti-
‘ tuled, [*here insert the Title of this Act*] and in Consideration of the
‘ Sum of _____ to *A. B.* the Treasurer appointed
‘ by the Trustees for putting the said Act into Execution, having been
‘ this Day paid by *C. D.* of

‘ We

We whose Names are hereunto subscribed and Seals affixed, being of the said Trustees, do grant and assign unto the said C. D., his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the Roads in the said Act mentioned, and of the Turnpikes and Toll Houses for collecting the same Tolls, as the said Sum of _____ doth or shall bear to the whole Sum due and owing on the Credit of the same Tolls, or chargeable thereupon for the Term of this Act; to have, hold, receive, and take such Proportion of the said Tolls, Toll Houses, and Premises, with the Appurtenances, unto the said C. D., his Executors, Administrators, and Assigns, for the Residue and Remainder now to come of the said Term, for which the said Tolls are granted by the said Act, subject to the Proviso following, that is to say: Provided always, that if the said Sum of _____ shall be repaid to the said C. D., his Executors, Administrators, or Assigns, together with Interest for the same after the Rate of _____ per Centum per Annum, without any Deduction whatsoever, on or before the _____ Day _____ now next ensuing, then this Assignment shall be void, or else shall remain in full Force. In Witness whereof we have hereunto set our Hands and Seals, this _____ Day of _____ in the Year of our Lord _____

Copies of all which Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, and also all and every Person and Persons to whom any Mortgage or Assignment shall have been made under or by virtue of the said recited Act, or who shall be entitled to the same, or the Money thereby secured respectively, is and are hereby empowered from Time to Time, by Assignment under his, her, or their Hand and Seal or Hands and Seals, to be indorsed upon his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, before one or more credible Witness or Witnesses, to assign over or transfer such Mortgage or Mortgages, Assignment or Assignments, and his, her, or their Right to the Principal and Interest Money thereby secured, to any Person or Persons whomsoever, in the following Words, or Words to the like Effect, (that is to say);

Copies to be entered.

Mortgages may be assigned.

I do hereby transfer and assign this Mortgage, [or, a certain Mortgage, &c. as the Case may be.] with all my Right and Title to the Principal Money thereby secured, and all Interest now due on the same, unto _____ Executors, Administrators, and Assigns. In Witness whereof I have hereunto set and put my Hand and Seal, the _____ Day of _____ Year of our Lord One thousand eight hundred and _____

Form of Transfer.

All which Assignments or Transfers shall be produced and notified to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, within Sixty Days after the Date thereof respectively, who shall cause an Entry to be made of every such Assignment or Transfer, containing the Dates, Names, and Additions of the Parties, and the Sum of _____ Money

To be produced to and entered in a Book by the Clerk.

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

No Priority
of Mort-
gages.

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

Old Mort-
gages may be
called in, and
new ones
granted.

XXX. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out that were made by virtue of the said recited Act or any of them, and give and execute another Mortgage or other Mortgages instead and in lieu thereof, respectively, in Manner and transferrable as hereinbefore mentioned.

Application
of Tolls and
Money
borrowed.

XXXI. And be it further enacted, That all the Tolls to be collected or levied by virtue of this Act, and also all Monies to be received or collected under or by virtue of this Act, shall be vested in the said Trustees; and that out of the Money already received by virtue of the said recited Act, or out of the first Monies arising by virtue of this Act, the said Trustees, or any Five or more of them, shall in the first place pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto, and the Remainder of such Monies shall from Time to Time be applied in amending, widening, altering, diverting, repairing, and keeping in Repair the said Roads, and in repairing or erecting Turnpikes and Toll Houses thereon, and also in making and extending in Manner hereinafter mentioned, such Highways and Bridleways as at present lead into and communicate with the said Roads, but which may not hereafter lead into and communicate therewith, by reason of the diverting, turning, varying, or altering the Course

or Path of the said Roads as aforesaid; and in repairing, amending, and keeping in Repair such Parts of the said Highways and Bridleways as shall be so made and extended, and in paying the Principal Money borrowed on the Credit of the said recited Act, and of this Act, and the Interest due thereon, and paying and defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

XXXII. And be it further enacted, That the said Trustees, or any Five Trustees may or more of them, shall be and they are hereby fully empowered from divert the Time to Time to widen, divert, turn, vary, or alter the Course or Path Roads, &c. of any Part or Parts of the said Roads, in any of the Parishes, Townships, Hamlets, or Places in which the said Roads lie, or in any of the Parishes, Townships, Hamlets, or Places adjoining or near thereunto, with the Consent in Writing of the several Proprietors, or of Persons interested in the said Lands to be used for that Purpose (Waste Lands excepted); and also from Time to Time to make and extend any Highways or Bridleways which at present lead into and communicate with any Part or Parts of the said Roads, but which may not hereafter lead into or communicate therewith, by reason of the diverting, turning, varying, or altering the Course or Path of the Roads included in this Act, so that such Highways or Bridleways shall, after such diverting, turning, varying, or altering the Course or Path of the said Roads, lead into and communicate with such Parts of the said Roads as shall be so diverted, turned, varied, or altered as aforesaid; provided that such Part or Parts of the said Roads as shall be so widened, diverted, turned, varied, or altered, shall not thereby be made wider than the Breadth of Forty-two Feet in the Inside of the Fences on each Side thereof, and that the Highways so to be extended as aforesaid shall not in the Parts so extended be made wider than the Breadth of Twenty-one Feet in the Inside of the Fences; and it shall be lawful for the said Trustees, or any Five or more of them, to make or cause to be made the said Roads or Alterations through or over any Commons or Waste Grounds, without making Satisfaction for the same, and also in, upon, through, or over any private Lands, Hereditaments, or Premises, first making Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may sustain thereby, or having their Consent in Writing for that Purpose.

XXXIII. Provided always, and be it further enacted, That the Powers Trustees restrained from and Authorities hereby given shall not extend or be construed to extend pulling down any Dwelling House, &c. without the Consent of the Owners. to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make Use of any Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Lands or Grounds whatever, (except Waste Lands), or any Part thereof, respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, any Thing in this Act contained to the contrary in anywise notwithstanding.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Contract for Lands. the

the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the widening, diverting, turning, varying, or altering the Course or Path of any Part or Parts of the said Roads, or by the extending such Highways or Bridleways as aforesaid through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Femmes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and also for all Femmes Covert who are or shall be seised of or interested in their own Right, and for all and every Person and Persons whomsoever who are or shall be possessed of or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, or Usage, or other Matter to the contrary in anywise notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, Femmes Covert, and all other Persons shall be and are hereby indemnified for what they shall do by virtue of this Act.

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

XXXV. And whereas by reason of the Purchases which the said Trustees are empowered to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads, they may happen to be seised of some Piece or Pieces of Ground, and of some Piece or Parcel of old Roads, over and above what shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Piece or Pieces of Land, or Piece or Pieces of old Roads, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same.

First Offer to whom to be made.

XXXVI. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate (who are hereby respectively empowered to take such Affidavit), by some Per-

son or Persons no Way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by the Justices in Sessions assembled, in Manner by this Act directed with respect to Damages occasioned by the getting of Gravel or Materials for repairing the said Roads as hereinafter mentioned, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act directed with respect to the Expences of settling Disputes as to such Damages, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

XXXVII. And be it further enacted, That in all Cases where the said Roads shall be made, diverted, or turned through any inclosed Lands or Grounds being private Property, and where Stone Walls or Stone Fences are usually made for the common Inclosure or Fence of such Lands or Grounds, the said Trustees, or any Five or more of them, shall and they are hereby required, out of the Money to be raised, collected, and received by virtue of this Act, to erect or cause to be erected on each Side of the said Roads, where the same shall be made, diverted, or turned through any such inclosed Lands or Grounds as aforesaid, a Stone Wall or Stone Fence of the Breadth of Two Feet at the Bottom, and to be reduced in Breadth gradually to One Foot and Three Inches at the Top, and to be of the Height of Four Feet and Six Inches at the least.

To compel
the Trustees
to make
Stone Fences.

XXXVIII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Hereditaments purchased by virtue of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds; with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting

Application
of Money
awarded
above 200*l*.

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 and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 or Settlement, shall be existing undetermined or capable of taking effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 said Purposes, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

Where less
than 200l.
and above
20l.

XXXIX. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, purchased 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner 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 said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under
20l.

XL. Provided also, and be it further enacted, That where such Money so agreed 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

the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct. Court may order reasonable Expences to be paid by the Trustees.

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

XLIII. And

Trustees may
direct Prose-
cutions at the
Expence of
the Tolls.

XLIII. And be it further enacted, That the said Trustees, or any Five or more of them, at any Meeting, whereof Ten Days Notice in Writing, specifying the Time, Place, and Purpose for which such Meeting is intended to be held, shall be fixed on all the Turnpikes or Toll Gates on the said Roads, and by inserting the same in some One public Newspaper of each County through which the said Roads lead, may and they are hereby authorized and empowered, when and as often as they shall think fit and necessary, to direct an Indictment or Indictments to be preferred and prosecuted with and out of the Tolls to be collected by virtue of this Act, against the Inhabitants of all or any of the Parishes, Townships, Hamlets, or Places through which the said Roads pass, and against every Person or Persons liable by reason of his, her, or their Tenure of Lands, or otherwise, to repair and amend any Part of the said Roads, who shall have neglected or refused to repair and amend the same.

Surveyor to
get Stone,
Gravel, &c.

XLIV. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby empowered to cut, dig, gather, take, and carry away any Ashlar Stone, Coping Stone, Wall Stone, or other Stone, and also any Furze, Heath, Gravel, Sand, or other Materials proper for the making and repairing of the said Roads, and the Bridges, Culverts, Walls, and Fences in or upon the same, in, upon, out of, or from any Waste Grounds, Commons, or uncultivated Lands, Common, Rivers, or Brooks, in any Parish, Township, or Place in which any Part of the said Roads lies, or in any adjoining Parish, Township, or Place, to be used in the making and repairing the said Roads, without paying any Thing for the same, and to cart and carry the same over the Lands and Grounds of any Person or Persons, making Satisfaction as hereinafter mentioned; such Surveyor or Surveyors, or other Person or Persons, filling up the Pits and levelling the Ground from which such Materials shall be taken, or railing or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Ashlar Stone, Coping Stone, Wall Stone, or other Stone, or Furze, Heath, Gravel, Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, or uncultivated Lands, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, cut, dig, and make Pits, and get, gather, take, and carry away any such Stone and Materials as aforesaid, in, upon, or out of, from and over the Lands or Grounds in any Parish, Township, or Place in which any Part of the said Road lies, or in any adjoining Parish, Township, or Place, of any Person or Persons, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment to the respective Owners or Occupiers of such Lands or Grounds for such Damages occasioned by the taking and carrying away the said Ashlar Stone, Coping Stone, Wall Stone, or other Stone, Furze, Heath, Gravel, Sand, and Materials, or the Materials gotten in any Waste
Ground,

Ground, Commons, or uncultivated Lands as aforesaid, over their Lands or Grounds, as the said Trustees, or any Five or more of them, shall think reasonable; and in case of any Difference between the said Trustees or their Surveyor or Surveyors, or other Person or Persons by them appointed or employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning the said Damages, the Justices of the Peace for the County or Place wherein such Lands or Grounds shall lie, at their General Quarter Session of the Peace to be held in and for the same County or Place next after such Difference shall arise, and on Six Days clear Notice thereof to be given by the said Surveyor or Surveyors to such Owner or Owners, Occupier or Occupiers, or be left at his, her, or their respective Places of Abode, shall hear, settle, and determine the Matter of the said Damage, and the Costs attending the hearing and determining the same; whose Judgment and Order therein shall be final and conclusive to all Parties.

Justices to determine Differences.

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

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

XLVI. And be it further enacted; That if any Person or Persons whomsoever shall take or carry away any Materials which shall have been dug, gotten, or gathered for the Repairs or for the Use of the said Roads, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Roads, before the Surveyor or Surveyors of the said Roads, and his and their Workmen shall have discontinued working therein for the Space of Thirty Days, (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been so made or opened, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

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

[Loc. & Per.]

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XLVII. And

Surveyors
may remove
Annoyances.

Cut down,
top or lop
Trees, &c.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Annoyances on any Part of the said Road, or on the Side or Sides thereof, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof; and to open, scour, cleanse, widen or make deeper any Watercourses or Ditches adjoining thereto, and to make the same as deep and large as he or they shall think necessary; and at proper Seasons of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes growing or to grow on the said Roads, or on the Side or Sides thereof, or in the Hedges or Banks adjacent thereto, (not being a Park, Paddock, Garden, Orchard, Plantation, Nursery for Trees, planted Walk or Avenue to a House,) and to take and carry away the same, in case the Owners or Occupiers of the Premises shall for the Space of Ten Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to top, lop, cut down, or remove such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyor to
make Tem-
porary Roads,

making rea-
sonable Satis-
faction.

In case of
Difference,
Justices in

XLVIII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and for any Person or Persons whom he or they shall appoint, by Order of the said Trustees, at any Time or Times hereafter during the Continuance of this Act, notwithstanding the said Road or Alterations shall be completed, and in such Manner as such Surveyor or Surveyors shall deem and judge necessary and proper for amending and keeping in Repair any Part of the said Roads, to make a Way or Ways through the Lands and Grounds adjoining to any Part or Parts of the said Roads which shall be narrow, or out of Repair, (not being a Garden, Orchard, Park, Paddock, Planted Walk, or Avenue to any House) to be made use of as a public Highway whilst the narrow or unrepaired Parts of the said Roads are widening or amending, and until the same shall be convenient and safe for the Passage of Travellers and Carriages, making such reasonable Satisfaction to the Owners and Occupiers of such Lands respectively through and into which any such Drain shall be cut, or on or over which any such Temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall arise between such Owners or Occupiers and such Trustees touching such Damage, then and in any such Case the Justices at the first General or Quarter Sessions of the

the Peace to be holden for the Counties of *York* and *Lancaster* next after the Expiration of Thirty Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same; and their Détermination therein shall be final and conclusive to all Parties.

Sessions to determine the same.

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

Causeways, Bridges, &c. may be made.

L. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments, and all other Person or Persons liable or chargeable to the amending or maintaining of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Persons liable to repair the Roads, to continue so.

LI. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Lancaster* or *York* respectively, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute

Statute Labour.

Justices to determine Differences touching Statute Work.

Work

Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected

glected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, or Hereditaments which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, Hamlets, Districts, or Places, to compound and agree by the Year or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads; all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Roads, and such Surveyor or 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.

LIII. And whereas by the said recited Act of the Thirty-fifth Year of His present Majesty's Reign, the several Occupiers of such Lands, Tenements, or Hereditaments as are situate within the several Hamlets or Districts of *Quick Mear*, *Shaw Mear*, and *Lord's Mear*, within *Saddleworth* aforesaid, or any of them, and which lie South, South-east, and East of the present Turnpike Road leading from *Wakefield* to *Austerlands*, before the last Diversions of the same Road, were exempted from contributing towards the Repairs of the Roads intended to be made and repaired by virtue of this Act; be it therefore enacted, That the said several Occupiers of such Lands, Tenements, and Hereditaments as aforesaid shall continue exempted, and shall not be subject or liable for or in respect thereof, to do or perform any Statute Duty upon any Parts of the said Roads hereby authorized to be made and repaired, or to be charged or chargeable with any Sum or Sums of Money towards keeping the same Roads in Repair, any Thing in this Act, or in any other Law or Statute to the contrary notwithstanding.

For exempting the Inhabitants of certain Places in Saddleworth from Statute Duty.

LIV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered any Collector of the Tolls, or any Turnpike Surveyor or Surveyors, or any other Person or Persons by them or any of them,

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

[*Loc. & Per.*]

14 G

or

or by the said Trustees employed in the Execution of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on
defacing
Milestones.

Riding upon
Foot-paths.

Suffering
Pigs to root
up the Roads.
Drivers of
Carriages not
keeping on
the left Side
of the Roads.
Persons pre-
venting
others from
passing.
Making Bon-
fires, &c.

LV. And be it further enacted, That the said Trustees, or any Five or more of them shall, if they think necessary, cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, 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, or any Five or more of them, shall seem meet; and if any Person or Persons shall wilfully pull up or damage any Direction Posts or Milestones now erected or fixed, or that shall be erected or fixed on the Side or Sides of or adjoining to the said Roads, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse, Cattle, or Swine, or any Carriage thereon, or shall cause any Damage to be done to any such Footway; or if any Person shall hale or draw, or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon wheeled Carriages, to drag upon any Part of the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or any Part thereof, or the Fences, Hedges, Backings, or Copses on either Side thereof; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, shall not keep his Carriage on the Left or near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person or Persons shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part or Parts of the said Roads; or if any Person shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage (longer than may be necessary for loading or unloading the same, and standing as near to the Side of the said Road as conveniently may be) in, upon, or on the Side of any Part of the said Roads, either with or without any Horse or Beast of draught harnessed or yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon, every Person so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Forty Shillings.

Penalties how
to be levied
and applied.

LVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, if the Manner of levying and recovery thereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any one Justice of the

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

LVII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put this Act into Execution, be it therefore enacted, That it shall be lawful for any of the said Trustees, or their Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace for the County, Riding, or District, and near to the Place where the Offence or Offences shall have been committed.

For securing
transient
Offenders.

LVIII. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in the Execution of any Power or Authority vested in such Trustees or Justice or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari* or any other Writ or Process whatsoever, into the Court of Common Pleas at *Lancaster*, or into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form, nor be
removed.

LIX. Pro'

Distress not to be deemed unlawful for want of Form, or the Party distraining *ab initio*.

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

Limitation of Actions.

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

General Issue.

Prescribing Form of the Conviction.

LXI. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall cause the Conviction to be drawn up in the Form or to the Effect following:

' BE it remembered, That on the _____ Day of
 ' To wit. } _____ in the Year of our Lord
 ' _____ and in the _____ Year of the
 ' Reign of His Majesty _____ is convicted before
 ' me [or, us] _____ of His Majesty's Justices
 ' of the Peace for the County of _____ by virtue of an Act passed
 ' in

‘ in the Fifty-second Year of the Reign of His Majesty King George the Third, intituled, *An Act, &c.* [*here set forth the Title of this Act, and specify the Offence, and the Time and Place when and where the same was committed*]. Given under my Hand and Seal, [*or, our Hands and Seals,*] the Day and Year first above written.’

LXII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County, Riding, or Place within which the Cause of Appeal shall arise, within Six Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the County, Riding, or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal, in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Sessions may also by their Order or Warrant levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County, Riding, District, or Place wherein such Quarter Session shall be held (as the Case may be), for any Time not exceeding Three Calendar Months, or until Payment of such Costs.

LXIII. And be it further enacted, That the several and respective Persons who have severally subscribed or shall hereafter subscribe Money for and towards the widening, altering, varying, and amending the said Roads, or any Part or Parts thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as the said Trustees, or any Five or more of them, shall, from Time to Time, order and direct, and the same shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein

[*Loc. & Per.*]

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no

no. Effoign, Protection, or Wager of Law, nor more than one Imparlance is allowed.

Declaring the Act public.

LXIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance of this Act.

LXV. And be it further enacted, That this Act shall commence and take effect on the Second Day of August One thousand eight hundred and twelve, and shall have Continuance and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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