



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.

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## Cap. xlvii.

An Act for making and keeping in Repair a Carriage Road from the Township of *Manchester* to *Newton Chapel*, in the Township of *Newton*, with a Branch to the River *Medlock*, in the Township of *Droylsden*, in the County Palatine of *Lancaster*.  
[16th June 1817.]

WHEREAS the making, maintaining, and keeping in Repair of a convenient Carriage Road leading from the Boundary Line between the Townships of *Manchester* and *Newton*, in the County Palatine of *Lancaster*, to *Newton Chapel*, in the Township of *Newton*, there communicating with certain public Highways leading to *Oldham* and *Ashton-under-Line*, with a Branch from the said Road, in the Township of *Newton*, to the River *Medlock*, in the Township of *Droylsden*, in the same County, would be of Advantage and Convenience to the Public; which Roads cannot be effectually made, maintained, and kept in good Repair by the Laws in being for the Amendment and Preservation of Public Highways: 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 the Warden and Fellows of the *College of Christ* for the Time being, and their Chaplains, Sir *Oswald Moseley* Trustees. *Baronet*, *James Ackers*, *John Ashworth*, *John Allen*, *Joseph Barker*, *Samuel Barker*,  
[Local.] 13 D



*Barker, Henry Barlow, James Brundrett, William Barrow, James Bury, William Barrett, James Cooke, John Clegg, Arthur Clegg of Manchester, James M'Connell, William Cantrell, James Duncuft, Hugh Duckworth, Edward Frere, Samuel Grimshaw, James Gordon, William Grant, Edward Greaves, Peter Richard Hoare, George Matthew Hoare, Otho Hulme, Joseph Wright Hulme, John Hulme, Thomas Hulme, John Hil Kirk, Samuel Howard, Samuel Hobson, John Hobson, James Hough, James Hardy, Joseph Hordern, Clerk, Samuel Jackson, William Johnson, Thomas James, Samuel Ireland, Samuel Kay, John Kennedy, James Kennedy, James Kay, Thomas Kay, Robert Keymer, John Lees, John Lomax, James Meadows, William Mitchell, Robert Mutrie, James Mellor, Sebastian Nash, James Norris, John Nash, Samuel Oldknow, Lawrence Peel, Thomas Porter, John Piccup Clerk, Charles Rider, James Spencer Clerk, Robert Say, Thomas Todd, Joseph Todd, John Thorneley, John Thorpe, Robert Thorpe, William Win-stanley M.D., John Walker, Gilbert Winter, William Wood, Robert Welsh, Jonathan Wilson, Thomas Walmesley, John Yates, and Thomas Yates,* shall be and they are hereby appointed Trustees for amending, maintaining, and keeping in Repair the Roads herein-before described, and for carrying into Execution the several Powers, Purposes, and Trusts of this Act.

Power to elect an additional Number of Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to elect any Number of Persons, not exceeding Ten in the whole, to be Trustees for the carrying of this Act into Execution, in addition to the Trustees hereby appointed.

All Acts may be done by Trustees, unless otherwise directed.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby appointed and to be elected and appointed as herein-after mentioned, excepting only in Cases herein mentioned as requiring a greater or less Number of them.

Power to elect new Trustees.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or who shall be appointed in pursuance of this Act, shall die, or refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees for the Time being, by Writing under their Hands, to elect and appoint one other Person to be a Trustee in the Room and Stead of each Trustee so deceased or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike Gates then erected in or upon the said Roads, and also by inserting the same in some public Newspaper printed or circulated at *Manchester* aforesaid, at least Fourteen Days before every such Meeting; and all Persons who shall be so elected are hereby constituted and appointed Trustees for putting this Act in Execution, as fully and effectually as if they had been severally named Trustees in and by this Act.

Qualification of Trustees.

V. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (otherwise than in administering an Oath or Affirmation to the Effect following) unless at the Time of his acting therein he shall in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments



of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of a Person so in Possession or in Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate of the Value of Two thousand Pounds, nor before he shall have taken and subscribed the Oath or Affirmation herein-after mentioned, before any Two or more of the said Trustees, who are hereby authorized to administer the same; (that is to say),

I *A. B.* do swear [*or, being One of the People called Quakers, do solemnly* Oath:  
 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  
 Receipt of the Rents and Profits of Lands, Tenements, or Heredita-  
 ments of the clear yearly Value of Fifty Pounds, or am Heir Apparent  
 of a Person so in the Possession or Receipt of the Rents and Profits of  
 such Lands, Tenements, and Hereditaments of the clear yearly Value  
 of One hundred Pounds; or possessed of a Personal Estate of the  
 Value of Two thousand Pounds. So help me GOD.

And if any Person not being so qualified shall presume to act as such  
 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, Plaint, Suit, or Information, wherein no  
 Essoign, Protection, or Wager of Law, or more than One Imparance,  
 shall be allowed; and every Person so prosecuted shall prove that he is  
 qualified as aforesaid, or otherwise shall pay the said Penalty, without any  
 other Proof or Evidence on the Part of the Prosecution, than that such  
 Person hath acted as a Trustee in the Execution of this Act.

VI. Provided always, and be it further enacted, That no Trustee  
 shall be capable of acting in the Execution of any of the Powers hereby  
 granted during the Time he shall hold any Place of Profit under this  
 Act, or shall be concerned in any Contract or Contracts that shall be  
 made in or about the Execution of this Act, or shall be Lessee of  
 any of the Tolls granted by this Act, nor in any Matter in which he  
 shall be personally interested; but any Mortgagee or Assignee of any  
 Mortgagee, or any other Security, or any Lender of Money upon the  
 Credit of the Tolls granted by this Act, or receiving Interest thereout  
 for the same, shall not on that Account be deemed unqualified or be  
 disabled from acting as a Trustee in the Execution of this Act; and that  
 all such Trustees as are Justices of the Peace for the said County Palatine  
 of *Lancaster*, 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 personally interested.

VII. And be it further enacted, That for putting this Act in Execution  
 the said Trustees shall and may and they are hereby required to meet  
 at the *Bridgewater Arms Inn* in *Manchester* aforesaid, on the Third *Tues-*  
*day* next after the Day on which this Act shall receive the Royal Assent,  
 or as soon after as conveniently may be, between the Hours of Ten and  
 Twelve

Penalty on  
Persons  
acting not  
being quali-  
fied.

Trustees  
holding  
Places of  
Profit not  
to act.

Mortgagee  
may act.

Trustees  
being Jus-  
tices may  
act as such.

Trustees  
Meetings.



Adjourn-  
ments.

Twelve o'Clock in the Forenoon, and then and there proceed to the Execution of this Act, and shall and may adjourn from Time to Time, and afterwards meet at the same or some other House in *Manchester* aforesaid, or at any other Place in or near to the said Roads, as the Trustees attending the said Meetings shall think proper; and if at any such Meetings there shall not appear a sufficient Number of Trustees to act or to adjourn (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled, shall omit or neglect to adjourn themselves, 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 Fourteen Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held, or was appointed to have been held; 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 Two or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Seven Days 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 Eleven in the Forenoon; and no Adjournment shall be made to, nor any Meeting be appointed to be held at any Hour later than Four of the Clock 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.

Trustees to  
bear their  
own Ex-  
pences.

Meetings on  
Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall be found expedient to appoint an earlier Day of Meeting than that appointed by such Adjournment, then and in every such 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 held in pursuance of this Act, mentioning the Time, Place, and Purposes of such Meeting, shall forthwith give Notice thereof in the Manner before directed in Cases where the Trustees shall have omitted to adjourn themselves, and of the Time and Place and Purposes which shall be mentioned in the Order of the said Trustees (such Time being not less than Seven Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at such earlier Meetings relating to the Purposes mentioned in such Order and Notice respectively, but to no other Matter, shall be as valid and effectual as if the said Meetings had been held pursuant to Adjournment.

Orders to be  
made at  
Meetings  
only.

How Orders  
may be  
revoked.

IX. Provided always, and be it further enacted, That no Orders or Proceedings of the said Trustees in the Execution of this Act (except as is by this Act excepted) shall be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act, nor unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any Order or Proceeding made or had at any Meeting of Five or more of the said



said Trustees, be revoked or altered at any subsequent Meeting, unless Notice in Writing specifying the Revocation or Alteration proposed to be made, be affixed upon the respective Toll Gate or Toll Gates to be erected in pursuance of this Act, and also inserted in One of the Newspapers printed at *Manchester* aforesaid, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of the said Trustees present at such Meeting, such Majority to consist of Seven at the least, shall concur in such Revocation or Alteration.

X. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept for that Purpose, and signed by the Trustees present at the Meetings or Meeting at which such Orders shall from Time to Time be made, or Proceedings had, or the major Part of such Trustees; and the Clerk appointed by the said Trustees shall also enter or cause to be entered in the same, or some other Book or Books to be provided for that Purpose, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and that all such Books shall be open at all seasonable Times to the Inspection of any of the Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors or any of them shall and may take Copies of or Extracts from the said Books or any of them, without paying any Thing for the same; and such Entries, being signed by such Number of the said Trustees respectively as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals; and the same and all Entries therein, or true Copies thereof, shall be admitted as Evidence; and in case the said Clerk shall refuse to permit any of the Trustees or Creditors aforesaid to inspect the same, or to take such Copies or Extracts as aforesaid, every Person offending as last aforesaid shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Orders, Proceedings, &c. of Trustees, to be entered in a Book.

XI. And be it further enacted, That the said Trustees at their First or any subsequent Meeting, when and as Occasion shall require, shall and may by Writing under their Hands elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls by this Act granted, Surveyor or Surveyors, and other Officers respectively, as they shall think proper, and from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be so removed, or shall die, resign, or become incapable of performing their Duty; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to the said Trustees shall seem proper; and the said Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall from Time to Time and as often as they shall be called

Trustees to appoint Officers.

[Local.]

13 E

upon

Officers to  
account.

Proceeding  
against Offi-  
cers refusing  
to account,  
or deliver up  
Books, &c.

Trustees em-  
powered to  
compound  
with Officers.

upon for that Purpose, produce and give up to such Trustees full, true, and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purpose such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and shall and are hereby respectively required to pay all such Monies as shall remain in their respective Hands to the said Trustees, or to such Person or Persons, or for such Uses and Purposes, as they shall direct and appoint; and if such Officer or Person (being required so to do) shall refuse or neglect by the Space of Ten Days to render and give up such Account or Accounts as aforesaid, or to produce or deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall remain in his or their Hands, or shall not deliver to the said Trustees, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any One or more of the Justices of the Peace for the County or Place wherein such Officer or Person shall be and reside, shall (upon Complaint of the said Trustees) make Inquiry concerning such Default, either by Confession of the Party, or by the Testimony of One or more credible Witnesses or Witnesses upon Oath (which Oath such Justices are hereby empowered and required to administer without Fee or Reward); and if it shall appear to such Justices that any of the Monies which shall have been so collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby empowered and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, 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 shall be found sufficient to answer and satisfy the said Money and the Charges of levying the same; or if such Officer or Officers, Person or Persons, appearing or being brought before such Justices, shall refuse or neglect to give and deliver to the said Justices, an Account or Accounts of the Receipts and Payments as aforesaid, or to produce and deliver up to the said Trustees the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in his, her, or their Custody or Power, relating to the Execution of this Act; then and in any of the Cases aforesaid, such Justices are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol for such County or Place, there to remain without Bail or Mainprize until such Officer or Person shall give and make a true and perfect Account, and shall have paid the Money which shall appear to be in his or their 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 for the same, and shall have paid such Composition Money to the said Trustees, or their Treasurer or Treasurers (which Composition the said Trustees are hereby empowered to make), or until such Officer or Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; but no Person who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall



shall be detained in Prison for any longer Time than Six Calendar Months.

XII. And be it further enacted, That the said Trustees are hereby authorized and required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, to be appointed as aforesaid, before he or they enter upon their respective Offices, for the due Execution thereof, as to the said Trustees shall seem meet.

Officers to give Security,

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person not to be Clerk and Treasurer.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees or such Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Treasurer or Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds.

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

XV. And be it further enacted, That in all and every Action or Suit touching or concerning the said Roads, the Clerk or Clerks to the Trustees of the said Roads is and are hereby declared not to be incompetent Witnesses for and on Behalf of the said Trustees by reason of such Clerk or Clerks being the Plaintiff or Plaintiffs, Defendant or Defendants, upon Record in such Action or Suit.

Clerk a competent Witness.

XVI. And



Trustees may  
appoint  
temporary  
Collectors,  
&c.

XVI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall die, or become incapable of performing his Duty, or shall abscond or absent himself, or become Bankrupt, it shall be lawful for any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so becoming incapable of performing his Duty, or absconding or absenting himself, or becoming Bankrupt, and 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) instead of such Collector or Receiver as shall so die or be discharged; and such Person so nominated and appointed shall have like Power and Authority, and be answerable and accountable in the same Manner in all Respects, as the Person who shall so die or be discharged would have had or been subject to.

Collectors  
refusing to  
deliver up  
Toll Houses.

Power to  
remove Toll  
Collectors.

XVII. And be it further enacted, That if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who shall refuse to deliver up the Possession of any Toll House or Building to be erected or set up on the said Roads for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any of the said Trustees (although not assembled at any Meeting), or by their Clerk or Clerks, Treasurer or Treasurers; then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Place in which such Toll House or Building shall be situated, by Warrant under his or their Hands and Seals, to order any Constable or other Peace Officer for the same County or Place, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Three or more of them, or such new appointed Collector or Receiver, into the Possession thereof.

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

Clerk to be  
reimbursed  
his Expences.

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing to be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Clerk or Clerks, nor by the Act of such Clerk or Clerks, without the Consent of the said Trustees; 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: Provided always, that every such Clerk or Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid, out of the Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceedings he or they shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his, her, or their



their being so made Plaintiff or Plaintiffs, Defendant or Defendants, as aforesaid.

XIX. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall direct or appoint, shall and may erect or cause to be erected such and so many Toll Gates or Turnpikes, in upon, or across such Parts and in such Places of the said Road, and also upon or across any Lane or Bye-way that doth or shall lead into or out of the same, as they the said Trustees shall think proper and expedient, except as is herein-after expressly provided to the contrary; and also shall and may erect or provide a Toll House to each of the said Toll Gates or Turnpikes, with suitable Conveniences, and inclose from the said Roads convenient Garden Spots for the same, not exceeding Half a Rood; and, except as aforesaid, shall and may pull down and remove the same, or any of them, to any other Place or Places, when and as often as they the said Trustees shall think proper, upon giving Twenty-eight Days previous Notice of the Meeting to be held for the Purpose of determining upon the Propriety of removing any such Toll Gate or Toll Gates respectively.

Toll Gates to be erected.

XX. And be it further enacted, That the Right, Interest, and Property of and in the Toll Gates or Turnpikes and Toll Houses which shall be erected and provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and all Materials which shall be purchased or provided for the Purposes of this Act, shall be vested in the said Trustees for the Time being; and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take or carry away, spoil, destroy, injure, or damage any of the Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct any Person or Persons employed by the said Trustees in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state any of the Matters or Things hereby declared to be vested in the said Trustees to be the Property of the Trustees of this Act, without naming or otherwise describing them.

Toll Houses, &c. vested in the Trustees.

XXI. And be it further enacted, That the several Tolls hereinafter particularly mentioned shall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates to be erected by virtue of this Act, by such Person or Persons as the said Trustees, or their Lessee or Lessees for the Time being, shall from Time to Time appoint for that Purpose (subject to the Restrictions and Exemptions herein-after mentioned), before any Horse, Beast, Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; *videlicet*,

For every Coach, Landau, Chariot, Chaise, Chair, Hearse, or other such like Carriage, drawn by Five or Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or Beasts of

Tolls.

[Local.]

Draught,



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

For every Waggon or other such like Four-wheel Carriage, with the Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Seven or Eight Horses or Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Five or Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four or any less Number of Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon or other such like Four-wheel Carriage, with Wheels of the Breadth of Six Inches as aforesaid, drawn by Five or Six Horses or Beasts of Draught, the Sum of Four Shillings; and drawn by Four or any less Number of Horses or Beasts of Draught, the Sum of Two Shillings and Three-pence:

For every Waggon or other such like Four-wheel Carriage, with Wheels of less Breadth than Six Inches, the Sum of Four Shillings and Sixpence:

For every Cart or other such like Two-wheel Carriage, with Wheels of the Breadth of Six Inches, drawn by Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; and drawn by Two Horses or Beasts of Draught, the Sum of Nine-pence:

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

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

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

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

Tolls vested  
in Trustees.

How Tolls  
recovered.

Which said respective Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof by any Collector or Collectors, or other Person or Persons authorized to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors, or such other Persons as aforesaid, or any of them respectively, or any other Person or Persons whom they shall respectively take to their Assistance therein, to distrain any Horse or Cattle, Beast or Carriage, for or upon which any of the said Tolls are by this Act imposed,



posed, or any of the Lading, Harness, or Accoutrements thereof respectively (except the Bridle or Halter apart from the Horse or other Beast), or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Person so distraining shall and may, at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, Goods, and Chattels, or other Articles so distrained, until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of the making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods, and Chattels, or other Articles so distrained, and out of the Money which shall arise by such Sale, pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unfold (if any) upon Demand to the Owner or Owners thereof.

XXII. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, or the Charges of the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the County wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, and shall determine the Quantity of the Tolls due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either Party to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

The settling  
Disputes  
concerning  
Tolls.

XXIII. 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 by the said Trustees to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls, or acting under the Authority of the said Trustees.

Collectors  
may be Wit-  
nesses.

XXIV. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees or by any Lessee or Lessees to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty;

Regulations  
as to Toll  
Collectors.



Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Tolls limited. XXV. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons passing and repassing the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with or driving the same Horses, Cattle, Sheep, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes which shall be erected by virtue of this Act; and that all and every Person, and Persons having paid such Toll, and producing a Note or Ticket denoting the Payment thereof (which Note or Ticket the Collectors of the Tolls are hereby required to give gratis, on the Receipt of such Toll), and such Note or Ticket shall denote and specify the Gate or Gates freed from Toll by such Payment, shall pass and repass during the same Day, with or driving the same Horses, Cattle, Sheep, Beasts, and Carriages respectively, Toll-free through the same or any other of the Toll Gates or Turnpikes to be erected by virtue of this Act.

Penalty on evading Tolls. XXVI. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments, save and except the Owner or Owners, Occupier or Occupiers thereof, or his, her, or their Servant or Servants, or any of his, her, or their Family, lying near any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a public Highway); or if any Owner or Occupier of any such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons, save and except his, her, or their Servant or Servants, or any of his, her, or their Family, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same, with Intent to avoid Payment of the said Tolls or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, other than a Toll Collector, or forge or counterfeit any Note or Ticket, Notes or Tickets, by this Act directed to be given, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate, with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any Turnpike or Toll Gate to be erected by virtue of this Act, shall



shall afterwards add or put an additional Horse or Beast to such Carriage, with Intent to evade the Payment of the said Tolls; or shall leave, or cause to be left upon or near any Part of the said Roads any Carriage, Horse, Cattle, or other Beast, with Intent to avoid the Payment of any of the said Tolls, or any Part thereof; or shall with such Intent unload any Goods from or out of any Carriage; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

XXVII. And be it further enacted, That no Toll shall be demanded for any Waggon, Wain, Cart, Carriage; or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying and conveying on the same Day, any Stones, Brick, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any of the Roads in the Townships in which any Part of the said Roads do lie, or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Waggon, Wain, Cart, Carriage or Horses employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying; or having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, for the Purpose only of using or repairing the same, or in carrying or conveying from Place to Place any Mould, Dung, Lime, Marl, Soil, Compost, or other Manure employed in Husbandry for manuring or improving Land; or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land; or for any Horses or Cattle going or returning from Pasture or Watering Places; or for any Horses going to or returning from being shod; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman or Minister going to or returning from visiting any Sick Person, or upon other his Parochial or Ministerial Duty; or for any Horses, Cattle, or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General or his Deputies (either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same); or for any Horses, Carts, or Waggon attending any Soldiers upon their March, or upon Duty, or any wounded, sick, or disabled Soldiers, or drawing any Carriage attending them with their Arms or Baggage, or for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, 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 empty from having been so employed; nor for any Horses furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Day of Exercise, provided that such Persons be dressed in the Uniform of their respective

General  
Exceptions:

[Local.]

13. G

Corps;



Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions; or for any Horses or Carriages employed in the conveying of Vagrants sent by legal Passes; or for any Carriage or any Horse or other Beast conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Carriages in His Majesty's Service not subject to the Regulations for Over-weight.

XXVIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, 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 Over-weight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or being drawn by any Number of Horses or Oxen; but it shall be lawful for any 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.

Trustees empowered to compound for the Tolls.

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

Power of reducing the Tolls.

XXX. Provided always, and it is hereby enacted and declared, That the said Trustees are hereby authorized and empowered from Time to Time, if they shall think proper, to reduce or lower all or any Part or Parts of the several Tolls hereby granted, and to raise the same again, so that the same do not exceed the Tolls by this Act granted, and so that such Reduction be made with the Consent of the several Persons who shall be entitled to Four Fifth Parts of the Money then due on the Credit of the said Roads, and who at the Time of such Reduction shall have Money secured on the Tolls intended to be reduced; but such Reduction shall not be made unless Notice in Writing of the Meeting to be holden for that Purpose be given by affixing the same upon all the Turnpike Gates which shall be then erected upon the said Roads, and also by inserting the same in some Newspaper circulated in the Neighbourhood through which the said Roads pass, Twenty-one Days at least previous to such Meeting,



nor unless a Majority of the Trustees present at such Meeting, such Majority to consist of Seven Trustees at the least, shall concur in such Reduction; and such Tolls so reduced or lowered shall be collected, levied, and applied respectively in the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied respectively.

XXXI. And be it further enacted, That the several Persons who have become Subscribers towards defraying any Part of the Expences of passing and executing this Act, and every of them, and all and every other Person or Persons who shall hereafter become a Subscriber or Subscribers for the Purposes aforesaid, and his, her, or their Executors and Administrators, shall within Twenty-one Days next after Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees shall have been given or delivered to him, her, or them, or left at his, her, or their Dwelling or usual Place of Abode, make full Payment of the respective Sums of Money so by him, her, or them subscribed or agreed to be subscribed as aforesaid, or such Part or Parts thereof as may be required in such Notice; and in case any such Person or Persons, his, her, or their Executors or Administrators, shall refuse, neglect, or fail to make such Payment as aforesaid, then and in every such Case it shall be lawful for the said Trustees to bring or cause to be brought any Action of Debt or on the Case, Bill, Plaint, or Suit, against the Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and such Notice being given as last aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid by such Notice, shall be recovered with full Costs of Suit.

For recovering Subscriptions.

XXXII. 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 be affixed on all the Turnpikes or Toll Gates then erected by virtue of this Act, and inserted in some public Newspaper at *Manchester* aforesaid, 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 by virtue of this Act, and also the Toll Houses, Turnpike Gates, 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 already subscribed or agreed to be advanced, or hereafter to be borrowed by the said Trustees 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 or lend the same, to secure the Repayment thereof with such legal Interest as the said Trustees or any Seven or more of them shall think proper; and that such Mortgage or Mortgages, Assignment, or Assignments, may be in the Form following, or any Form of Words to the like Effect; (that is to say),

Trustees may borrow Money.

• BY



Form of  
Mortgage.

BY virtue and in pursuance of an Act passed in the Fifty-seventh Year  
 of the Reign of His Majesty King *George* the Third, intituled  
 [here set forth the Title of this Act] in consideration of the Sum of  
 to *A. B.* the Treasurer appointed  
 by the Trustees for putting the said Act in Execution, having been this  
 Day paid by *C. D.* of 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 charged thereupon for the Term of the said Act; to  
 have, hold, receive, and take such Proportion of the said Tolls, Toll  
 Houses, and Premises, with the Appurtenances, unto the said *C. D.* his  
 Executors, Administrators, and Assigns, for the Residue and Remainder  
 now to come of the Term for which the said Tolls are granted by the  
 said Act, subject to the Proviso following; (that is to say), Provided  
 always, that if the said Sum of shall  
 be repaid to the said *C. D.* his Executors, Administrators, or Assigns,  
 together with Interest for the same after the Rate of  
 per Centum per Annum, without any Deduction whatsoever, on or before  
 the Day of now next ensuing,  
 then this Assignment shall be void, or else shall remain in full Force. In  
 Witness whereof, we have hereunto set our Hands and Seals this  
 Day of in the  
 Year of our Lord One thousand eight hundred and

Copies to be  
entered.

Copies of 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 or Persons to  
 whom any such Mortgage or Assignment shall be made as aforesaid, or  
 who shall be entitled to the same or the Money thereby secured, 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 the Back  
 of 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 credible  
 Witness, to assign over and transfer 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),

Form of  
Transfer.

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

All which Assignments and 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, who shall cause an Entry to be made  
 of such Assignments or Transfers, containing the Dates, Names, and  
 Additions



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

XXXIII. Provided nevertheless, and be it further enacted, That no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of the said Tolls, in respect of the Priority of advancing any Sum or Sums of Money; but that all Persons to whom such Mortgages or Assignments 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. No Priority of Mortgages.

XXXIV. And be it further enacted, That all Monies which shall arise and be produced by or from such Subscriptions as aforesaid, and by and from the Tolls by this Act granted and made payable, together with the Monies which shall from Time to Time be borrowed upon the Credit of the Tolls to be collected thereon, and all other Monies which shall arise or be produced under or by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and shall be applied in the Order and Manner following; *videlicet*, in the first Place, in paying the Costs, Charges, and Expences attending the preparing, obtaining, and passing this Act, and of preparing Securities for the Sums so subscribed, or to be subscribed and borrowed; in the second Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of erecting and making necessary and convenient Bridges upon the said Roads, and of repairing the said Roads, and otherwise in executing the several other Powers and Purposes of this Act; in the third Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Roads; and lastly, in reducing, paying off, and discharging the same several Principal Sums; and it shall be lawful for the said Trustees from Time to Time, if they shall think fit, to ascertain the Order and Priority in which the same several Principal Sums shall be reduced or paid off and discharged by Ballot. Application of the Money.

XXXV. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts to be set up on or Mile Stones to be set up.  
[Local.] 13 H near



Penalty on  
defacing  
them, &c.

near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of such Stone or Post from any Town or Place, and also such and so many Direction Posts as to the said Trustees shall seem meet; and if any Person shall wilfully pull up or damage any of such Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks which shall be inscribed thereon; or if any Person shall ride upon any Footway adjoining to the said Roads, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage upon any such Footway, or shall cause any Damage to be done thereto; or if any Person shall haul or draw or cause to be hauled 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 Wheel Carriages to drag upon any Part of the said Roads, to the Prejudice thereof respectively; or if any Person driving any Coach, Chaise, Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his Care; or if any Person shall make or assist in making any Fire or Fires, commonly called Bonfires, or shall set fire to or let off, or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Foot-ball or other Game, on any Part or Parts of the said Roads, or within Forty Yards of the same; or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage, except in case of Accidents, longer than may be necessary for loading or unloading the same, or in case the same shall not be drawn up as near to one Side of the said Roads as may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto, except in case of Accident, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice, Annoyance, or Inconvenience of Persons travelling thereon, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Forty Shillings.

Roads to be  
made accord-  
ing to the  
Plan.

XXXVI. And whereas a Map or Plan describing the Lines of the Roads herein-before mentioned, and the Lands through which the same are to be carried, together with a Book of Reference, containing Lists of the Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Roads shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate,



Corporate, or Collegiate, seised or possessed of the Lands or Tenements through which such Deviation shall be made.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through which or whereupon the said Roads hereby authorized to be made, or any Part thereof, are intended to pass, and to stake and mark out the same of such Width, not exceeding Sixty Feet including the Ditches on each Side thereof, and in such Manner as the said Trustees shall think necessary or proper, according to the Map or Plan herein-before referred to, or such Deviations therefrom as herein-before mentioned, and to cart, convey, and lay down the necessary Materials and Implements for all or any of such Purposes, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damages that shall be done to the Land or Ground on the Sides of the said Roads whilst the same shall be making.

Power to enter Lands and make Roads.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to make and repair, and to continue, maintain, and support, the said Roads so staked and marked out, and also from Time to Time to widen, divert, shorten, vary, and alter the Course or Path of any Part or Parts of the said Roads (subject to the Restrictions herein-before mentioned) as Occasion shall require, through any Commons or Waste Grounds, without making Satisfaction for the same, and also through any private Grounds or Hereditaments, doing as little Damage as may be to the Owners thereof and Persons interested therein, and making Satisfaction to the respective Owners and Persons interested in the said private Grounds and Hereditaments which shall be made use of for the Purposes aforesaid, or otherwise prejudiced or damaged by or in the Execution of any of the Powers hereby granted to the said Trustees; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell or convey unto them;

Trustees may make and divert the Road.

or



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, Ulage, 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, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

When Persons interested neglect or refuse to treat,

the Damage or Recompence to be settled by a Jury.

Verdict of Jury to be final.

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

XXXIX. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in Possession of the Lands and Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned, or altered, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating; then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Place wherein such Lands or Hereditaments do lie; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises (which Oath any One or more of the said Trustees is and are hereby empowered to administer) and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners and other Persons interested in the said Lands and Hereditaments, according to the Verdict or Inquisition of such Jury; which Verdict or Inquisition and Adjudgment, Order, and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person and Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein such Lands or Hereditaments do lie, commanding him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before



before such Trustees, or any Five of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees are hereby empowered and required to swear, or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, making Default in the Premises; or any of the said Persons who shall be summoned and returned by such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury, after being tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no Fine be more than Five Pounds for one Offence.

Jury may be challenged.

XL. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give and deliver a Verdict or Assessment for more Money, as a Recompence or Satisfaction for the Right, Interest, or Property, of any Person or Persons in any such Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Treasurer to the said Trustees, out of any Money which shall then be in his Hands, or out of the Monies to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne or paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascer-

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

[Local.]

13 I

tained



tained and settled by some Justice of the Peace for the County or Place wherein the Cause of Dispute shall arise, not interested in the Matter in question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, all such Costs and Expences shall be borne and paid by the said Trustees, in Manner aforesaid.

Money allowed for Lands how to be charged and tendered.

XLI. And be it further enacted, That every Sum of Money to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof, or upon depositing the same in the Bank of *England* as directed by this Act, as the Case may be, for the Use of such Parties or Persons respectively; and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Place of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a common Highway, and from thenceforth be and continue for ever thereafter Part of the said Roads, and shall be repaired and kept in Repair in such Manner and by the same Ways and Means as the Roads hereby authorized to be made and repaired; and from thenceforth all Parties whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and in case of the turning or altering the Course of any Part or Parts of the said Roads, after such new Roads shall be completed, the Lands constituting such former Roads, or any Part thereof, unless leading over some Moor, Common, or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in and shall and may be sold and conveyed by the said Trustees, in the Manner herein-after mentioned, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Purpose of this Act; and all Conveyances, being executed by the said Trustees, and enrolled in the Office of the Clerk of the Peace for the County wherein such Roads shall happen to be, shall be good and effectual, to all Intents and Purposes whatsoever.

The Trustees not to take down Houses,

XLII. Provided always, and be it further enacted, That the Power and Authority by this Act given to the said Trustees, shall not extend to



the taking down of any Dwelling House or other Building, or the taking in the Scite of any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, without the Consent of the Owners and Occupiers thereof respectively. &c. without Consent of Owners.

XLIII. And be it further enacted, That all Mines of Coal and other Minerals whatsoever, now open, or which shall hereafter be opened or found in or under any Lands to be appropriated for the said Roads by virtue of this Act, shall be and the same are hereby reserved for the Person or Persons, Bodies Politic, Corporate, or Collegiate, who is, are, or shall be entitled to such Coal or other Minerals, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on the Works of that Kind, in the Place where such Mine or other Mineral shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid by virtue of this Act, so that in working of such Mines no Damage shall be done to the said Roads. Mines reserved to the Owners of Lands.

XLIV. And whereas, by reason of the Purchases which the said Trustees are empowered and required 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 seized 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 further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Piece or Pieces of Ground, 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 or purchase the same. Trustees may re-sell Land not wanted for the Road;

XLV. Provided always, and be it further enacted, That the said Trustees, before they shall sell or dispose of any Piece or Pieces of old Roads, shall first offer the same to the Person or Persons whose Lands shall adjoin thereto; and that the said Trustees, before they shall sell or dispose of the said Piece or Pieces of overplus Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground; and in case such Person or Persons respectively, shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County of Lancaster, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused 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 or re-purchasing the same, and he, she, or they and the said Trustees shall not agree with respect to the Price thereof, in such Case the Price or Prices thereof



thereof shall be ascertained by a Jury in Manner herein-before directed with respect to the disputed Value of the Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*.

Application  
of Money  
arising from  
the Sale of  
Lands.

XLVI. And be it further enacted, That the principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, of any Body Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid affecting the same Lands and Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands and Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application  
when Money  
does not  
amount to  
200l.

XLVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or any Person or Persons under Disability or Incapacity as aforesaid,



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

XLVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; and 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.

When less than 20l.

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

In case of Refusal to accept Purchase Monies, the same to be paid into the Bank.

[Local.]

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Estates



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

When questionable Persons in Possession, they shall be deemed well entitled, unless to the contrary shewn.

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

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

LI. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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 Court may deem reasonable, together with the necessary Coists and Charges of obtaining such Order, to be paid by such Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Surveyor to get Gravel, &c.

LII. And be it further enacted, That the Surveyor or Surveyors to be appointed by virtue of this Act, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, is and are hereby empowered to cut, dig, gather, take, and carry away any Furze, Heath, Stone, Gravel, Sand, or other Materials proper for making and repairing 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, Rivers, or Brooks (except as herein-after mentioned); in any Township



Township or Place in which the said Roads lie, or in any neighbouring 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 Persons or Person, making Satisfaction as herein-after 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 Furze, Heath, Stone, Gravel, Sand, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds, Commons, Rivers, or Brooks, contiguous to that Part of the said Roads therewith to be made and repaired, then and in such Case the said Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two Justices of the Peace for the County of *Lancaster*, 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 and Grounds 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 such Satisfaction for the Damages done to the respective Owners or Occupiers of such Lands or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which any Materials for repairing the said Roads shall be carried, as shall be agreed upon between them and such Owners or Occupiers; and in case of their not agreeing, as any Two or more Justices of the Peace for the County or Place where such Damages shall be done, shall settle and determine to be reasonable, whose Judgment and Order therein shall be final and conclusive to all Parties.

Justices to  
determine  
Differences.

LIII. 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, and carry away Stone or other Materials for making or repairing the said Roads, Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County or Place wherein such Premises 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, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stone and Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Notice to be  
given to Oc-  
cupiers of  
Lands before  
Materials  
taken.

LIV. And be it further enacted, That if any Person whomsoever shall take or carry away any Stone or other Materials which shall have been dug,

Penalty on  
taking away  
Materials got  
by Surveyors.



dug, gotten, or gathered for the Purpose of making, completing, altering, or amending 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 said Surveyors or 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.

Surveyors  
may remove  
Annoyances.

LV. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person and Persons as they or he shall appoint from Time to Time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to fence off and guard against any Water Pits, Precipices, or other Places that may be dangerous to Persons travelling upon the said Roads, 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 may be convenient and necessary, and at proper Seasons of the Year to cut down, lop, or top any Trees, Shrubs, or Bushes, not being an Ornament or Shelter to a House, growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Paddock, Plantation, 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 Fourteen Days next after such Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, top, 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 their Surveyor or Surveyors shall require, the Charges whereof (to be settled by the said Trustees) shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered and applied; and if after Removal of any of the said Annoyances, any Person shall again offend in like Manner, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Gates not to  
swing into  
the Road.

LVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the  
Surveyor



Surveyor of the said Road, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LVII. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make Causeways in and upon the said Roads, and also to make any Ditches or Drains in and upon the said Roads, and in, upon, and through any Grounds lying contiguous thereto, in order to conduct the Water from off the said Roads, not being the Ground whereon any House or Outbuilding stands, or 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; and also by Order of the said Trustees to build, erect, repair, or keep in Repair any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads, and also across any Canal, Stream, River, Brook, Water, Ditch, or Drain in or contiguous to the said Roads, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may sustain, as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damages, the Justices of the Peace for the County 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 of the same, whose Judgment and Order therein shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing and performing the Works aforesaid upon or through any Waste Ground, Common, or uncultivated Land.

Surveyor may make Causeways, Bridges, &c.

LVIII. And be it further enacted, That all Bodies Politic and Corporate, whether Sole or Aggregate, and all other Persons who by reason of the Tenure of their Lands, or any Charge thereon, or by any Law, Custom, Usage, or otherwise, are or shall be liable to the Repair, or to contribute to the Repair of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, or to pay any Sum or Sums of Money towards the Repair thereof, shall, notwithstanding this Act, still remain liable and chargeable to the Repair of the same in such Manner as they were before the passing of this Act; and that the Inhabitants of the several Townships through which the said intended Roads will pass, shall be liable to the Repair of such Parts of the said intended Roads as are within the said respective Townships, in such and the same Manner as they are liable to the Repair of any other Highway within the same.

Persons liable to repair Roads to continue so.

LIX. Provided always, and be it further enacted, That the said Trustees shall not begin to make the said Roads, or any Part thereof, until the Sum of Three thousand seven hundred Pounds shall have been subscribed for the Purpose of making the said Roads.

Road not to be begun until 3,700l. shall be subscribed.

[Local.]

13 L

LX. And



LX. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Lancaster*, and they are hereby required (upon Application made to them 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 Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do 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 as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; 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 Fourteen Days after the serving 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 are or may be directed by any Law or Statute in Force and Effect for the Repairs of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to 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 Haytime or Harvest), and in 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 shall and may also order and direct the Persons, who by such Lists shall appear to be subject and 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 or Treasurers, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalties by this Act are 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 any Surveyor of 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 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



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 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 improper Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that it shall be lawful for the said Trustees to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads within their respective Districts, or of any Bridge, Arch, or Sewer, or with any Person or Persons for the Performance of his, her, or their Statute Work thereon; and 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, by and with the Consent and Approbation of a Majority of the Inhabitants of such Parishes, Townships, Hamlets, Districts, or Places, first held at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads, all which Composition Monies shall be from Time to Time paid in advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Money by them expended in buying Materials for repairing Highways.

Trustees may compound for Statute Work.

LXI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovering of which is not herein otherwise directed, shall upon Proof of the Offences respectively, before One or more of His Majesty's Justices of the Peace for the County or Place wherein the Offence shall have been committed, or where the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are 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 or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice and Justices is and are 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,

Penalties how to be levied and applied.



Act, from Time to Time paid, Half to the Informer, and Half to and for the Use of the said Trustees; to be applied by them to and for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for any Justice or Justices 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 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 or Fines, and all reasonable Costs and Charges attending the Prosecution of such Offender or Offenders, shall be sooner paid and satisfied.

Form of Conviction.

LXII. And for the more easy and speedy Conviction of Offenders against this Act; be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; viz.

County of } BE it remembered, That on [Time of Conviction] at [Place  
to wit: } of Conviction] A. B. [Name of Offender] of [Addition of  
Offender.] was duly convicted before me [or us] [Name and Stile of  
convicting Justice or Justices] for that the said A. B. [Name of Offender]  
on [Time of committing Offence] at [Place of committing Offence] did  
[here state the Offence against this Act according to the Fact] contrary to  
the Form of the Statute made in the Fifty-seventh Year of the Reign  
of His Majesty King George the Third, intituled [here set forth the  
Title of this Act]; and I [or we] do therefore declare and adjudge that  
the said A. B. [Name of Offender] hath forfeited for his said Offence the  
Sum of [the Fine] or shall be committed to [the Place of Imprisonment]  
for the Space of [Time of Imprisonment]. Given under my Hand and  
Seal [or our Hands and Seals] the Day and Year first above written.

Proceedings  
not be be-  
quashed for  
want of Form.

LXIII. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or of any of them respectively, touching or concerning or in 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 Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, or elsewhere; any Law or Statute to the contrary notwithstanding.

Persons ag-  
grieved may  
appeal to the  
Quarter  
Sessions.

LXIV. 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 next General Quarter Sessions to be holden by Adjournment in and for the Hundred of Salford, in the said County of Lancaster; or in case the said Cause of Complaint shall have arisen within Fourteen Days next before such General Quarter Sessions to be holden as aforesaid, then such  
Appeal



Appeal may be made before such Justices at the Second General Quarter Sessions to be holden as aforesaid; which said Justices respectively may hear and determine the Matter of such Appeal, and give such Relief to the respective Parties thereto, and also such Costs, as they shall think just; but the Person so appealing shall give Notice in Writing to the Clerk or Clerks of the Trustees of the said Roads, of such his or her Intention so to appeal, at least Ten Days before the Day in which such Adjournment of the said Quarter Sessions shall be held at which the said Appeal is to be made, and shall also, within Four Days after such Notice, enter into a Recognizance before some Justice of the Peace for the said County of *Lancaster*, with Two sufficient Sureties, conditioned to prosecute such Appeal with Effect, 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 Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices at such Session may also, by their Order or Warrant, cause as well such Penalties and Forfeitures as the other Matters and Things and Costs so awarded, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to abide by and obey the Order of such Justices, and for want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of and for the County 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.

LXV. 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 shall have been given in Writing to the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact was committed; and every such Action shall be laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action 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 be 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 *Lancaster*, then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant

Limitation  
of Actions.

General Issue.

[Local.]

13 M

or



**Treble Cofts.** or Defendants shall and may recover Treble Cofts, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cafes by Law.

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

**Commence-  
ment and  
Continuance  
of the Act.** LXVII. And be it further enacted, That this Act shall commence upon the Day upon which the same shall receive the Royal Assent, and shall continue in force 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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