



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xiv.

An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from *Wigan* to *Golborn* and *Warrington*, into the Road from *Wigan* to *Ashton*, in *Ashton* in *Mackerfield*, in the County Palatine of *Lancaster*. [22d June 1820.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, improving, and keeping in Repair the Road leading out of the common Highway from Wigan to Golborn and Warrington, near the northerly End of the southerly Platt Bridge in Ince in Mackerfield, by Bamferlong, into the Turnpike Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster*, which said Act commenced and took effect on the Twentieth Day of June One thousand eight hundred, and was to continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in Execution, and have borrowed considerable Sums of Money on the Credit of the Tolls by the said Act authorized to be taken on the said Road, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Road be properly and effectually amended, widened, improved, and

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Act further
continued.

and kept in Repair, unless the Term granted by the said Act be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 said recited Act, and all and every the Tolls, Duties, Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, (except such as are varied, altered, or repealed), shall be and continue in full force and effect, and shall be executed for and during the Term herein-after mentioned, in like Manner and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, Variations, and Additions in this Act contained, and which shall commence and take effect immediately from and after the passing of this Act, and continue and be in force during the Term hereby granted; which said additional Term, and the Tolls, Duties, Powers, and Clauses, by this Act continued, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the said recited Act, and all other Money owing on account of the said Road, and also of such other Sum and Sums of Money as shall be borrowed for the Purposes or become due on the Credit of the said recited Act and of this Act, and the Interest due and to grow due for the same.

Additional
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the said County Palatine of Lancaster, together with Roger Adamson, Roger Adamson the younger, John Armstrong, Robert Barlow Clerk, Isaac Blackburne, John Blackburne of Hawford, William Bone, John Bone, Johnson Bradshaw, Johnson Bradshaw Surgeon, Thomas Cloughton, Robert Clough, Thomas Clough, James Clayton, Thomas Pennington Cookson, John Cookson, William Cunliffe, John Daxon, Richard Derbyshire, William Dixon, Joseph Downall, John Ellam, John Gerard the younger, William Gerard, Robert Gerard, James Fisher German, William German, Henry Gough, Samuel Hall Clerk, Henry Hamer, James Harrison, Laurence Harris, John Hodson, John Holt, Robert Holt, James John Hornby Clerk, Geoffrey Hornby Clerk, Phipps Hornby, William Jackson, Thomas Legh, William Legh, Peter Legh, John Leigh, Hugh Leyland, John Peet, John Pennington Clerk, Abel Pennington, John Sedgwick Clerk, Henry Shaw, Edmund Sibson Clerk, Thomas Smith Clerk, William Smith, Thomas Stock, Thomas Tasker, John Tasker, James Taylor, John Whitley the younger, Henry Worsley, Robert Worsley, and Henry Worsley the younger, shall be and they are hereby added to and joined with the surviving or remaining Trustees appointed in or by virtue of the said recited Act; and that the surviving or remaining Trustees appointed in or by virtue of the said recited Act, the said additional Trustees hereby nominated, and such other additional Trustees as shall or may be elected under or by virtue of this Act, and their Successors, to be elected in the Manner in the said recited Act mentioned, being qualified as this Act directs, shall be and they are hereby appointed Trustees for putting the said recited Act and this Act in Execution.

III. Provided

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act and this Act, whilst he holds any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Act and this Act, or either of them, nor in any case wherein he shall be personally interested otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds above Reprizes; or shall be Heir Apparent to some Person having such Estate of the clear Yearly Value of One hundred Pounds; or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Three thousand Pounds; nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath, or being one of the People called Quakers, an Affirmation, in the Words or to the Effect following; (that is to say),

Qualification of Trustees.

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I. *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in my own Right [*or, in the Right of my Wife,*] in the actual Possession and Enjoyment or Receipt of Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of Eighty Pounds above Reprizes [*or, am possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of Three thousand Pounds; or, am Heir Apparent of A. B. who, to the best of my Knowledge, is possessed of a Real Estate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds.*]

Oath.

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So help me GOD.

And if any Person shall presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than one Impar lance shall be allowed; and if the Person so prosecuted shall not prove that he is so qualified, he shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of the said recited Act and this Act, or either of them; any thing in the said recited Act contained to the contrary thereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said Act and this Act, or either of them (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

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IV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at their first Meeting to be holden in pursuance of the said recited Act and this Act, or either of them, to elect

Power to appoint additional Trustees.

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elect any additional Number of fit and proper Persons, not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Act and this Act, and such Trustees so elected shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act, as if they had been named and appointed Trustees in and by this Act. 21

First Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of the *Gerard Arms* in *Ashton* in *Mackerfield* aforesaid on the Fourth *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to the Execution of the said recited Act and this Act, notwithstanding any Adjournment may then have been made by the Trustees by virtue of the said recited Act, and that the said Trustees shall and may adjourn themselves to meet at such Time and Place near the said Road as they shall think proper, and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote. 22

Tickets to be provided, denoting Payment of Toll.

VI. And be it further enacted, That upon Payment of the Tolls granted by the said recited Act, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment. 23

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

VII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended, for or on account of the said Road, 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 seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted or continued; without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies, of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall not permit, or shall refuse to permit the said Trustees or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner in the said recited Act mentioned. 24

Clerk restrained from acting as

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has 25

has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them; or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said recited Act and this Act, or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Treasurer,
and vice
versa.

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IX. And be it further enacted, That nothing in the said recited Act shall extend, or be construed to extend, to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, or Collector of the Tolls, Surveyor or other Officer or Officers now appointed or hereafter to be appointed under or by virtue of the said recited Act and this Act, or either of them, for the Purpose of verifying his or their Accounts; and that so much of the said recited Act as directs the said Accounts to be verified on Oath, and authorizes the said Trustees or any of them to administer such Oath, shall be and the same is hereby repealed.

Trustees not
to administer
Oaths on
verifying
Accounts.

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X. And be it further enacted, That all Waggon, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees, fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of the Reign, of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be allowed an Abatement of One-fourth Part of the Tolls by the said recited Act granted.

Abatement
of Toll in
certain Cases

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XI. Provided always, and be it further enacted and declared, That none of the Tolls by the said recited Act granted shall be demanded or taken, for or in respect of any Carriage, Horse, Cattle or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, Stones, Bricks, Timber, Gravel or other Materials for repairing of the said Road, or any Roads or public Bridges in the several Townships in which any Part of the said Road is situate; or Hay, Grass, Turnips, Potatoes or other Fodder, Straw, or Corn in or out of the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings, or on the Premises of the Owners thereof, or for sowing therein; or for or in respect of any Carriage, Horse, Cattle or Beast, employed only in carrying or conveying, or going empty or unladen to carry and convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, Ashes, or other Manure to be employed

Exemptions.

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only in Husbandry, for manuring or improving Lands, and not for printing, dyeing, or other Purposes of Trade; or for any Horse or Cattle going to or returning from Pasture, or Watering-place, or going to be or returning from being shod or farried, or employed in the ploughing, sowing, tilling, cultivating or stocking any Land or Ground; or for or in respect of any Horse or Horses drawing any Waggon, Cart or other Carriage, going to or returning from being repaired, or from any Occupier of Land going to or returning from his or her Farm or Farms; or from any Person going to or returning from his or her Parochial Church or Chapel; or from any Person going to or returning from his or her usual 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 who shall die, and be buried in any or either of the said Townships, Parishes, Hamlets or Places; or from any Clergyman going to or returning from visiting sick Persons, or upon other his Parochial or Ministerial Duty on a Sunday, or on any Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying or returning from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March, or on Duty, or 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, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores, of, for, or belonging to His Majesty or for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review, provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse, Cart, Waggon or other Carriage, employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast or Carriage, carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine 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 Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this and the said recited Act.

Owners or
Drivers of
Carriages in
the King's

XII. 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,

nance, 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 Overweight in any such Waggon, Wain, Part or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act to the contrary notwithstanding.

Service, not liable to Penalties for Overweight. 47

XIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the said recited Act and this Act, or either of them, shall be and is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately after coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of the said recited Act and this Act, or either of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket, gratis, denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered and applied, in such and the same Manner as other Penalties are by the said recited Act and this Act, or either of them, directed to be levied, recovered and applied.

Toll Collectors to put up their Names. 48

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XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time by Writing under their Hands and Seals, or under the Hand and Seal of their Clerk for the Time being, by their Order to be made for that Purpose, to let or lease the Tolls arising by virtue of the said recited Act and of this Act, or any Part or Parts thereof, in such Manner as they shall think proper, unto any Person or Persons, for any Term not exceeding Three Years at any one Time, for the best Rent that can or may be gotten for the same, payable at such Times, in such Manner, under such Covenants, and

To demise Tolls for any Term, not exceeding Three Years. 55

and unto such Person or Persons as the said Trustees, or any Five or more of them, shall direct or appoint; of which letting Ten Days Notice at least shall be given in Writing, and inserted in some public Newspaper circulating in the Neighbourhood through which the said Road doth pass; and the Monies arising thereby shall be applied in such Manner as by the said recited Act and this Act is mentioned and directed.

For settling
Disputes
concerning
Tolls.

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

To take Possession of
Toll Houses,
&c.

XVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act and this Act, or either of them, or any of the Gates, Turnpikes or Bars, or Houses or Buildings, at which the same shall be collected, shall be demised or let to farm, or agreed to be demised or let to farm, at any Time or Times, to any Person or Persons, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let or be agreed to be let to him, her, or them, either by taking a greater or less Toll in respect of any Horse, Cattle or Carriage, than those demised or let or agreed to be demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or be agreed to be demised or let, or any Part thereof, shall be in Arrear and unpaid for the Space of Five Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract; and the Toll House or Toll Houses belonging to such Gates, Turnpikes or Bars, shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons, by him, her, or them appointed or nominated to collect the Tolls thereat; or in case of the Décease of any such Lessee, Farmer, Toll Keeper or Collector, and the Wife or Family of such deceased Person shall refuse to quit the Premises after Ten Days Notice in Writing, under the Hand of the Clerk to the said Trustees, being given or left at the Toll House, or affixed upon the Gate, Turnpike or Bar for that Purpose, then and in any and every such Case, it shall be lawful for the Trustees, or any Five or more of them (if they shall think proper), to vacate and determine such Demise and Contract, giving Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, or by leaving the same at any of the said Toll Houses, or affixing the same upon any of the said Gates, Turnpikes,

Turnpikes or Bars, and such Lease and Contract, and the Term for which the said Tolls shall be let, or be agreed to be let, shall from that Time be utterly void and at an end, to all Intents and Purposes (save as to the Covenants and Agreements therein contained on the Lessee or Lessees Part and Behalf); and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver up the Possession of such Toll House or Toll Houses, Gates, Turnpikes or Bars, with the Appurtenances so demised or let, or agreed to be demised or let, to him, her, or them; or if the Wife or Family of any deceased Lessee, Farmer, Toll Taker or Collector, shall not, on the Expiration of such Notice as aforesaid, deliver up Possession of the Premises, pursuant to such Notice, it shall be lawful for any Justice of the Peace, acting for the County or Place in which such Lessee or Lessees, Farmer or Farmers of the said Tolls shall live or reside, by Warrant under his Hand and Seal (which Warrant such Justice is hereby empowered and required to grant, upon the Request of the said Trustees, or any Five or more of them), to order any Constable or other Peace Officer, with such Assistance as shall be necessary; to enter such Toll House or Toll Houses, and take Possession of such Gates, Turnpikes or Bars, and Premises, and to remove the Person or Persons who shall be found in such Toll House or Toll Houses, together with his, her, and their Goods, out of the said Houses and Premises, and to put such Person or Persons into Possession of the said Toll House or Toll Houses, Gates, Turnpikes or Bars, and Premises, and into the Receipt and Collection of the said Tolls, and to do such other Acts in the Premises, as the said Trustees, or any Five or more of them, shall appoint.

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XVII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses and Buildings, in order to pay himself, herself, or themselves the principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

An Action or Ejectment may be supported by One Mortgagee.

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XVIII. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying or altering the Course or Path of any Part of the Road comprised in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being, of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Restraining the Trustees from deviating more than 100 Yards from the Line of the Old Road, without Consent, &c.

XIX. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the said Road, shall be made

Gates not to open or swing into the Road.

[Local.]

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

In case of not making out Titles;

if Persons cannot be found, Purchase Money to be paid into Bank;

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

Persons in Possession to be deemed presumptively entitled, &c.

XX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such case it shall be lawful for the said Trustees, or any Five or more of them, to order the 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 High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Controul, and Disposition of the said Court; 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, in pursuance of the said recited Act and this Act, or either of them, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act and this Act, or either of them, 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 such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; 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 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, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act and this Act, or either of them, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of any other Lands, Tenements, 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 the said recited Act and this Act, or either of them, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

XXIII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Road, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze, or be and remain loose on the said Road, or any Footway or Path on the Side or Sides thereof; or if any Person shall ride upon any Footway, Causeway or Path formed upon or on the Side of or belonging to the said Road, or shall drive any Horse, Beast, Cattle or Swine, or any Carriage upon, or cause any Damage to be done to any Footway, Causeway, or Path; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road any Timber, Stone, or other Thing (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing which shall be carried upon wheeled Carriages to drag upon the said Road to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road, shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart, or other Carriage, or on any of the Horses drawing the same; or if any Person driving, or having the Care of any Coach, Chaise, or other such like Carriage, upon the said Road, shall drive the same without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage, shall not keep his Carriage on the

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Court of Chancery to direct Payment of Expences.

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For preventing Nuisances, &c.

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Left or Near Side of the said Road, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her care upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to, or let off or throw any Squib, Rocket, Serpent or Firework whatsoever, within Sixty Feet of the Centre thereof, or Play at Football or any other Game or Games on the said Road, or on any Part or Parts thereof, or on any Footway or Path, belonging thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage (except in Cases of Accident) upon or on the Side of the said Road, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same, during the Time of loading or unloading thereof, as near to the Side of the said Road as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Matter or Thing used in such blocking, or shall scrape off any Soil or other Thing from the said Road, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without leave of the said Trustees, or any Five or more of them, or their Surveyor or Surveyors; or if any Person shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road, or on the Side or Sides thereof, to the Prejudice, Annoyance, or Interruption of any Person or Persons passing or travelling thereon; or if any Person or Persons shall wilfully commit any Nuisance or Annoyance upon the said Road, or on the Side or Sides thereof, every Person so offending in any or either of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in like Manner as any other Penalty is directed to be levied and recovered by the said recited Act.

For getting
Materials to
make and
repair the
Road.

XXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials, for repairing the said Road, out of or from any Commons or Waste Grounds, Common River, Brook or Pit, in any Parish, Township or Place, in which any Part of the said Road shall lie, or in any adjoining Parish, Township or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may by Order of any Two or more Justices of the Peace for the County or Place in which the said Road doth lie, search for, cut, dig, get, gather and take away, any such Materials as aforesaid, in, out, of, or from, the private Lands, Fields or Grounds, of any Person or Persons, where the same may be had or found in any Parish, Township or Place in which any Part of the said Road

Road shall lie or be situate, or in any adjoining Township, Parish, or Place, (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby to the Owners or Occupiers of the Grounds and Premises, where and from whence the same shall be cut, dug, gotten, gathered and taken or carried away, or over which the same or any other Materials for repairing the said Road shall be carried, according to their respective Rights and Interest in such Ground and Premises, as the said Trustees or any Five or more of them shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or Place in which the said Road doth lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle and determine the Matters of such Payment and Damages.

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

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

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XXVI. Provided also, and be it further enacted, That if any Person whomsoever shall take away any Materials, which shall have been dug or gathered for the Purpose of repairing or improving the said Road, or shall get or take away any Materials out of any Pit or Quarry which shall have been made, dug or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, the same to be recovered, levied, and applied in Manner by the said recited Act mentioned.

Penalty on taking away Materials got by the Surveyor.

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[Local.]

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XXVII. And

XXVII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road lies, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road, by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force or effect for the Repair of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work in every Year upon the said Road, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct or appoint; and the said Justices shall and may order and direct the Persons who by such Lists shall be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the Highways of such Parishes or Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct, and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect

effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer of the said Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid and applied in such and the same Manner as Penalties are by the said recited Act directed to be levied, recovered, paid, and applied.

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XXVIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees of the said Road, or any Five or more of them, out of the Money which hath arisen by virtue of the said recited Act, or out of the first Money which shall arise by virtue thereof, and of this Act, together with lawful Interest from the Time of advancing or disbursing the same, in preference to any other Payments whatsoever; and the Money then remaining and afterwards to be raised on the said Road, shall from Time to Time be applied by the Trustees of such Road, in putting the said recited Act and this Act into Execution, and repaying the Principal Monies already borrowed or to be borrowed on the Credit of the Tolls arising on the said Road, and the Interest thereof respectively.

For paying
the Expences
of this Act.

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XXIX. 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.

Public Act.

XXX. And be it further enacted, That this Act shall commence and take effect upon the passing thereof; and that the said recited Act (subject to the Alterations and Amendments in this Act contained) and this Act shall continue and be in force, and be executed for and during the Residue now to come of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Continuance
and Term of
the Act.

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