



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

C A P. XLII.

An Act to amend an Act, made in the Forty-second Year of His present Majesty, to amend the Laws for the better Regulation of the Linen Manufacture in *Ireland*. [3d May 1804.]

WHEREAS it is expedient to amend and to provide for the due Execution of an Act, made in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act to amend the Laws for the better Regulation of the Linen Manufacture in Ireland*: And whereas it is in and by the said Act, among other Things, enacted, that all Flax Seed and Hemp Seed which shall be imported into *Ireland*, shall be detained in His Majesty's Stores at the Place of Import, or in such other Stores as shall be provided for that Purpose, as in the said Act is mentioned, there to remain until it shall be examined and inspected by an Officer, appointed in Manner as in the said Act is mentioned; be it therefore 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, from and after the passing of this Act, whenever any Flax Seed or Hemp Seed shall be imported into *Ireland*, the Importer thereof, or his Agent, shall, within Twenty-four Hours after the landing of the same at the Port of Importation, give Notice in Writing to the Officer appointed at the said Port under the said recited Act, for the Inspection of Flax Seed or Hemp Seed imported there, of the landing of such Seed, and of the Place where such Seed shall be landed, or shall remain or be deposited; and all such Flax Seed or Hemp Seed shall remain in the Place which shall be mentioned in such Notice, until the same shall be examined and inspected by such Officer in Manner directed by the said recited Act; and if any such Importer, or his Agent, shall neglect to give such Notice, or shall give any false or untrue Notice, or shall remove such Flax Seed or Hemp Seed from the Place mentioned in such Notice, or from the Place where such Flax Seed or Hemp Seed shall have been actually landed, or shall have been stored pursuant to the said recited Act, before such Flax Seed or Hemp Seed shall be duly examined and inspected in Manner required by the said recited Act, then and in either of such

42 G. 3. c. 75.

Importer to give Notice to Officers of landing Seed.

Penalty for Neglect.

Cases, every such Importer, or his Agent, shall for every such Offence forfeit all such Flax Seed or Hemp Seed, together with the Casks or Packages containing the same, or the Price thereof, if sold, and also the Sum of Ten Pounds Ten Shillings *Irish* Currency for every Hogshead, Cask, or other Package thereof, and so in Proportion for any less Quantity than a Hogshead, to any Person who shall sue for the same.

Notice to be given to Inspectors of Seed in Possession.

II. And whereas it is in and by the said recited Act provided, that such Brands or Marks as shall be put on any Cask or Package pursuant to the said Act, shall be of force only till the First Day of *July* in each Year wherein the same shall have been made, so as to allow the Seed therein contained to be sold or exposed to Sale; and that for the Purpose of the Re-examination of such Seed, and of again marking or branding such Casks or Packages, the Importers of Flax Seed or Hemp Seed, and also Persons selling or dealing in Flax Seed or Hemp Seed, or who shall mean to sell or deal therein, shall give Notice in Writing to the nearest Inspector of the Quantity of Seed in the Possession of such Persons in Manner and at the Times in the said Act particularly mentioned and directed; be it therefore further enacted, That if any Importer of Flax Seed or Hemp Seed, or any Person selling or dealing in Flax Seed or Hemp Seed, or who shall mean to sell or deal therein, shall omit or neglect to give such Notice as by the said Act is required to be given by him for the Purposes aforesaid, at the Times and in Manner as in and by the said recited Act is mentioned and directed, every such Importer or other Person shall forfeit all such Flax Seed or Hemp Seed, of which such Notice shall not have been given as aforesaid, together with the Casks or Packages containing the same, or the Price thereof, if sold, and also the Sum of Ten Pounds Ten Shillings *Irish* Currency, for every Hogshead, Cask, or other Package thereof, and so in proportion for any less Quantity than a Hogshead, to any Person who shall sue for the same.

Penalty for Neglect.

Persons selling Seed shall take Brands off empty Casks.

III. And be it further enacted, That when and so soon as any Dealer in or Seller of Flax Seed or Hemp Seed, shall have emptied any Hogshead, Cask, or other Package, branded or marked with the Word *Sound*, in pursuance of the Directions in the said recited Act contained, and shall have sold thereout all the Seed contained in the same at the Time such Cask or Package was so branded or marked, every such Dealer in or Seller of Flax Seed or Hemp Seed shall forthwith completely obliterate, erase, expunge, or destroy the said Brand or Mark, and take off and remove the same from such Hogshead, Cask, or Package; and if any such Dealer in or Seller of Flax Seed or Hemp Seed shall omit or neglect so to do, it shall and may be lawful for any Inspector of Flax Seed or Hemp Seed to seize every such Hogshead, Cask, or Package, found in the Possession of such Dealer in or Seller of Flax or Hemp Seed; and every such Dealer or Seller shall for every such Offence forfeit and lose a Sum not more than Forty Shillings nor less than Ten Shillings for every such empty Hogshead, Cask, or other Package found in his Possession, from which the said Brand or Mark shall not have been so obliterated, erased, expunged, destroyed, or taken off or removed, to any Person who shall sue for the same.

Penalty.

Seed shall be imported in Hogsheads, &c.

IV. And be it further enacted, That all Flax Seed and Hemp Seed shall be imported into *Ireland* in Hogsheads, Casks, or other Packages, and that all Flax Seed or Hemp Seed imported shall be inspected or examined, and the Hogsheads, Casks, or Packages in which the same are contained shall be branded or marked, and that all Flax Seed or Hemp Seed unfit for sowing may be exported in Manner directed by the said recited

recited Act: Provided always, that in case the Importer or Owner of any Flax Seed or Hemp Seed so imported, and which shall be seized or detained under or by virtue of the said recited Act for being bad, mixed, or damaged, or unfit for sowing, shall give Notice in Writing to the Officers seizing or detaining the same, that he intends to crush the same into Oil, or to sell the same for being crushed into Oil, and shall by himself, in case he shall be a Manufacturer of Linseed Oil, or together with such Manufacturer of Linseed Oil to whom he shall agree to sell the same, for that Purpose enter into Security, within the Time and in Manner required by the said recited Act, that all such Seed shall be actually crushed into Oil, the Hogsheads, Casks, or Packages, in which any such Seed shall be contained, shall by the said Officer be branded with the Word *Unfit*; and all such Seed shall and may be forthwith delivered, notwithstanding such Seizure or Detainer, to the Importer or Owner thereof, or to such Manufacturer of Linseed Oil, on his producing to the proper Officer of the Revenue a Certificate from the Person or Persons who shall have taken such Security, that the same has been duly given as required by Law, and it shall not be necessary to keep or detain such Seed in His Majesty's Stores until the First Day of *July* then following; any Thing in the said recited Act to the contrary notwithstanding.

Damaged Seed may be delivered for crushing into O.I.

V. And be it further enacted, That, from and after the passing of this Act, it shall and may be lawful for the Inspector General of Flax Seed and Hemp Seed in *Ireland*, duly appointed under and by virtue of the said recited Act, and for any Inspector of Flax Seed or Hemp Seed at any Port or Place in *Ireland*, duly appointed in Manner aforesaid, within the Port or District for which he shall be appointed Inspector, at any Time of the Day between Sunrise and Sunset, to enter into all Stores, Warehouses, Mills, Rooms, Buildings, Outhouses, or other Places of or belonging to any Person or Persons dealing in Flax Seed or Hemp Seed, or having Flax Seed or Hemp Seed in his or their Custody or Possession, or of or belonging to any Person or Persons keeping a Mill or Mills for crushing Flax Seed or Hemp Seed into Oil, and to view, search, and examine the Quantity and Quality of all such Seed which shall be found in any such Store, Warehouse, Mill, Room, Building, Outhouse, or other Place, and to seize and take away all such Flax Seed or Hemp Seed as shall be there found, kept, or concealed, contrary to Law, or as shall or may be liable to Forfeiture under and by virtue of the said recited Act or this Act, together with the Hogsheads, Casks, or Packages in which such Seed shall be contained.

Inspector may enter Premises to examine Seed, and may seize it if found contrary to Law.

VI. And be it further enacted, That if any Seller of or Dealer in Flax Seed or Hemp Seed, or any Person or Persons keeping a Mill or Mills for crushing Flax Seed or Hemp Seed into Oil, or any other Person or Persons whosoever having any Flax Seed or Hemp Seed in his, her, or their Custody or Possession, shall refuse or neglect to produce or shew all such Flax Seed or Hemp Seed, together with the Hogsheads, Casks, or Packages in which the same are contained, and also all empty Hogsheads, Casks, or Packages in the Custody or Possession of such Seller, Dealer, or other Person, to such Inspector General, or to any other Inspector of Flax Seed or Hemp Seed within the Port or District for which he shall be appointed Inspector, upon Demand made by such Inspector General or Inspector respectively, or shall refuse to permit such Inspector General or Inspector respectively to enter into and search, at any Hour between Sunrise and Sunset, all Stores, Warehouses, Mills, Rooms, Buildings, Outhouses, or other Places where any such Flax Seed or Hemp Seed shall be,

Penalty on concealing Seed, or refusing Admission to Inspector.

be, or in which such Inspector shall suspect any such Flax Seed or Hemp Seed to be or to be concealed, every such Person shall for the First Offence forfeit a Sum not exceeding Forty Shillings, nor less than Ten Shillings, and for the Second and every other Offence a Sum not exceeding Five Pounds, nor less than Forty Shillings, for each and every Hogshead, Cask, or other Package of Flax Seed or Hemp Seed in the Custody or Possession of such Person, upon Conviction before any Justice of the Peace, the same to be levied by Distress and Sale of the Offender's Goods; and in case no sufficient Distress can be found, then it shall and may be lawful for such Justice to commit such Offender to the House of Correction or next Gaol, for any Time not exceeding One Calendar Month in the Whole, or until such Fine be paid.

Justices may
grant Search
Warrants.

VII. Provided always, and be it enacted, That on every such Refusal or on Application made by such Inspector General or other Inspector within the Port or District for which he shall be appointed, to any Justice of the Peace, setting forth, on Oath, a reasonable Cause of Suspicion, or for such his Application, it shall be lawful for such Justice of the Peace to grant his Search Warrant to such Inspector General or Inspector respectively, in the Presence of a Constable, or other Person to be appointed by such Magistrate, to enter into all such Stores, Warehouses, Mills, Rooms, Buildings, Outhouses, or other Places, and there to search for and seize all Flax Seed or Hemp Seed which shall or may be kept or concealed in such Stores, Warehouses, Mills, Rooms, Buildings, Outhouses, or other Places, contrary to Law, which shall or may be liable to Forfeiture under and by virtue of any of the Provisions in the said recited Act or this Act contained.

Seizures to be
forfeited to
Trustees of
Linen Manu-
factures.

VIII. And be it further enacted, That all Flax Seed or Hemp Seed which shall or may be seized by any such Inspector General or Inspector respectively, under or by virtue of this Act, shall be forfeited to the Trustees of the Linen and Hempen Manufactures of *Ireland*, and the Produce thereof shall be applied by them in rewarding such Inspector, or for otherwise promoting the Linen Manufactures, as they shall think proper.

Recovery of
Penalties.

IX. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, shall and may be sued for and recovered in such Manner as any other Penalties respecting the Linen and Hempen Manufactures may be sued for and recovered.

Extending
Powers of
4: Geo. 3.
c. 75. to this
Act.

X. And be it further enacted, That all the Powers and Provisions in the said recited Act of the Forty-second Year of the Reign of His present Majesty mentioned and contained, shall be applied in Execution of this Act, so far as the same are consistent with and applicable thereto, as if such Powers and Provisions had been re-enacted and repeated in this Act.

Act may be
altered or re-
pealed.

XI. And be it further enacted, That this Act may be amended, altered, or repealed, by any Act to be passed in this present Session of Parliament.

Trustees shall, by public Notice in Writing, to be affixed on the Turnpikes or Toll Gates then erected upon the said Road, and also inserted in One of the *Manchester* Newspapers at least Fourteen Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House near to the said Road, on that Day Three Weeks from the Day on which such Meeting 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 Three or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten 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 Road, upon that Day Three Weeks after the Date of such last-mentioned Notice; and that the Trustees at their Meetings shall defray their own Charges and Expences.

Trustees to pay their own Expences.

VIII. Provided always, That no Act, Order, or Proceeding of the said Trustees shall be deemed to be valid, unless made or had at a Meeting held in pursuance of this Act (except in Cases herein particularly provided for) nor shall any Order made at any Meeting of Five or more of the 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 Turnpikes or Toll Gates then erected on the said Road, and also inserted in One of the *Manchester* Newspapers 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.

Acts or Orders of Trustees not valid, unless made at Meetings.

IX. And be it further enacted, That if after any Adjournment of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting shall have been adjourned, in that Case the Clerk, upon an Order in Writing signed by any Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice of such earlier Meeting in the Manner before directed, such Time not being less than Fourteen Days after such Notice; and all Proceedings of the Trustees at such earlier Meeting shall be as valid and effectual as they would have been in case the Trustees had met in pursuance of Adjournment.

Meetings on Emergencies.

X. And be it further enacted, That all the Orders and Proceedings of the said Trustees shall be regularly entered in a Book or Books to be kept by the Clerk or Clerks to the said Trustees for that Purpose, and signed by the Trustees present at the Meetings or Meeting, at which such Orders shall be from Time to Time made or Proceedings had, or by the major Part of such Trustees; and that such Book or Books shall be open at all seasonable Times, to and for the Inspection of any of the Trustees appointed or to be appointed by virtue of this Act, without Fee or Reward; and such Entries being signed by such Number of the said Trustees as are empowered by this Act to make such Orders, or carry

Proceedings of Trustees to be entered.

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on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, and all Entries in such Book or Books, shall be admitted as Evidence in all Courts whatsoever.

Power to ap-
point Offi-
cers, &c.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, may appoint such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, Collector or Collectors, of the Tolls hereby granted, or other Officers respectively, as they shall think proper, and that a Notice or Notices of a Meeting or Meetings to be had or held for that Purpose, and of the Time and Place of such Meeting or Meetings, shall be given Twenty-one Days before the Time of holding the same, and that such Notice or Notices shall be in Writing, and signed by any Three or more of the said Trustees, and affixed upon the said Turnpikes or Toll Gates; and that the said Trustees, or any Five or more of them, shall and may, at any Meeting or Meetings to be held for that Purpose, pursuant to the like Notice or Notices to be given in the same Manner, by any Writing or Writings under their Hands, from Time to Time remove such Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them, as they shall see Occasion, and appoint new ones in Cases of Death or such Removal; and the said Tolls shall be paid, after the Rates hereinafter mentioned, to such Person or Persons as shall be so appointed to receive the same; and the said 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, at any General Annual Meeting to be held on the First Day of May in every Year, unless that Day shall be Sunday, and then on the Day following (which Annual Meeting the said Trustees, or any Five or more of them, are hereby directed to hold) give unto such Trustees true and perfect Accounts in Writing under their respective Hands, of all the Money which shall have been by them respectively collected or received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands to the said Trustees, or any Five or more of them, or to such Person or Persons, or to such Uses and Purposes, as they, or any Five or more of them, at such General annual Meeting shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them (which Oath any Two or more of the said Trustees are hereby empowered and required to administer); and if any of the said Officers or other Persons shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then, and in any or either of the said Cases, it shall be lawful for any Two Justices of the Peace for the County or Place where such Officer or other Person shall be or reside, and such Justices are hereby empowered and required, upon Complaint made to them by any Two or more of the said Trustees for that Purpose, to make Enquiry concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer, without any Fee or Reward); and if such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of such County or Place, there to remain, without Bail or Mainprize, until he shall give and make a true

true and perfect Account, and verify such Account in Manner aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal in a summary Way, in Manner as aforesaid, and by Warrant under their Hands and Seals to cause such Sum or Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus (if any) to such Person or Persons on Demand, after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then the said Justices or any other Justices shall commit such Person or Persons to the Common Gaol of such County or Place, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them shall appoint to receive the same, which Composition the said Trustees respectively, or any Five or more of them, assembled at any Meeting, are hereby empowered to make: Provided always, that no Person shall be committed for want of sufficient Distress for a longer Time than Six Calendar Months.

XII. And be it further enacted, That as often as any Collector of the said Tolls shall die, refuse, or become incapable of performing his Duty, it shall be lawful for any Two or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by Writing under their Hands to appoint any other Person or Persons to collect such Tolls; and the Person so appointed shall have the same Authority for the Recovery thereof, as the Person he shall succeed was invested with, until the said Trustees, or any Five or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Power to appoint temporary Collectors.

XIII. And be it further enacted, That out of the Monies arising by the Tolls collected at the several Turnpikes or Toll Gates to be erected by virtue of this Act, such Allowance shall be made to the Collector or Collectors of the Tolls at such Turnpikes or Toll-Gates as the Trustees, by whom such Collector shall be nominated and appointed in the Manner herein-before provided, shall think proper and direct; also such Allowances and Compensations to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Surveyor or Surveyors, and to such other Person or Persons as shall be assisting in and about procuring the said Road to be repaired, widened, or improved, by advancing any Money, or otherwise relating thereto, as the Trustees, by whom he or they shall be severally and respectively nominated and appointed in the Manner herein-before provided, shall order and direct.

Collectors, &c. to have Salaries.

XIV. Provided always, and be it further enacted, That the Treasurer or Treasurers, Receiver or Receivers, or any other Officer or Officers to be appointed as aforesaid, shall, before he or they enter upon the said Office or Offices, give such Security for the due Execution thereof to the said Trustees, or any Five or more of them, as to the said Trustees, or any Five

Officers to give Securities.

or

or more of them, shall seem meet; which Security the said Trustees or any Five or more of them are hereby empowered and required to take, and such Security shall be lodged with the Clerk of the Peace for the said County Palatine of *Lancaster*.

Power to erect and continue Turnpikes and Toll Gates.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby empowered and required to erect, provide, and continue, or cause to be erected, provided, and continued, the Turnpike or Toll Gates herein-after mentioned, and in the Situations herein-after described (that is to say); a Turnpike or Toll Gate at or near to a certain Inn or Public House in *Winton* aforesaid, called *The Batt Inn*, and so that such Gate be placed and continued on the North Side of a certain Cross Lane leading from the said Road in *Winton* aforesaid, to *Monton Green*, and called *Parrin Lane*, and stand between the Communication with such Lane from the said Road and the said *Batt Inn*; another Turnpike or Toll Gate upon *Halshaw Moor* in *Farnworth* aforesaid, at or near to such Part of the said first-mentioned Road as adjoins to and communicates with the said Road leading to *Street Gate* aforesaid, and on the Southerly Side of such Communication; and also another Turnpike or Toll Gate on *Halshaw Moor* aforesaid, upon the said Road at or near the Communication thereof with the said first-mentioned Road; and also to erect, provide, and continue, or cause to be erected, provided, and continued, such Toll House or Toll Houses in, upon, or adjoining to the said Road, at such Places respectively where the said Turnpike or Toll Gates are or shall be erected or set up, as the said Trustees, or any Five or more of them, shall think proper, and order and direct the Expences of setting up and erecting of such Turnpikes or Toll Gates, as the Case may happen, and of building and erecting all such Toll Houses and Appurtenances, and of keeping up and supporting the same, to be borne and paid by and out of the Monies to be raised and collected by and under the Powers and Authorities of this Act, in the Manner herein-after mentioned and provided.

Power to take Tolls.

XVI. And be it further enacted, That the respective Tolls following shall be demanded and taken at the several Turnpikes or Toll Gates to be erected and continued as aforesaid, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse or other Cattle, Coach, Waggon, or other Carriage, shall be permitted to pass through the same (that is to say):

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Six Horses or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses or Beasts of Draught, the Sum of Two Shillings and Three Pence; and drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of Nine Pence; and drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Waggon or other Four-wheel Carriage, with 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 by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Waggon or other Four-wheel Carriage, with the Wheels of the Breadth of Six Inches as aforesaid, drawn by Five or Six Horses or Beasts

Beasts of Draught, the Sum of Three Shillings and Nine Pence; and drawn by Four, or by fewer than Four Horses or Beasts of Draught, the Sum of One Shilling and Sixpence:

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

For every Cart or other Two-wheel Carriage, with Wheels of the Breadth of Nine Inches as aforesaid, drawn by Four or by more than Four Horses or Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; and drawn by Three Horses or Beasts of Draught the Sum of Ten Pence Halfpenny; and drawn by Two Horses or Beasts of Draught, the Sum of Seven Pence Halfpenny:

For every Cart or other 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 One Penny Halfpenny; and drawn by Three Horses or Beasts of Draught, the Sum of Ten Pence Halfpenny; and drawn by Two Horses or Beasts of Draught, the Sum of Seven Pence Halfpenny:

For every Cart or other 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 Sixpence; and drawn by Two Horses or Beasts of Draught, the Sum of Nine Pence; and for every Cart or other Two-wheel Carriage, drawn by One Horse or Beast of Draught, the Sum of Four Pence Halfpenny:

For every Horse, Mare, Gelding, 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:

Which respective Sums of Money shall be vested in the said Trustees, and shall be demanded and taken as and for, or in the Name of a Toll; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to levy the same by Distress of any Horse or Horses, or other Cattle, upon which any Toll is by this Act imposed, or by Distress of any of the Goods and Chattels of such Person or Persons; and if such Tolls, and the reasonable Charges of such Distress shall not be paid within the Space of Four Days after such Distress made, such Collector or Collectors may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) on Demand, to the Owner thereof, after such Toll and all reasonable Charges shall be deducted; and the said Tolls shall be applied in the Manner herein-after mentioned.

XVII. And be it further enacted, That the Right and Property of all the Turnpikes or Toll Gates and Toll Houses, and other Buildings to be erected or provided in and upon the said Road, and of the Materials for altering or building the same, and all Materials and Things which shall be provided, collected, or made use of for repairing the said Road, shall be, and the same are hereby vested in the said Trustees, and they, or any Five

Turnpikes
and Toll
Gates vested
in Trustees.

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or more of them, are hereby authorized and empowered to bring or cause to be brought any Action or Actions, in the Name of their Clerk or Clerks for the Time being, or to prefer and prosecute One or more Indictment or Indictments against any Person or Persons who shall steal, take, carry away, or damage the same, or any Part thereof, or disturb them in the Possession of the same, or any Part thereof.

Disputes concerning Tolls, &c. to be settled by a Justice.

XVIII. And be it further enacted, That if any Disputes shall happen concerning any Tolls due, or the Charges occasioned by any such Distress as aforesaid, it shall be lawful for the Person or Persons so distraining to retain such Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls, and the Charges of such Distress, shall be ascertained by some Justice of the Peace for the said County of *Lancaster*, who upon Application made to him for that Purpose shall examine the Matter on Oath of the Parties, or of a Witness or Witnesses, and shall determine the Toll due, and assess the Charges of such Distress, and of the Collector's Attendance upon such Justice for that Purpose, all which Sums so determined and assessed, shall be paid to the said Collector before he shall be obliged to return the Goods so distrained, or the said Overplus, or any Part thereof.

Collector of Tolls deemed competent Witnesses.

XIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under the Authority of the said Trustees, shall not be deemed incompetent to give Evidence therein, by reason of his or their being so appointed to collect the said Tolls, or of his or their acting under the Authority of the said Trustees.

Tolls to be paid but once a Day.

XX. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate erected or to be erected by virtue of this Act, shall be subject to pay any Toll for returning through such Turnpike or Toll Gate the same Day, before Twelve of the Clock at Night, with the same Horses, Mares, Geldings, Mules, Asses, or other Cattle, or with the same Coach, Waggon, or other Carriage, but shall return Toll-free (except such Waggon, Cart, Caravan, Timber Carriage, or other Carriage, which shall pass or repass through any of the said Turnpikes or Toll Gates, laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and shall return the same Day also laden with any Loading of the Weight of Five hundred Pounds or upwards, as aforesaid; or any Coach, Berlin, Landau, Chariot, Calash with Four Wheels, Chaise Marine, Diligence, Chaise with Four Wheels, Caravan, or by what Name soever such Carriage or Carriages now is or are, or hereafter may be called or known, that shall be kept or used by or for any Person or Persons as a public Stage Coach or Stage Coaches or Stage Carriages, employed in carrying Passengers for Hire to and from different Places) on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpike or Toll Gate, denoting the Payment of such Toll: Provided also, that no Person who shall have paid the Toll or Tolls hereby granted or imposed, for the passing of any Cattle or Carriage through either of the Two Turnpikes or Toll Gates herein last-mentioned, and directed to be erected upon *Halshaw Moor* aforesaid, shall be liable or subject to the
Payment

Payment of any Toll or Tolls at the other of the said Two last-mentioned Turnpikes or Toll-Gates, but only to the Payment of One Toll for the passing and returning of any Cattle or Carriage on the same Day through both of those Turnpikes or Toll Gates, upon producing a Note or Ticket denoting such Payment at the other of the said respective Turnpikes or Toll Gates: Provided also, that no Person who shall have paid the Toll or Tolls hereby granted or imposed, for the passing of any Cattle or Carriage through the last Toll Bar or Turnpike to be erected on *Halfharw Moor* aforesaid, on the Road from *Worsley* aforesaid, to or near *Moses Gate* aforesaid, towards *Bolton* aforesaid, shall be liable or subject to the Payment of more than One-half of the respective Tolls, authorized by an Act passed in the Thirty-second Year of His present Majesty's Reign, to be taken at *Moses Gate* aforesaid, or the Turnpike to be erected in lieu thereof, in respect of such Cattle or Carriages, for passing and returning through the same on the same Day with such Cattle or Carriages, upon producing a Note or Ticket denoting the Payment of such Toll.

XXI. Provided also, and be it further enacted, That for every Cart, Waggon, or other Carriage, which shall have passed through the Turnpike or Toll Gate first mentioned, and to be erected at or near *Parrin Lane* aforesaid, laden with and carrying Coals or Coke, and shall return empty on the same Day through the said Turnpike or Toll Gate, and for which the full Toll shall have been paid on passing through such Turnpike or Turnpike Gate, and not having been used for other Purposes in the mean Time, the Person or Persons who shall have paid such Toll, upon delivering to the Collector or Collectors of such Toll a Note or Ticket, denoting the Payment of such Toll, shall be entitled to demand and receive back of and from such Collector or Collectors, One-half of the several Tolls hereinbefore respectively mentioned and imposed, and so paid by him or them as aforesaid: Provided likewise, that for every Cart, Waggon, or other Carriage, which shall have passed empty and unladen through that Turnpike or Toll Gate, and returning and repassing through such Turnpike or Toll Gate on the same Day laden with Coals or Coke, and for which there shall have been paid the full Tolls respectively on so passing empty through the same, and not having been used for any other Purpose in the mean Time, the Collector or Collectors of the Tolls there for the Time being, shall, and is and are hereby required to return and repay to the Driver or Drivers of such Cart, Waggon, or other Carriage, so returning and laden with Coals or Coke, One-half of the full Tolls so paid respectively on such Cart, Waggon, or other Carriage, passing empty and unladen as aforesaid, upon his, her, or their delivering to the Collector or Collectors, a Note or Ticket denoting the Payment of such Toll or Tolls respectively, which respective Notes or Tickets the respective Collectors of the Tolls at such respective Turnpikes or Toll Gates, are hereby required to deliver *gratis* on the Receipt of the Tolls.

Half Toll to be taken on Coals or Coke.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any General Meeting to be called for that Purpose (whereof, and of the Time and Place of such Meeting, Notice shall be given Twenty-one Days before the Time of holding the same, which Notice shall be in Writing, and signed by any Three or more of the said Trustees, and affixed upon the said Turnpikes or Toll Gates, and inserted in One of the *Manchester Newspapers*) from Time to Time to lessen

Power to lessen the Tolls.

sen and reduce the respective Tolls by this Act granted and imposed, to any Sum or Sums not less than Two-thirds of their respective Amount hereinbefore mentioned, and afterwards to raise and augment the same again, so that they do not exceed the Tolls hereby granted and imposed, and so that every such Reduction be made with the Consent of the Person or Persons for the Time being entitled to Five-sixth Parts of the Money then due on Securities of the said Tolls; and such Tolls so lessened and reduced, or raised and augmented, shall and may be collected and levied in such Manner, and applied for such Purposes only, as the Tolls hereby granted and imposed are directed to be collected, levied, and applied.

Allowing
certain Ex-
emptions
from Toll.

XXIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage laden only with Stone, Bricks, Lime, Gravel, or other Materials for repairing the said Road, or for repairing the Highways in any Township through which the same leads, or in any of the said adjoining Townships, or laden only with Dung, Lime, or other Manure of any Nature or Kind whatsoever, to be used in manuring or improving of Land, or for any Cattle or Carriage laden only with Hay or Corn in the Straw, in the Time of Harvest, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Owners thereof, or for any Ploughs, Harrows, or Implements of Husbandry, or going empty and unladen for, or returning empty and unladen after having carried such Stone, Bricks, Lime, Gravel, or other Materials for repairing any Part of the said Road, or for repairing the Highways in any Township through which the same leads, or in any of the adjoining Townships, or such Dung, Lime, or other Manure of any Kind or Nature whatsoever, to be used in manuring or improving of Land, or any Hay, Straw, or Corn in the Straw, in the Time of Harvest, to be laid up in the Houses, Outhouses, Barns, Yards, or other Places belonging to the Inhabitants of the said Townships, or any Ploughs, Harrows, or other Implements of Husbandry, belonging to the said Inhabitants; nor shall any Toll be demanded or taken of or from any Person or Persons residing in any of the said Townships through which the said Road leads, for passing through any of the said Turnpikes or Toll Gates on *Sundays*, to or from his, her, or their Parish Church or Chapel, or other Place of Religious Worship; nor from any Rector, Vicar, or Curate, going to or returning from his Parochial Church or Chapel on *Sundays*, or any other Day on which Divine Service shall by Authority be celebrated, or visiting his sick Parishioners; or for any Cattle or Carriage conveying the Corpse, or attending the Funeral of any Person who shall die within any of the said Townships through which the same Road leads, to be interred in any Place within the said Townships; or for Cattle going to or returning from Pasture or Water, or for any Cattle or Carriage belonging to any Inhabitant of any Township wherein any such Turnpikes or Toll Gates shall be erected, which shall only be passing to the Smith's Shop in order to be shoed or farried, or for the Return of any such Cattle or Carriage unladen; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails and Expresses, or in returning back from conveying or guarding the same; or for the Horses of Officers or Soldiers upon their March, or upon Duty, or for Horses, Cattle, or Carriages attending them, laden only with their Arms and Baggage, or in carrying any sick, wounded, or disabled Officer or Soldier;

Soldier; or for Horses or Carriages travelling with Vagrants sent by legal Passes; or for Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Chairs, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after any such Election shall begin or be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, or of any other of the Exemptions from Toll in this Act contained, not being entitled to the same, every Person so offending, and being fully convicted thereof, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXIV. Provided nevertheless, and be it further enacted, That if any Waggon, Cart, or other Carriage, which hath or shall have Wheels of less Breadth than Six Inches on the Sole or Bottom thereof, and upon which the Tire shall not lie flat, or so as not to deviate more than Half an Inch from the flat Surface, and shall not have the Nails countersunk so as not to rise above the Surface, and shall be of greater Weight than is allowed by an Act, passed in the Thirteenth Year of His present Majesty's Reign, commonly called *The General Turnpike Act*, to Waggon, Carts, or Carriages, of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls thereby imposed, it shall be lawful for the said Trustees, or any Five or more of them, to order all such Waggon, Carts, or other Carriages, to be weighed in like Manner, and with the same Powers and Authorities as directed for the weighing of Carriages by the said last-mentioned Act.

Carriages with Wheels of less Breadth than Six Inches, not to be entitled to Exemption.

XXV. And be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in the same Day, for any Horse, Mare, Gelding, Mule, or Afs, laden with Milk, Whey, Buttermilk, or Curds, or for the Return of any such Horse, Mare, Gelding, Mule, or Afs, with the empty Vessels in which such Milk, Whey, Buttermilk, or Curds, shall have been conveyed; any Thing herein-before contained to the contrary notwithstanding.

Horses, &c. carrying Milk, exempted from Toll.

XXVI. And be it further enacted, That if any Person or Persons shall offer or dispose of any Note or Ticket to any Person or Persons, in order to evade the Payment of the said Tolls, every such Person or Persons so offering or disposing of such Note or Ticket, and the Person or Persons receiving or making use of the same, shall respectively forfeit any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Penalty on Persons disposing of Tickets to evade the Tolls.

XXVII. And be it further enacted, That if any Person or Persons owning or occupying any Land or Ground near to any of the said Turnpikes or Toll Gates, shall permit or suffer any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Coach, Waggon, or other Carriage, Horse, or other Cattle; or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or private Way, with any Cattle or Carriage as aforesaid, with an Intent to evade the Payment of any of the said Tolls, or any Part thereof, whereby such Toll shall be evaded; or if any Person or Persons shall take off or cause to be taken off any Horse

Penalty on Persons evading the Tolls.

[*Loc. & Per.*]

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or

or other Cattle from any such Carriage, with an Intent to evade paying any of the said Tolls; or shall leave or cause to be left upon or near to the same Road any Cattle or Carriage, for such Purpose as aforesaid; or shall with such Intent unload any Goods from or out of any Carriage, or in any Manner whatsoever evade or attempt to evade the Payment of any of the Tolls hereby granted, every such Person or Persons so offending in any of the Cases aforesaid, shall for every such Offence forfeit a Sum not less than Twenty Shillings, nor more than Five Pounds.

Application
of the Mo-
nies.

XXVIII. And be it further enacted, That all Monies and other Effects which shall or may be collected or received under the Powers or Authorities of this Act, shall be by the said Trustees, or any Five or more of them, applied in Manner after-mentioned; (that is to say), that out of the Monies to be collected or received by virtue or under the Authority of this Act, the Expences of and attending the procuring and passing of this Act, shall in the first Place be paid, satisfied, and discharged; and that after such Payment thereof, the Remainder of such Monies, and also the Tolls to be collected under the Authority of this Act, at the several and respective Turnpikes or Toll Gates to be erected in the Manner herein-before mentioned, and all the Money which shall or may be borrowed on the Credit thereof severally and respectively shall be applied in paying and discharging the Expences of setting up or erecting such respective Turnpikes or Toll Gates, and of erecting and providing Toll Houses for the same respectively, and in paying off and discharging all such Sums of Money as shall hereafter be borrowed under the Authority of this Act, upon the Credit of the said Tolls, and all Interest to grow due thereon, until the same shall be fully paid and satisfied; and after full Payment and Satisfaction of all such several Sums before mentioned, then the Remainder of the said Monies or Tolls hereby granted, shall be applied in, for, and on Account of the repairing, widening, and improving the said Road herein-before described, except such Part and Parts of the same as pass along and in the said Turnpike Road from *Manchester* aforesaid to *Preston* aforesaid.

Trustees not
to be liable to
repair the
Road from
Manchester to
Preston.

XXIX. Provided always, and be it further enacted, That the said Trustees shall not, nor shall any of them, by reason of being such Trustees, be in any Manner liable to repair, widen, or improve, any Part or Parts of of the said Road which passes or pass along and in the last-mentioned Turnpike Road from *Manchester* aforesaid to *Preston* aforesaid, or any Part thereof; nor shall any Part of the Monies and Effects to be collected under and by virtue of this Act, be in any Manner applicable to, or applied in and on Account of the repairing, widening, and improving thereof; any Thing herein contained to the contrary notwithstanding.

Trustees not
liable to re-
pair Bridges
over the
Duke of
Bridgewater's
Canals.

XXX. Provided also, and be it enacted, That nothing herein contained shall authorize or empower, or be deemed or construed to authorize or empower the said Trustees, or any of them, in any Manner whatever to widen or alter, or to cause to be widened or altered, any Bridge or Bridges whatever over or across any Canal or Navigation belonging to his Grace the late Duke of *Bridgewater*, or his Heirs or Assigns, without the Consent in Writing of the Superintendant thereof for the Time being; any Thing in this Act, or any other Law or Statute, to the contrary thereof in any-wise notwithstanding.

XXXI. And

XXXI. And be it further enacted, That after such Parts of the said Roads as lie and pass in, through, and over certain Land formerly being and called *Walkden Moor* and *Chatmofs*, shall be made and completed by the said Trustees, the same shall be maintained and kept in Repair by the respective Townships in which the same lie; and it shall be sufficient in any Indictment against any Township or Townships, Person or Persons, for not repairing the same respectively, to state and set forth generally, that the Inhabitants of such Township or Townships, Person or Persons, ought to repair, maintain, and keep in Repair, the said Highway, by virtue of the Statute in that Case made and provided, without further setting forth the Nature of such Obligation or Duty, either by immemorial Usage or otherwise.

Certain Roads, after they are made, to be maintained by the Townships.

XXXII. 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 as they shall see convenient, to compound and agree for any Term not exceeding One Year at any One Time, with all or any of the Inhabitants of the several Parishes, Townships, Hamlets, or Places, in or through which the said Road leads, for the passing of their Horses, Cattle, or Carriages, through all or any of such Turnpikes or Toll Gates as aforesaid.

Power to compound for Tolls, &c.

XXXIII. And be it further enacted, That the said Trustees, or any Nine or more of them, at any Meeting to be held for that Purpose, whereof Twenty Days Notice shall be given in Writing, to be affixed upon the Turnpikes or Toll Gates then erected upon the said Road, and to be inserted in One of the *Manchester* Newspapers in Manner aforesaid, may and they are hereby empowered from Time to Time, by any Writing or Instrument under their Hands and Seals respectively, to assign over or mortgage the Tolls by this Act granted, or any Part thereof, and also the said respective Toll Houses and Appurtenances (the Charges of assigning or mortgaging the same to be paid out of such Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Nine or more of them, upon the Credit of such Tolls, to such Person or Persons, or his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with Interest as the said Trustees, or any Nine or more of them, shall think proper; which Money so to be borrowed shall be applied and disposed of in such Manner as the Tolls hereby granted, are herein directed to be applied and disposed of; and that such Mortgage or Mortgages, or Assignments may be in the Form following, or such other Form as the said Trustees making the same shall think proper:

Power to mortgage the Tolls.

BY virtue and in pursuance of an Act, passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [here insert the Title of this Act] and in Consideration of the Sum of *A. B.* the Treasurer appointed by the Trustees for putting the said Act into Execution, having been this Day paid by *C. D.* of *We*, whose Hands and Seals are hereunto subscribed and set, being of the Trustees for executing the said Act, do hereby grant and assign unto the said *C. D.* his Executors, Administrators, and Assigns, the Tolls arising or to arise by virtue of the said Act, at or from the Turnpike or Toll Gate at *and also the Toll House* erected at *aforsaid*, to have, hold, receive, and take the said Tolls, Toll House, and Premises, with the Appurtenances, unto the said *C. D.* his

Form of Mortgage.

‘ his Executors, Administrators, and Assigns, for the Residue and Remain-
 ‘ der now to come of the Term for which the said Tolls are granted by the
 ‘ said Act [subject to a Mortgage for securing the Sum of
 ‘ to *as the Case may be*] and also 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, Administra-
 ‘ tors, 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 next, 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 .’

And Copies of all such Mortgages shall be entered in a Book or Books to
 be kept for that Purpose by the Clerk or Treasurer of the said Trustees;
 but no Money shall be borrowed on the Credit of the said Tolls at any
 Meeting subsequent to the first Meeting, unless Notice in Writing, expres-
 sing the Purpose of such subsequent Meeting, be previously affixed upon all
 the Turnpikes or Toll Gates then erected upon the said Road, at least Four-
 teen Days before such Meeting; and all Persons to whom such Mortgages
 shall be made as aforesaid, or who shall be entitled to the Money thereby
 secured, may from Time to Time transfer his, her, or their Right, Title,
 Interest, or Benefit, to the said Mortgage, and the Principal Money and
 Interest thereby secured, to any Person or Persons whomsoever, by Indorse-
 ment on the Back of such Security, or by any other Writing or Writings,
 before One credible Witness, in the following Words, or Words to the like
 Effect; (*videlicet*)

Form of
Transfer.

‘ I Do transfer the within Mortgage [*or, a certain Mortgage, &c. as the*
 ‘ *Case may be*] with all my Right and Title to the Principal Money
 ‘ thereby secured, and to all Interest now due upon the same, unto
 ‘ Executors, Administrators, and Assigns. Dated this
 ‘ Day of

‘ A. B.’

Which Transfer shall be produced and notified within Thirty Days after
 the Date thereof, to the Clerk or Treasurer of the said Road, who shall
 cause an Entry or Memorial to be made thereof, in the before-mentioned
 Book or Books, containing the Numbers, Dates, Names of the Parties,
 and Sums of Money therein transferred, for which the said Clerk or
 Treasurer shall be paid such Sums as the said Trustees, or any Five or
 more of them, shall appoint, not exceeding the Sum of Three Shillings
 and Sixpence; and such Transfer shall then entitle such Assignee, his,
 her, or their Executors, Administrators, and Assigns, to the Benefit there-
 of and Payment thereon; and such Assignee may in like Manner assign
 or transfer the same again, and so *toties quoties*; and all Persons to whom
 any Mortgage or Transfer shall be made, shall be, in proportion to the
 Sum or Sums of Money therein mentioned, Creditors on the Tolls by
 this Act granted in equal Degree one with another, and shall have no
 Preference with respect to the Priority of any Monies advanced.

Power to
turn and
alter any
Part of the
Road.

XXXIV. And be it further enacted, That it shall be lawful for the Ma-
 jority of the Trustees present at any Meeting of any Nine or more Trus-
 tees at any Time or Times during the Continuance of this Act, and they
 are hereby authorized and empowered to widen, turn, or alter, the Course
 or

or Path of any Part or Parts of the Road to be made, repaired, and kept in Repair, by virtue of this Act, for the Accommodation of Passengers through any private Lands, Grounds, or Hereditaments, under such Terms and Satisfaction as are hereinafter mentioned, and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any private Lands, Grounds, and Hereditaments, through which or whereupon the said Road hereby authorized to be made, widened, turned, or altered, is intended to pass, and to stake out and make the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Punishment, for entering or continuing upon any Part or Parts of such last-mentioned Lands, Grounds, and Hereditaments respectively, for any the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein, for the Damage they may thereby sustain.

XXXV. Provided always, and be it enacted, That in case the said Trustees, or any five or more of them, shall at any Meeting or Meetings to be convened under the Authority of this Act, signify by an Order in Writing under their Hands, their Intention or Desire of diverting, turning, or altering, any Part or Parts of the said Road, then that Thirty Days Notice at least shall be previously 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 Road, and also by inserting the same in One of the *Manchester* Newspapers, of the Time, Place, and Purpose of the said Meeting.

Thirty Days
Notice to be
given of di-
verting
Roads.

XXXVI. And be it further enacted, That for the Purposes aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to contract 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 making, diverting, turning, or altering, the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owner or Persons may sustain by making, diverting, turning, or altering, the Course or Path of any Part or Parts of the said Road through such Lands, Grounds, or Hereditaments, and to pay for the same by and out of the Tolls and other Monies to be raised by virtue of this Act; and it shall be lawful for all Bodies Politic and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors and Administrators, Guardians or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding;

Trustees may
purchase,
and incapacitated Persons
sell Lands
and other
Hereditaments wanted
for the Purposes of this
Act.

[*Loc & Per.*]

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and

and that all Persons shall be and are indemnified for what they shall do by virtue and in pursuance of this Act.

If Parties do not agree, or the Owner cannot make a Title, the Value of the Premises to be settled by a Jury.

XXXVII. And be it further enacted, That if any such Bodies Politic or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling House or Dwelling Houses, or last Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands, Grounds, and Hereditaments, intended to be taken in and added to the said Road, and through which the same shall be intended to be made, diverted, turned, or altered, as aforesaid, shall, for the Space of Ten Days 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 or any such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the respective County in which such Lands, Grounds, or Hereditaments, shall be (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer) what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, or other Person as aforesaid, for or on Account of the making, diverting, turning, or altering, such Road through such Lands or Grounds; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, to summon before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they the said Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's better Information in the Premises, and such Trustees shall order, adjudge, and determine, the Sum or Sums of Money which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors, or other Person or Persons interested in the said Lands, Grounds, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgment, Order, and Determination, shall be binding and final to all Intents and Purposes, against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politic or Corporate, Ecclesiastical or Civil, as well as all other Person or Persons whomsoever, and against all and every such Owners and Proprietors; and the said Trustees, or any Five or more of them, are hereby empowered to issue out a Warrant or Warrants for the Sheriff of such of the said Counties in which such Lands, Grounds, or Hereditaments, shall be, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number of Persons

sons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purpose aforesaid; and for 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.

XXXVIII. Provided always, and be it further enacted, That all Persons concerned shall have their lawful Challenges against any of the said Jurymen, and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or refuse to be examined and give Evidence, and from Time to Time to levy and apply such Fine or Fines in such Manner as the Penalties and Forfeitures are hereinafter directed to be levied and disposed of, so that no such Fine exceed the Sum of Ten Pounds upon any One Person for One Offence.

Juries may be challenged, and Sheriffs fined for Default.

XXXIX. And be it further enacted, That all and every Sum and Sums of Money or Recompence to be agreed for or ascertained as aforesaid, shall be, and is and are hereby charged upon the respective Tolls by this Act appropriated for the repairing the said Road, or on the Monies to be borrowed upon the Credit of such respective Tolls, and shall be paid thereout accordingly to the Persons entitled respectively thereto, or to their Agents; and that upon Payment or Tender thereof to such Persons or their Agents, and in case of Refusal to take and accept of the same, upon leaving the same in the Hands of the Clerk or Clerks for the Time being to the said Trustees, for the Use of such Persons; and after One Calendar Month's Notice thereof given to such Persons or their Agents to receive such Money, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to enter into Possession of, and to lay such Land or Ground into the said Road, and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and the Lands, Grounds, or Hereditaments so taken into or made Part of the said Road, shall be deemed and taken to be, and shall be to all Intents and Purposes, a public and common Highway, and shall be repaired and kept in Repair by such Ways and Means as the Road hereby appointed to be made, repaired, and widened, are by this or any other Law to be repaired; and after any such new Road shall be completed, the Lands and Grounds constituting the former Road, unless leading over some Common or Waste or to some Town or Place to which such new Road shall not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale, shall be applied

Money allowed for Lands, &c. how to be charged and tendered.

in such Manner as the Tolls hereby appropriated to the Repair of the Road so to be sold as aforesaid, are directed to be applied; and all Deeds of Conveyances executed by the said Trustees, or any Five or more of them, and enrolled with the Clerk of the Peace for the County or Place in which such Lands lie, shall be good and effectual in the Law to all Intents and Purposes.

How the Expences of the Jury shall be paid.

XL. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Rights, Interest, or Property of any Person or Persons in any Lands, Grounds, 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, or any Five or more of them, before the summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and returning the Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property in, or Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees, or any Five or more of them, shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the respective County or Place, not interested in the Matter in question (who is hereby authorized and required to examine into, hear, and determine the same) shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

In case of not making out Title.

XLI. 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, Grounds, 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, Grounds, 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 Court of Chancery, to be placed to his Account, to the Credit of the Parties

Parties interested in the said Lands, Tenements, Grounds or Hereditaments [describing them] subject to the Order, Controul, or 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 Payments of the Dividends thereof, according to the respective Estate or Estates, Title, or Interests, 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, 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.

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-mentioned, such Money shall, in Case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Trustees, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, or Hereditaments, or affecting other Lands, Grounds, 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, Grounds, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Grounds, and Hereditaments so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to

Application
of Compen-
sation where
exceeding
200*l.*

the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Not exceed-
ing 200l.
nor less than
20l.

XLIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner 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 Five or more of 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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less
than 20l.

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

Where any
Question if all
arise touching
the Title to
Money to be
paid, the Per-
son who shall
be in Posses-
sion of Lands,
&c. at the
Time of such
Purchase,
shall be deem-
ed entitled.

XLV. 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 Accountant-General of the Court of *Chancery*, in pursuance of this Act, for the Purchase of any Lands, Grounds, or 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 such 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, Grounds, 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,

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, Grounds, or Hereditaments, or to some Estate or Interest therein.

XLVI. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands 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, Grounds, 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 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.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XLVII. Provided always, and it is hereby enacted and declared, That the Power and Authority hereby given to the said Trustees shall not extend to the pulling down any Dwelling House or other Building, or taking in the Scite of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, and Persons interested therein respectively.

Not to pull down Houses without Consent.

XLVIII. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be agreed on, or adjudged or awarded by the Jury to be paid for the Purchase of the said Lands, Grounds, or Hereditaments, or any Part thereof, the Person or Persons entitled thereto shall make and execute, or procure to be made or executed, proper and effectual Conveyances, Surrenders, Assignments, and Assurances in the Law, to the said Trustees, or any Seven or more of them, or to such Person or Persons as they shall appoint, of the said Premises, for which such Sum or Sums of Money was or were so awarded or adjudged to be paid, and shall do all Acts, Matters, and Things, necessary or requisite to make a good, clear, and perfect Title thereunto; and such Conveyances, Surrenders, Assignments, and Assurances, shall contain such usual and reasonable Covenants as shall on Behalf of the said Trustees be required; and when and so soon as the Sum or Sums of Money so hereinbefore directed to be invested in the public Funds shall be invested therein, all the Estate, Right, Title, Interest, Use, Trust, Property, Equity of Redemption, Claim, and Demand whatsoever, in Law and Equity, on all and every Person or Persons, who shall be entitled to such Money of, in, to, from, and out of the same Premises, or any Part thereof, shall vest in the said Trustees, and they the same Trustees shall be deemed in Law to be in the actual Possession thereof in Fee Simple, freed and discharged from all Claims, Demands, and Equity of Redemption, whatsoever, either in Law or Equity to all Intents and Purposes, as fully and effectually as if all and every Person and Persons having any Estate, Right, Title, Trust, Dower, Right or Title of Dower, and Equity of Redemption, of, in, to, from, and out of the same Premises,

Upon Payment of Purchase Money Conveyances to be executed.

had.

had actually conveyed the same by Lease or Release, Bargain, and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other Conveyance whatsoever.

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

XLIX. And whereas by reason of the diverting, altering, or turning, the Road to be made by virtue of this Act, agreeably to the Power hereinbefore given for that Purpose, or by reason of the Purchases which the said Trustees, or any Five or more of them, are hereby empowered to make by virtue of this Act, the said Trustees may happen to be seised of the Ground or Soil which formed the Roads so diverted, altered, or turned, or to be diverted, altered or turned, by virtue of this Act, or some Piece or Pieces of Ground over and above what may be necessary for affecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of such Grounds or Soil, Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same.

Persons from whom such Grounds, &c. have been purchased, to have the Preference.

L. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which formed the Roads so diverted, altered, or turned, or to be diverted, altered, or turned, by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or resell, as the Case may happen to be, to the Person or Persons who shall be the Owner or Owners of the Lands and Hereditaments lying on both Sides of such diverted Roads, or the Person or Persons from whom they shall have purchased such Piece or Pieces of Ground for the Purposes of this Act; and in case the Owner or Owners of the said Lands on both Sides of the said diverted Roads, or the Person or Persons from whom such Piece or Pieces of Ground shall have been so purchased for the Purposes of this Act, shall refuse to purchase or repurchase, as the Case may happen to be, 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 where such diverted Roads, or Piece or Pieces of Ground shall be, by some Person or Persons no way interested in the said diverted Roads, Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of such 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 it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Roads, or of repurchasing such Piece or Pieces of Ground so directed to be sold by virtue of this Act, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, in such case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed, with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference, shall be borne and paid in like Manner as hereinbefore directed with respect to such Purchase made by the said Trustees, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the

Sale or Sales which may be made by the said Trustees of such diverted Roads, Piece or Pieces of Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof, shall not be answerable or accountable for any Misapplication or Non-application of such Money.

II. And it is hereby enacted, that all Persons who by Law are obliged to do Statute Work, or are chargeable towards amending the said Road, or any Part thereof, shall still remain liable and chargeable, and shall do their respective Works in the Parishes, Townships, or Places in which the same doth or do lie, in such Manner as such Persons ought to have done before the passing of this Act; and that it shall be lawful for any Two Justices of the Peace, acting in and for the said County, to summon the Surveyors of the Highways for the respective Parishes, Townships, or Places, wherein any Part of the said Road doth lie, to bring in Writing before them, upon Oath, within Fifteen Days after such Summons (which Oath the said Justices are hereby empowered and required to administer), a List of the Names of all the Persons who within such Parishes, Townships, or Places respectively, are obliged by Law to do their Statute Work for that Year, with Teams and Draughts, or otherwise, as also the Number of Days Work which each Person ought to do on the Road in such Parishes, Townships, or Places respectively, out of which List the said Justices shall and may appoint and order so many Persons to do their Statute Work on the said Road directed to be repaired by this Act, as they shall think fit, not exceeding Four Days Work, which said Statute Work shall be done by such Persons, at such Times, in such Manner, and in such Parts of the said Road within such respective Parishes, Townships, and Places, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time direct and appoint; and if any Person shall neglect or refuse to do such Statute Work, every such Person for each Day he shall make Default, shall forfeit the Sum of Ten Shillings for each Team and Draught, and every Householder and other Person liable to perform such Statute Work as a Labourer shall forfeit the Sum of Two Shillings for each Day's Default; and if any Person shall be found idle or negligent in the Performance of such Statute Work, the Turnpike Surveyor may and he is hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team or Draught, had not come or been sent to work; and every such Labourer or Person, or the Owner of such Team or Draught, shall be liable to such respective Penalties as aforesaid; and in case any of the said Surveyors of the Highways for any such Parishes, Townships, or Places, shall refuse or neglect to give in and deliver a List of the Names as aforesaid, to such Justices, every such Surveyor shall for every such Neglect or Refusal forfeit any Sum not exceeding Five Pounds.

Persons liable to repair Roads, to continue so.

LII. Provided always, and be it enacted, That it shall be lawful for the Surveyor or Surveyors, or other Person or Persons, within each respective Parish, Township, or Place, through which the said Road shall pass, by and with the Consent of the Inhabitants of such Parishes, Townships, or Places respectively, first had at any Vestry or other public Meeting of such Inhabitants who shall be summoned together for that Purpose, to compound and agree, from Time to Time, with the said Trustees, or any Five or more of them, for a certain Sum of Money by the Year or otherwise, in lieu of the Statute Work to be performed by such respective Inhabitants upon any Part of the said Road; and in case any such Composition Money shall not be paid to the said Trustees, or any Five or more

Power to compound for Statute Labour.

[Loc. & Per.]

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of

of them, or to such other Person as they shall appoint to receive the same within Fifteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Lancaster*, upon Oath made before him or them of such Default, (which Oath the said Justice or Justices is or are hereby empowered and required to administer), and he or they is and are hereby required to issue a Warrant under his or their Hand and Seal or Hands and Seals, empowering such Person so by the said Trustees, or any Five or more of them, appointed to receive such Composition Money, to levy the same by Distress of the Goods and Chattels of the Person or Persons who hath or have made such Default in Payment of such Composition Money as aforesaid, and such Goods and Chattels so distrained, after the Space of Four Days, (such Composition Money and the reasonable Charges of distraining and keeping the same, not being paid), to sell, rendering the Overplus (if any there be), to the Owner or Owners thereof upon Demand, after the Composition Money, and all reasonable Charges of such Distress and Sale shall be deducted, which Composition Money shall be applied to the Purposes of this Act; and such Surveyors and other Persons by whom such Composition shall be made on the Behalf of any Parish, Township or Place as aforesaid shall be reimbursed such Composition Money, as the Surveyors of the Highways are by the Laws now in being to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Lands, &c.
heretofore
liable to Sta-
tute Duty,
to continue
so.

LIII. And be it further enacted and declared, That all Lands, Tenements, and Hereditaments, and all Rents and Profits issuing out of Lands, Tenements, or Hereditaments, which now are or hereafter shall be liable or chargeable towards the amending and repairing of the said Road, or any Part thereof, shall still remain liable and chargeable, and the Possessors and Occupiers thereof are hereby required to pay such Sum or Sums of Money as shall be liable to be paid out of, or are chargeable upon such Lands, Tenements, or Hereditaments, Rents, or Profits as aforesaid, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the said Tolls; and upon Default of Payment thereof, it shall be lawful for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, or under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, together with the Costs and Charges of such Distress and Sale, in Manner hereinbefore last mentioned.

Trustees to
prefer in-
dictments,
&c.

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

LV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose), to remove and prevent all Nuisances and Annoyances on any Part of the said Road, by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains, running into, along, or out of the said Road to the Prejudice thereof, (except such as are used for the Purpose of working and using any Collieries, Mills, or other Works, and of supplying Reservoirs and Conveniences hereinafter described; and to open, scour, and cleanse any Watercourses or Ditches adjoining to the said Road (except as aforesaid, and as hereinafter mentioned and described); and to make the same as deep and large as he or they shall think proper and necessary; and to cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premises shall neglect to remove the same, or to cut down and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches; or remove such other Annoyances, for the space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors, the Charges thereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers; and in case of Non-payment of such Charges on Demand, the same to be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be levied and recovered; and if after Removal of any of the said Nuisances or Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Power to remove Annoyances.

LVI. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to give the said Trustees, or any of them, any Power or Authority to turn, alter, or vary any Watercourse, Stream of Water, Sough, Drain, Tunnel, Ditch, or Dam, near to, in, or under the said Road, or any Part thereof, made and used for the Conveyance or Supply of Water to any Reservoir or Pond, or belonging to or for the Purpose and Use of any Navigation, Canal, Colliery, Mines, Mills, Steam Engines, or other Engines, or any other Works of any Person or Persons whomsoever, nor to turn, alter, or prejudice, the Course and Water of any Stream of Water or Watercourse used for any of those Purposes.

Restraining the Trustees from turning any Water, &c. supplying Canals or Reservoirs.

LVII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Persons as he or they shall appoint, to dig, gather, and take away, or search for any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the said Road, out of any River or Brook, or out of any Waste or Common Grounds, in any Parish, Town, Village, or Hamlet, in or near which any Part of the said Road doth lie, without paying any Thing for such Materials, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise to be railed or fenced out, where and from whence any of such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers, and paying for the Damages done by landing, and for going over and through any Lands, Grounds, and private Lanes, for or with such Materials, to be ascertained as hereinafter mentioned; and it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors

Power to get Materials, &c.

Surveyors first having an Order in Writing from the said Trustees, or any Five or more of them for that Purpose) to search for, dig, gather, and take away such Materials out of the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, Park, Paddock, or planted Walk or Walks, or Avenue to a House, or any Piece of Ground inclosed, planted and set apart as a Nursery for Trees, paying such Sums for such Materials, and for the Damage done to the Owners or Occupiers of such Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference concerning the same, the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden for the said County of *Lancaster*, shall and may adjudge and determine the same; which Determination shall be final.

No Gravel to be dug out of the River *Mersey* or *Irwell*.

LVIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend to authorize or empower the said Surveyor or Surveyors, or any other Person or Persons to be employed by him or them in the Execution of this Act, to dig or gather any Gravel or other Materials out of the Rivers *Mersey* and *Irwell*, or either of them, so far as the same are made navigable by Law, within the Distance of Two hundred Yards of any Lock or Weir erected on either of the said Rivers, unless with the Consent of the Committee, or Managers elected or appointed by the Undertakers of the Navigation of the said Rivers for the Time being, or from or out of any Piece or Parcel of Ground adjoining or contiguous to any Part of any Canal or Navigation lately belonging to his Grace the Duke of *Bridgewater*, and now to his Representatives, within the Distance of Two hundred Yards of any Towing Path belonging to the same; or to authorize or empower the said Trustees to make, widen, or alter any Part of the said Road in any Manner that may endanger, alter, or affect the said Canal or Navigation, or the Towing Paths thereof, or to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of either of the said Rivers, or of any other River or Brook whatsoever, or the said Canal or Navigation, or the Towing Paths thereof; and if any Person or Persons shall offend in the Cases last aforesaid, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Notice to be given before Materials are taken.

LIX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or any other Person or Persons, under the Authority of this Act, to take and carry away Materials for repairing the said Road from any inclosed Lands or Grounds, until Four Days Notice in Writing shall have been given to the Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left for such Occupier or Occupiers at his or their usual Place of Residence to appear before the said Trustees, or any Five or more of them, or before any Two Justices of the Peace acting in and for the said County where such Lands are situate, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or Occupiers shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices shall, if they think meet, authorize such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or any

Five

Five or more of them, or to such Justices, shall seem proper; and if such Occupier or Occupiers shall neglect or refuse to appear by himself or themselves, or his or their Agent, the said Trustees, or any Five or more of them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or Occupiers, or his or their Agent, had attended.

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

Penalty on taking away Materials.

LXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be set up in or near the Sides thereof, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as the said Trustees, or any Five or more of them, shall think proper, and order and direct; and if any Person shall wilfully pull up or damage any of such Posts or Stones, or any Part thereof, 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 Road, or shall drive any Horse or other Cattle, or any Swine, or any Cart or other Carriage, thereon, or shall cause any Damage to be done to such Footways; or if the Driver of any Waggon, Wain, Cart, or other such Carriage, shall wilfully or carelessly pull up, break, or damage, any Posts or Stones erected for the Security of the Horse Causeway, or drive the Wheel of his Carriage against the same, or shall wilfully or carelessly drive the Wheel of his Carriage upon any Horse Causeway made or to be made in any Part of the said Road, or against the Side thereof; or if any Person or Persons shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be conveyed upon Wheel Carriages, to drag upon any Part of the said Road to the Prejudice thereof; or if any Person or Persons shall lay any Hay, Straw, or other Matter or Thing, upon any Part of the said Road to be made into Manure, or shall scrape off the same, or any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, with an Iron Crow Rake, or other Instrument with sharp Points, whereby the said Road or any Part thereof shall be damaged; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, in, upon, or on the Sides of any Part of the said Road, either with or without any Horse or Beast harnessed or yoked thereto longer than may be necessary, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, in any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or

Mile Stones to be erected.

Penalty for riding on Footways.

[Loc & Per.]

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Annoyance

‘ said Act. Given under my Hand and Seal, the Day and Year first
‘ aforesaid.’”

Which Conviction in the Form or to the Effect aforesaid, shall be valid and effectual in Law to all Intents and Purposes.

LXIV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County of *Lancaster*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is or are hereby empowered and required to administer, without Fee or Reward); and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the aforesaid Road; and for Want of Distress, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands or Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, there to remain, without Bail or Mainprize, until he, she, or they shall have paid such Penalty or Penalties, Forfeiture or Forfeitures, or until the Expiration of the said One Calendar Month.

For Recovery
of Penalties.

LXV. Provided always, and be it further enacted, That in case 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 already been hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace, at the next General Quarter Sessions of the Peace to be held in and for the said County of *Lancaster*; or in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to such Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and if they see Cause may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall appear reasonable, and to make such Orders and Judgments in regard to the Premises as they shall think proper; but the Person so appealing shall give Notice in Writing to the Clerk or Clerks for the Time being to the said Trustees, of such his or her Intention of bringing such Appeal, Ten Days before the said Quarter Sessions, and shall also enter into sufficient Bail before One or more Justice or Justices of the Peace for prosecuting such Appeal, and abiding such Order as shall be made thereon.

Allowing an
Appeal to
Persons ag-
grieved.

LXVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form, or be removable by *Certiorari*, or any other Process, into any of His Majesty's Courts of Record at *Westminster* or *Lancaster*; any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

LXVII. And

Limitation of
Actions.

LXVII. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Lancaster*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall or may plead the General Issue, and give this Act and the special Matter in Evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases.

Subscribers
to pay their
Subscription
Money.

LXVIII. And be it further enacted, That the several and respective Persons who have subscribed Money for and towards amending, widening, altering, diverting, improving, repairing, and keeping in Repair the said Road, shall and are hereby required to pay the Sum or Sums so by them respectively subscribed, in such Parts and Proportions, within such Time and Times, and to such Person or Persons, as the said Trustees or any Five or more of them shall direct or appoint; and if any Person or Persons shall neglect or refuse to pay the same in Manner aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same, either in their own Names, or in the Name of the Clerk or Treasurer to the said Trustees, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impar lance shall be allowed.

Publick Act.

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

Commence-
ment and
Duration of
the Act.

LXX. And be it further enacted, That this Act shall commence and have Continuance from the passing thereof, 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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