Anno decimo

Georgii III. Regis.

An Act to enlarge the Term contained in Two ſeveral Acts of Parliament, and to grant a further Term and Powers for the more effectual repairing, widening, and amending the Road from a Place called *Earl's Kill* in *Warrington*, to the *Toll Bars* in *Wallgate* in *Wigan*, both in the County of *Lancaſter*.

WHEREAS by an Act of Parliament paſſed in the Thirteenth Year of the Reign of His Majeſty King George the Firſt, for repairing widening and amending the Road leading from Warrington to Wigan, in the County of Lancaſter, ſeveral Tolls, Duties and Powers were granted for repairing the ſaid Road, for the Term of Twenty-one Years, commencing the Firſt Day of June, One thouſand ſeven hundred and twenty-ſeven; and by another Act of Parliament paſſed in the Twentieth Year of the Reign of His late Majeſty King George the Second,

Preamble. reciting Acts 13 *Geo.* I, and 20 *Geo.* II.

Second, for enlarging the Term and Powers granted by the said recited Act, and also for amending and repairing the Road leading from a Place called Earl's Kill in Warrington aforesaid, to the Toll Bars in Wallgate in Wigan aforesaid, the said recited Act, and all and every the Authorities, Powers, Articles, Rules, Penalties, Exemptions, Provisoes and Clauses therein contained (except such Tolls, Clauses, Matters and Things as were thereby altered and discontinued) are continued in full Force and Effect, to be executed, as well for the Purposes in the said former Act contained, as for the surveying repairing, amending and widening the said additional Road therein and herein before mentioned; and that from and after the Expiration of the Term by the said former Act granted, the said Term is thereby enlarged and continued for the further Term of Twenty-one Years thence next ensuing, and from thence to the End of the then next Session of Parliament: And whereas the Trustees, by virtue and in Execution of the Powers vested in them in and by the said recited Acts, from Time to Time borrowed large Sums of Money upon the Credit of the Tolls thereby granted; and therewith and with the said Tolls caused a Cart Causeway or Pavement to be made at a very great Expence, from the said Place called Earl's Kill towards the Toll Bars in Wigan aforesaid; but by reason that the said Tolls for many Years last past have been entirely appropriated to pay off and discharge the Money borrowed as aforesaid, the Inhabitants of the several Townships through which the said Road leads have sustained the whole Burthen and Expence of repairing the said Causeway or Pavement, which is now become in a very ruinous Condition and greatly out of Repair, and in most Places so narrow that two Carriages cannot meet and pass each other (especially in the Winter Season) without great Danger: And whereas the Term and Powers granted in and by the said recited Acts are near expiring; and inasmuch as the Powers contained in the said Acts are in many Respects defective, and the said Road cannot be widened and amended and kept in good Repair, unless the Defects in the said Acts are amended, and a further Term is granted for that Purpose; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of May, One thousand seven hundred and seventy, the said

Recited Acts repealed.

Two ſeveral Acts of Parliament herein before mentioned, and every Matter and Thing therein contained, ſhall be, and are hereby from thenceforth repealed.

And to the End that the ſaid Road leading from Earl's Kill aforeſaid (upon the Site of which Kill a Houſe has been erected, and is now in the Poſſeſſion of Maſter Robert Patten) to the Toll Bars in Walgate in Wigan aforeſaid, may be widened and amended with all convenient Speed, and from Time to Time kept in Repair; be it further enacted by the Authority aforeſaid, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable Archibald Hamilton, commonly called Lord Archibald Hamilton; Sir Henry Hoghton, Sir William Meredith, Baronets; Sir George Warren Knight of the Bath, Francis Reynolds, Peter Legh, John Burgoyne, Aſhton Curzon, Thomas Liſter, Richard Pennant, Anthony James Keck, George Byng, Beaumont Hotham, Eſquires; Sir Thomas Egerton, Sir Frank Standiſh, Baronets; the Right Honourable Richard Clayton, Lord Chief Juſtice of his Majeſty's Court of Common Pleas in Ireland; William Anderton, Nicholas Aſhton, John Blackburne, John Blackburne the younger, William Bankes, William Bankes the younger, Edward Byrom, John Bover, Edward Clayton, Richard Clayton the younger, John Coates, Edward Dicconſon, William Dicconſon, Baſil Thomas Eccleſton, Ralph Earle, Edward Fiſher, Robert Cansfield Gerard, James Gildart, John Gildart, Robert Gwillym, Robert Vernon, Atherton Gwillym, William Gwillym, Roger Holt, Chriſtopher Ince, George Kenyon, Alexander Kerſhaw, John Lees, Thomas Lees, Peers Legh, Thomas Legh, John Legh, John Lyon, Legh Maſters, Thomas Patten, Thomas Patten the younger, Ralph Peters, Thomas Plumbe, Charles Pole, Alexander Radcliffe, Edward Standiſh Townley, John Walmſley, Thomas Wylde, Eſquires; the Honourable and Reverend John Stanley, the Reverend Aſhburnham Legh, James Bankes, John Baldwin, Thomas Baldwin, Roger Baldwin, Thomas Barker, Robert Barker, James Barton, Richard Bevan, Joſeph Blackburne, John Bordman, Arthur Baron, Bryan, George Chamberlain, Shirley Coates, Richard Edge, Stephen Ellis, John Garton, Thomas Hulme, Thomas Knowles, Thomas Lever, John Lowe, Edward Owen, John Owen, Richard Preſcot, Edward Smalley, James Stones, John Whitehead, Thomas Withnall, William Worthington, Clerks; Thomas Patten Doctor in Divinity, Cheney Hart, Edward Pemberton,

Truſtees Names.

Pemberton, Thomas Percivall, William Turner, **Doctors in Phyſick**; Joſeph Baker, Thomas Barton **of** Wigan, Ellis Bent, George Caſe, Thomas Cheſhyre, Alexander Chorley, Joſiah Daintith, Joſeph Daintith, Thomas Dakin, William Dumbell, Jonathan Fogg, John Gaſkell, Samuel Gaſkell, Roger Gaſkell **junior**, Robert Green, Michael Greenough, Jeffery Hart, Thomas Hatton, Thomas Heath, William Heſketh, John Hodſon, James Hodſon **junior**, John Johnſon, John Jolly, John Latham, Legh Layland, Thomas Lee, Thomas Lee **junior**, John Leech **ſenior of** Aſhton, John Leech **junior**, James Leigh **of** Golborne, James Lowe, John Nangreave, Richard Nangreave, Robert Patten, Robert Patten **junior**, Edward Rimmer, George Robiſon, Roger Rogerſon, James Rowbotham, James Scott, Thomas Scott, Peter Seaman, Samuel Sherlock, Abraham Titley, George Travers, James Travers, Richard Travers, John Tunſtall, Thomas Turner, Iſaac Turner, Thomas Turner **junior**, Criſpin Unſworth, John Unſworth **of** Warrington, John Walmeſley, John Watkins, Thomas Watt, William Woodcock, Thomas Woolrich, John Worſley, **Merchants**; John Bromley, Alexander Caſſon, Peter Cribb, Thomas Dannett, Joſeph Dannett, William Darbiſhire, John Dunbavand, Samuel Fothergill, Roger Gaſkell **ſenior**, John Gilbert, James Harriſon, Thomas Hawarden, Thomas Heys, Edward Holt, John Houghton, John Houghton **of** Preſcot, John Jackſon, Richard Johnſon, Walter Kerfoot, Holt Leigh, Edward Leigh, John Lingard, John Lloyd, Thomas Lyon, Matthew Lyon, William Orrett, Thomas Penſwick, John Pennington, John Percivall, Robert Percivall, James Percivall, Richard Phipp, Thomas Porter, William Porter, Edward Rigg, Richard Rowſon, John Sorocold, Ralph Taylor, Ralph Thickneſſe, Roger Topping, John Torbock, William Turner, William Whittle, James Wigan, **Gentlemen**; John Adamſon, Thomas Ainſworth, William Allen, Roger Anderton, John Anderton, Thomas Anderton, William Aſhton, Humphrey Atherton, John Bankes, Henry Bankes, Benjamin Bankes, Samuel Balmer, Thomas Barton **of** Fearnhead, Thomas Barrow, Peter Beck, John Bellaſes, James Bellinge, George Birchall, John Blackburne **of** Croft, Samuel Bold, James Bold, Bejamin Bolton, William Bolton, Henry Booth, John Bordman **of** Ordford, John Boyer **junior**, John Baller, Hugh Bullock, Daintith Cartwright, James Cawley, William Cawley, John Chaddock, Elias Chadwick, John Chiſſenhall, William Claughton, John Clayton **of** Kenyon,

on, John Clayton of Burtonwood, George Clayton, Henry Clayton, Jonas Clough, Richard Clough, James Corn, Joſeph Cowling, Thomas Croft, John Croſsley, Thomas Daniel, Thomas Doncaſter, Thomas Dutton, Samuel Eaton, John Eden, William Evanſon, Cuthbert Finch, William Finch, Henry Fiſher, John Fletcher, Thomas Garton, Iſaac Gaſkell, Thomas Gaſkell of Burtonwood, Thomas Gaſkell of Croft, Peter Gaſkell, James Glover, James Green, Thomas Green, Thomas Greenalgh, John Greenough, James Greenough, John Grice, Thomas Gueſt, Thomas Hall, John Halliwell, William Hatton, John Hargreaves, Richard Hatton, George Heſketh, James Heys, Peter Hill, William Hill, George Hindley, John Holingſhead, Mathew Houghton of Norwich, John Jameſon, James Jump, John Kerfoot, John Leather, John Leech of Wigan, James Leigh, Thomas Leigh, Richard Leigh, Robert Leigh, Ralph Leigh, James Lingham, John Liveſey, George Longworth, George Lowe, John Lythgoe, Henry Makin, Joſiah Mather, John Mathias, William Maire, John Morris, Robert Morris, John Naylor, John Newton, Thomas Norcroſs, Richard Orford, James Orrell, Thomas Parker, John Peacock, Thomas Percivall of Thelwall, Charles Porter, Joſeph Porter, Edward Richardſon, Henry Richardſon, James Richardſon, John Rigby, William Rigby, James Rylance, John Sanderſon, John Savage, John Scott, Thomas Slater, James Smith, Peter Smith, Hugh Stirrup of Lawton, Hugh Stirrup of Winck, John Sugden, Nicholas Thomaſon, Thomas Topping, Thomas Torbock, Edward Torbock, James Travers of Newton, Henry Trefold, John Unſworth, William Unſworth, James Urmſton, John Vauze, Richard Walmeſley, John Walmeſley junior, Thomas Waltum, Thomas Widdows, Thomas Wilmott, James Winſtanley, James Withnell, Thomas Withnell, James Wood, John Wood, Henry Worſley, Peter Wright, and Benjamin Yoxall; the Stewards of the Borough of Newton for the Time being; the Mayor, Recorder, and Aldermen of the Borough of Wigan for the Time being, and their Succeſſors, to be elected as herein after mentioned, ſhall be and are hereby appointed Truſtees for putting this Act into Execution.

Place of firſt Meeting of Truſtees, who may adjourn.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of Henry Lawſon, Innkeeper in Newton, on the Third Day of May next after paſſing this Act, and proceed to the Execution thereof; and ſhall then chuſe a Clerk or Clerks to write their Orders, and take Minutes and make Entries of their Proceedings, and for other Purpoſes; and ſhall then, and from Time to

Clerk to be choſen.

Time afterwards, adjourn themselves, and meet alternately at Ashton and Newton aforesaid; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day, or in case the Trustees at any Time so assembled, shall omit or neglect to adjourn themselves, it shall and may be lawful to and for any Five or more of the said Trustees, or to and for the Clerk or Clerks to the said Trustees, by the Direction of any Five or more of them, from Time to Time, in either of such Cases, by Notice in Writing to be affixed upon the Turnpike or Turnpikes, which shall then be erected upon, or across the said Road, at least Fourteen Days before the next Meeting, to appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on such Day as such Five or more of the said Trustees shall direct or appoint; and the said Trustees at all their Meetings shall defray their own Expences; and that all Orders and Determinations of the said Trustees in execution of this Act shall be made at Meetings to be held in pursuance hereof, and not otherwise; and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein, (such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination) nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; nor shall any Trustee or Trustees act in any Case whatsoever where he shall be personally concerned in Interest; but all such Trustees as are Justices of the Peace may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

For want of a sufficient Number to act,

Notice of another Meeting to be given.

Trustees to defray their own Charges.

No Order to be revoked unless 9 Trustees be present.

No Trustee to enjoy any Place of Profit arising from the Tolls.

Trustees who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving and remaining Trustees, or any Nine or more of them, from Time to Time, to elect One other Person to be a Trustee in the Room of such Trustee so deceased or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election shall be given by the Clerk or

On Death, or Refusal to act, new Trustees to be chosen.

Clerks

Clerks to the ſaid Truſtees, by affixing the ſame upon the Turnpike or Turnpikes which ſhall or may be acroſs the ſaid Road, at leaſt Fourteen Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for putting this Act into Execution, as the Perſons in whoſe Places they ſhall be reſpectively choſen were veſted with.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right or in the Right of his Wife, in the actual Seiſin and Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, ſituate in the County of Lancaſter, of the yearly value of Fifty Pounds above Reprizes, or ſhall be Heir-apparent to ſome Perſon or Perſons having an Eſtate of the yearly Value of One hundred Pounds over and above Reprizes, or poſſeſſed of a perſonal Eſtate to the Amount of One thouſand Pounds; and if any Perſon made incapable to act for any the Cauſes aforeſaid, ſhall preſume to act, contrary to the true Intent and Meaning hereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being given of his having acted as a Truſtee in the Execution of this Act.

Penalty on acting, if not qualified.

Truſtees may erect Turnpikes and Toll-houſes;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, or ſuch Perſon or Perſons as they ſhall appoint, ſhall and may, and they are hereby authoriſed and impowered to continue, or to pull down and remove the Toll-houſe and Turnpike, or Toll-gate, now ſtanding upon the ſaid Road at Hulme in the ſaid County of Lancaſter; and alſo to ſet up and erect, or cauſe to be ſet up and erected, One or more Toll-houſe or Toll-houſes, and Turnpike Gate or Gates, in, upon, or acroſs the ſaid Road, ſo intended to be repaired and kept in Repair, or acroſs any Way or Lane leading out of the ſame; and may from Time to Time cauſe ſuch Toll-houſe or Toll-houſes, and Turnpike Gate or Gates to be

taken down, removed or altered as to the said Trustees, or any Nine or more of them, shall seem requisite; so as no such Toll-house or Turnpike be set up or fixed nearer to Warrington than the Toll-house and Turnpike now standing in Hulme aforesaid; or nearer to Wigan than the Bridge across the said Road near Hawkley Gates, within Pemberton, in the said County of Lancaster; and that from and after the said First Day of May, One thousand seven hundred and seventy, the several Tolls herein after mentioned, shall be demanded and taken by such Person or Persons as the said Trustees, or any Five or more of them, shall by Writing under their Hands authorise and appoint to receive the same, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, Waggon, Wain, Cart, Dray, Carriage, Horse, Mare, Gelding, Mule or Ass, Oxen, Sheep, Lambs, Hogs, or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Gate, or Turnpike continued, or to be erected by virtue of this Act (that is to say)

and take Tolls thereat.

The Tolls,

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Two Horses, Mares, Geldings or Mules, the Sum of Sixpence.

For every Chair or Chaise with Two Wheels, drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Sixpence.

For every Chair, or Chaise, with Two Wheels, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three-pence.

For every Waggon, or other Four Wheel Carriage, carrying Coals or Cannel only, having the Fellies of the Wheels thereof of the Breadth or Gage of Nine Inches from Side to Side at the Bottom or Sole thereof, drawn by Five or more Horses, Mares, Geldings, Mules, or Oxen, the Sum of Nine pence; and for every such Waggon, or other Four Wheel Carriage, loaden with other Goods, Wares, or Merchandize, and drawn by the like Number of Horses, Mares, Geldings, Mules or Oxen, the Sum of One Shilling and Sixpence.

For

For every Waggon, or other Four Wheel Carriage, carrying Coals or Cannel only, having the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches as aforesaid, drawn by Four Horses, Mares, Geldings, Mules or Oxen, the Sum of Sixpence; and for every such Waggon, or other Four Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of One Shilling and Sixpence.

For every Waggon, or other Four Wheel Carriage, carrying Coals or Cannel only, having the Fellies of the Wheels thereof of a less Breadth than aforesaid, drawn by Four Horses, Mares, Geldings, Mules, or Oxen, the Sum of Two Shillings and Three-pence; and for every such Waggon, or other Four Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Two Shillings and Three-pence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies of the Wheels of the Breadth of Nine Inches as aforesaid, drawn by Four or more Horses, Mares, Geldings, Mules, or Oxen, the Sum of Four-pence; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares or Merchandize, the Sum of Ten-pence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of the Breadth of Nine Inches as aforesaid, drawn by Three Horses, Mares, Geldings, Mules, or Oxen, the Sum of Three-pence; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Eight-pence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of the Breadth of Six Inches as aforesaid, drawn by Three Horses, Mares, Geldings, Mules, or Oxen, the Sum of Four-pence; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Eight-pence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of a less Breadth than Six Inches as aforesaid, drawn by Three Horses, Mares, Geldings, Mules, or Oxen, the Sum of One Shilling; and for every such Cart, or other Two Wheel Carriage, drawn

in like Manner, and loaden with other Goods, Wares or Merchandize, the Sum of Two Shillings.

For every Cart or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of the Breadth of Nine Inches as aforesaid, drawn by Two Horses, Mares, Geldings, Mules, or Oxen, the Sum of Two-pence; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Sixpence.

For every Cart or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of the Breadth of Six Inches as aforesaid, drawn by Two Horses, Mares, Geldings Mules, or Oxen, the Sum of Three-pence; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Eight-pence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, having the Fellies or Wheels of a less Breadth than Six Inches as aforesaid, drawn by Two Horses, Mares, Geldings, Mules, or Oxen, the Sum of One Shilling; and for every such Cart, or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of One Shilling and Sixpence.

For every Cart, or other Two Wheel Carriage, carrying Coals or Cannel only, drawn by One Horse, Mare, Gelding, Mule or Ox, the Sum of Two-pence; and for every such Cart or other Two Wheel Carriage, drawn in like Manner, and loaden with other Goods, Wares, or Merchandize, the Sum of Sixpence.

For every Horse, Mare, Gelding, Mule or Ass, empty and not drawing (except such as are going empty to any Coal or Cannel Pit) the Sum of One Penny; and for every Horse, Mare, Gelding, Mule or Ass, loaden with Coal or Cannel, the Sum of One Halfpenny; and for every other loaden Horse, Mare, Gelding, Mule, or Ass, the Sum of Three Halfpence.

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for a greater or less Number.

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

Which said respective Sums of Money shall be demanded and taken in the Name, and as a Toll or Duty; and

if

if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand made thereof, neglect or refuse to pay the same, or any Part thereof, it shall be lawful for the Person or Persons appointed as aforesaid to collect such Tolls, to seize, distrain, detain, and keep any Horse or Horses, or other Cattle, or any Goods or Carriages upon which the said Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Three Days after such Distress made, the Person or Persons so distraining shall and may sell and dispose of the Horse or Horses, Cattle, Carriages, Goods, or Chattels so distrained, returning the Overplus (if any be) upon Demand to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Distress and Sale shall be deducted; and that all the Tolls to be collected or received by virtue of this Act shall be, and are hereby vested in the said Trustees, and shall be applied in such Manner as is herein after mentioned and directed concerning the same.

Tolls may be levied by Distress and Sale.

Distress may be sold after 3 Days.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of the Toll-house and Toll-houses, Turnpike-gate or Gates, already erected, or which may be erected by virtue of this Act, and the Right and Property of the Materials provided for building and repairing the same, and of all Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, or to prefer, or order the preferring of One or more Indictment or Indictments against any Person or Persons who shall injure the same, or any Part thereof, or disturb them in the Possession thereof, or take, or retain, or hold Possession thereof, after being required by the Order of any Five or more of the said Trustees to deliver up the same.

Turnpikes and Toll-houses, &c. vested in Trustees.

Provided always, That no Person or Persons shall be subject to the Payment of any of the Tolls hereby made payable, more than once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing with the same Coach, Berlin, Landau, Chariot, Chaise,

Tolls to be paid but once a Day.

Chair, Calash, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule or Ass, Oxen, Sheep, Lambs, Hogs or other Cattle, through all or any of the Turnpikes to be continued and erected by virtue of this Act, such Person or Persons producing a Note or Ticket, denoting that the Toll or Duty hereby granted had been paid upon the same Day, at the First of the said Turnpikes through which such Person or Persons shall have passed (which Note or Ticket the Receiver or Receivers, Collector or Collectors of the said Toll or Duty, is and are hereby required to give gratis on the Receipt thereof); nor shall any Person or Persons, having paid the Toll or Duty, and producing such Note or Ticket as aforesaid, who shall return the same Day through all or any of the Turnpikes aforesaid with the same Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, laden or unladen, or with the same Waggon, Wain, Cart, or other Carriage, so as the same shall not pass laden both going and returning, or with the same Horse, Mare, Gelding, Mule, Ass, or any other Sort of Cattle, so as such Horse, Mare, Gelding, Mule or Ass, shall not both going and returning pass laden with, or carrying Coals, Cannel or other Goods, Wares, or Merchandize, in which Case the said Toll or Duty shall be paid when and as often as they pass laden on the same Day through the same Turnpike or Turnpikes respectively; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Penalty on evading the Toll.

And for the preventing of Frauds and Abuses in the said Toll or Duty, be it enacted by the Authority aforesaid, That if any Person having paid the Toll or Duty by this Act granted or made payable, and having such Note or Ticket as aforesaid, shall give or dispose of such Note or Ticket to any other Person or Persons, in order to avoid the Payment of the said Toll or Duty; or if any Person not having paid the said Toll or Duty, shall offer or produce, and use any Note or Ticket, Notes or Tickets, and thereby pass through any of the said Turnpike or Turnpikes without paying the Toll or Duty hereby granted; every Person so offering, giving, disposing, receiving or using such Note or Ticket, shall forfeit and pay the Sum of Forty Shillings; to be levied, recovered and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Exemptions from Tolls.

Provided also, and it is hereby further enacted and declared, That no Person shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any of

the

the said Turnpike or Turnpikes with any Horse, Mare, or Gelding, Waggon, Wain, Cart, or other Carriage, that shall be loaded with and carry only Stone, Gravel, Sand, or other Materials for repairing the said Road, or any of the Roads in the Parishes and Townships in which the said Road doth lie, or in any of the neighbouring Parishes or Townships; or for carrying through any of the said Turnpike or Turnpikes, or any of them, only Lime, Dung, Manure, Mould, or Compost of any Nature or Kind whatsoever, for the manuring of any Gardens or Lands within the said Parishes or Townships; nor for any Waggons, Wains, Carts, or other Carriages, carrying only Hay, Grass, or Corn in the Straw to be laid up in the Houses, Barns, Outhouses, Backsides, or on the Lands of the Occupier of the Land or Ground from whence the same shall be produced; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Things whatsoever employed in Husbandry, or for manuring or stocking the Land of such Parishes or Townships; nor for any Waggon, Cart, Carriage, Horse, Mare, Gelding Mule, or Ass, going empty and unloaden to any Coal or Cannel Pit or Pits; nor for any Horses, Mares or Geldings going to, or returning from any Parish Church, or other Place of Divine Worship upon Sundays, or with any Corpse to be buried and interred at such Church; nor for any Clergyman going to or returing from visiting any sick Person or Persons; or for any Horses, Mares, Geldings, or other Cattle going to any Smith's Shop or Shops to be shod only, or returning from the same, or going to or returning from the Pasture or Watering Place or Places belonging to the respective Farms of any of the Parishes wherein the said Road lies; or for any Post Horse carrying the Mail or Packet; or for such Horse, Mare, or Gelding, as is or shall be used only to ride on by the Owner or Driver of any Waggon, Wain, Cart, or other Carriage, provided such Horse, Mare, or Gelding pass through the said Turnpike with such Waggon, Wain, Cart, or other Carriage; nor for the Horses, Mares, or Geldings belonging to Soldiers passing on their March; or for any Waggons, Wains, Carts, or other Carriages attending them; or for any Horses, Mares, Geldings, Waggons, Carts, or other Carriages travelling with Vagrants sent by Passes; nor shall any Toll or Duty be demanded for any empty or unloaden Waggon or Cart, or the Horses, Mares, Geldings, Mules, or Oxen drawing the same, going to or returning

returning from the said Towns of Warrington or Wigan; or from any Person or Persons going to or returning from the Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Lancaster, during the Time of such Election, or for Two Days before or after such Election shall begin or be concluded; or for any Waggon, Cart, Carriage, Horse, Mare, Gelding, Mule or Ass, as shall or may be made use of by any Tenant or Tenants of the Rector of Winwick (for the Time being) in the drawing or carrying of any Corn, Grain, Meal or Flour, grown within the said Township of Winwick, to or from their respective Houses through the Turnpike erected, or any other Turnpike which may be erected in Hulme aforesaid to the Corn Mill or Mills of the said Rector, within the said Township of Winwick only; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be recovered and applied as any Penalty or Forfeiture is by this Act directed to be recovered and applied.

Narrow-wheeled Carriages not exempted.

Provided always, and be it further enacted by the Authority aforesaid, That none of the Exemptions from the Tolls or Duties aforesaid shall extend, or be construed to extend to any Waggon, Wain, or Cart, not having the Fellies of the Wheels thereof of the Breadth or Gage of Six Inches from Side to Side at the Bottom or Sole thereof; but all such Carriages shall pay Toll in all and every the Case and Cases herein before mentioned; any Thing herein before contained to the contrary in any wise notwithstanding.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them may, and are hereby impowered, from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any One Time, with any Person or Persons for any Carriages, Horses, Cattle or Beasts travelling upon the said Road, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid Quarterly in Advance to the Treasurer or Treasurers of the said Road, and, in Default thereof, the Composition-agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-money shall be applied in such

Manner

Manner as the Tolls hereby granted are directed to be applied.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall go or pass with any Horse, Beast, Cattle, Coach, Waggon, Cart, or other Carriage, through or over any Lands, Grounds, or Place lying by the Side of, or near the said Road (the same not being a public Highway) or if any Person or Persons owning or occupying any Land, Ground, or other Place or private Way, shall knowingly and willingly permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle, Coach, Waggon, Cart, or other Carriage, through or over such Land, Place, or private Way; or if any Person or Persons shall forcibly or wilfully go or pass with any Horse, Beast, Cattle, Coach, Waggon, or other Carriage, through the Turnpike or Turnpikes continued, or which may be erected by virtue of this Act, or any of them, without paying the Toll or Duty by this Act directed to be paid for the same; or shall unload any Cart in part or in all; or shall conceal or secrete any Goods or other Things chargeable with the Tolls aforesaid; or shall put or leave in any House or other Place any Carriage, Beast, or Cattle liable to pay Tolls or Duties in part or entirely; or having passed through the said Turnpike or Turnpikes, shall afterwards add or put any Horse or other Beast to any Carriage, and draw therewith upon any Part of the said Road, so as to encrease the Number of Horses or other Beasts drawing the said Carriage; or shall take off any Horse or other Beast which shall be used in the Drawing of any Carriage upon the said Road, or any Part thereof, either before or after the passing through the said Turnpike or Turnpikes, with Intent to avoid or lessen, or having thereby evaded or lessened the said Tolls or Duties, or any Part thereof; every Person so offending, in any of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied. Penalty on permitting, or going through, private Passage, &c.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees and their Successors, or any Nine or more of them, shall and may, and they are hereby authorised and impowered at any General Meeting, by Writing under their Hands and Seals, to assign, lease, demise, set or let the Tolls hereby granted, or any Part or Parcel thereof, from Year to Year, or for any Part of the Term hereby granted, not exceeding Two Years, Trustees may lease the Tolls.

for the best Rent that can be got for the same, unto any Person or Persons who shall give good and sufficient Security for Payment of the Rent and Rents by such Lease and Leases to be reserved and made payable; so as Notice in Writing for that Purpose under the Hand or Hands of the Clerk or Clerks to the said Trustees be affixed upon the Turnpike Gate or Gates continued or to be erected by virtue hereof, at least Twenty-one Days before such Meeting; and which said Rent or Rents shall be reserved and made payable by Quarterly Payments to the said Trustees, or to any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall for that Purpose nominate and appoint to receive the same, and shall be applied in such Manner as the Tolls and Duties so leased are directed to be applied.

Application of Monies.

And it is hereby further enacted and declared, That out of the Tolls and Duties hereby granted, and the Monies to be borrowed upon the Credit thereof, the said Trustees or any Five or more of them shall, in the First Place, pay all the Expences incident to, and attending the obtaining and passing this Act; and afterwards pay off such Sum and Sums of Money as are due and owing upon the Credit of the said former Acts, or either of them, and the Interest due and to grow due in respect thereof, until the same shall be fully paid; and afterwards all the Tolls and Duties to be collected, and Monies to be borrowed upon the Credit thereof, shall be applied in the Expences of repairing, widening, altering, turning and keeping the said Road in Repair, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall from Time to Time direct.

Repairs where to be begun and continued.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them shall, and they are hereby required to begin at the same Time and continue the repairing, widening, and amending the said Road, not only from each End thereof, but also from a certain Place in Ashton opposite to the Eighth Mile-stone, between Warrington and Wigan aforesaid, and to proceed from the said Mile-stone to repair, widen, and amend the said Road towards Warrington, and from the other Places towards each other, until the whole Road shall be well and sufficiently repaired, widened, and amended, according to the true Intent and Meaning hereof; and the said Trustees shall, and are hereby required to lay out and expend an equal Sum of Money in the repairing, widening, and amending the said Road, from each of the said Places, where they are

directed to begin as aforesaid, until the whole Road shall be perfected.

Trustees to advance Money towards Repair of certain Pavements.

And in order as much as possible to avoid any Partiality in the repairing of the said Road, and to relieve the Inhabitants of such of the intermediate Townships through which the Road lies as shall be last repaired, from the Burthen of repairing the said Road through their respective Townships; be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby also required, by and out of the Tolls hereby granted, to order and direct such Sum and Sums of Money to be appropriated, laid out, and expended in repairing the old Causeway or Pavement in such Townships (until the same shall be effectually repaired and amended) as shall be equal to the Amount or Value of the Composition-money in lieu of Statute-work paid by the Inhabitants of each of those Townships, and laid out and expended upon the said Road in Repair thereof, provided the same does not exceed Sixty Pounds per Annum in the Whole.

Trustees may contract for repairing the Road.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees and their Successors, or any Nine or more of them, and they are hereby authorised and impowered at any of their Meetings, by Writing under their Hands and Seals, to contract and agree with any Person or Persons who shall be willing to undertake the same, for the repairing, widening, amending, supporting, and maintaining any Part or Parts of the Road hereby directed and intended to be repaired, widened, amended and kept in Repair as aforesaid, for and during any Time not exceeding Three Years, and at and for such Rate and Price for every Mile thereof in Length or otherwise, as to the said Trustees and their Successors, or any Nine or more of them, shall seem reasonable and expedient; so as Fourteen Days Notice in Writing for that Purpose, under the Hand of the Clerk to the said Trustees, be affixed upon the Turnpike Gate and Gates continued, or which may be erected for collecting and receiving the Tolls and Duties hereby granted.

Trustees may vary the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, at any Meeting or Meetings to be held for that Purpose, to vary, lessen, or reduce all or any of the Tolls by this Act granted, for such Time or Times as they, or any Nine or more of them, shall think proper; and may afterwards, from Time to Time, advance all or any of the Tolls or Duties so lessened, to any Sum or Sums of Money not exceeding

ing the reſpective Rates herein before mentioned, and to order and direct the Tolls ſo reduced or advanced to be collected, received, taken, laid out, and applied for the Purpoſes of this Act, in ſuch Manner as they ſhall think fit; but no ſuch Reduction ſhall be made, unleſs the Perſon or Perſons who ſhall be entitled to Three Fourths of the Money, which ſhall be then owing on the Credit of the ſaid Tolls, ſhall be conſenting thereto; and no ſuch Meeting ſhall be had for any of the Purpoſes aforeſaid, unleſs Twenty Days Notice at the leaſt ſhall be given thereof in Writing, and be affixed upon every Turnpike Gate or Gates continued, and which may be erected by virtue of this Act.

Truſtees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Nine or more of them, at their Firſt or any ſubſequent Meeting to be held in purſuance of this Act, upon the Credit of the Tolls ariſing by virtue hereof, to borrow and take up at Intereſt ſuch Sum and Sums of Money as they, or any Nine or more of them, ſhall think fit, not exceeding Eight thouſand Pounds, ſave as herein after mentioned; and may and are hereby impowered to aſſign over or mortgage the ſaid Tolls, or any Part or Parts thereof (the Charges of ſuch Aſſignments or Mortgages to be paid out of the ſaid Tolls) by the following Words of Aſſignment under their Hands, or by any other Words for that Purpoſe;

Form of Aſſignment.

BY virtue and in purſuance of an Act of Parliament, paſſed in the Tenth Year of the Reign of His Majeſty King George the Third, intituled, *An Act to enlarge the Term contained in Two ſeveral Acts of Parliament, and to grant a further Term and Powers for the more effectual repairing, widening, and amending the Road, from a Place called* Earl's Kill *in* Warrington, *to the Toll Bars in* Wallgate *in* Wigan, *both in the County of* Lancaſter; and in conſideration of the Sum of
to the Treaſurer, appointed by the ſaid Truſtees for putting the ſaid Act in Execution, having been this Day paid by *A B*; we whoſe Hands and Seals are hereunto ſubſcribed, being of the ſaid Truſtees, do aſſign unto the ſaid *A B*, his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, as the ſaid Sum of
ſhall bear to the whole Sum advanced or to be advanced on the Credit of the ſame Tolls; to have, hold, receive, and take the Proportion of the ſaid Tolls hereby aſſigned unto the ſaid *A B*, his Executors, Adminiſtrators, and Aſſigns, from

from the Day of the Date hereof, until the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum* ſhall be repaid. As witneſs our Hands and Seals, this Day of

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees; but no Money ſhall be borrowed upon the Credit of the ſaid Tolls after ſuch Firſt Meeting, unleſs Notice be for that Purpoſe affixed in Writing upon the Turnpike Gate and Gates continued, or which may be erected on the ſaid Road, at leaſt Twenty Days before the borrowing thereof; and all and every Perſon or Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made, or who ſhall be entitled to the Money thereby ſecured, may, from Time to Time, aſſign or transfer his, her, or their Right, Title, Intereſt or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by indorſing on the Back of ſuch Security, in the Preſence of One credible Witneſs, the following Word, or Words to the like Effect; videlicet,

Aſſignments to be entered in a Book.

Notice to be given of borrowing Money.

I Do transfer this Aſſignment, with all my Right and Title to the Principal hereby ſecured, and to all the Intereſt now due, unto *C D*, his *or her* Executors, Adminiſtrators, and Aſſigns. Dated this Day of

Witneſs *G H.* *E F.*

Form of Transfer.

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk or Treaſurer, within Three Calendar Months after the Date thereof; who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Date, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments or Mortgages; for which ſuch Clerk or Treaſurer ſhall be paid the Sum of Two Shillings, and no more; which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall entitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon who ſhall

Transfer to be entered in a Book.

Clerk's Fee.

have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, a Creditor or Creditors on the said Tolls in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies.

All Creditors to be deemed equal in Degree.

Trustees, with Consent of Creditors, may borrow an additional Sum.

Provided always, and be it further enacted by the Authority aforesaid, That if it shall happen the Sum of Eight thousand Pounds shall be borrowed upon the Security of the Tolls hereby granted, and the same shall be insufficient to answer the Purposes of this Act; then, and in such Case, it shall and may be lawful to and for the said Trustees or any Nine or more of them, with the Approbation and Consent of Three Parts in Four in Number and Value of the Persons to whom the said Sum of Eight thousand Pounds shall be due and owing, to be testified in Writing under their Hands, to borrow and take up at Interest such further Sum and Sums of Money as they the said Trustees, or any Nine or more of them, shall think necessary, and to make such Assignment or Security of the Tolls hereby granted for securing the Repayment thereof as is herein before mentioned; any Thing herein contained to the contrary thereof in any wise notwithstanding.

Flat Drag-irons to be affixed to Waggons, &c. going down Hill.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons, at any Time or Times after the Commencement of this Act, shall lock or drag the Wheel or Wheels of any Waggon, Wain, Cart, or other Carriage down any Hill or Hills, or upon any other Part of the Road to be repaired by virtue hereof; every such Person or Persons shall affix a flat Drag-iron, or other Instrument under the Sole of the Wheel or Wheels of such Waggon, Wain, Cart, or other Carriage, which shall be One Inch broader than the Fellies of the Wheel or Wheels under which the same shall be so affixed; on Pain of the Driver of every such Waggon, Wain, Cart, or other Carriage forfeiting the Sum of Forty Shillings for every such Offence.

Trustees to appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, from Time to Time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and also a Clerk and Treasurer, and One or more Surveyor or Surveyors of the said Road, and such other Officers as they shall think necessary to employ in the

Execution

Execution of this Act; and, from Time to Time, remove any or either of such Officers, and other Persons, and appoint others in the Room of such of them as shall be so removed, or shall die; and out of the Monies to arise by virtue of this Act may pay such Salaries, and make such Allowances to the said Officers and Persons as to them shall seem reasonable; and all such Officers and Persons shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees, or any Five or more of them shall direct, deliver to such Trustees, or such Person or Persons as they, or any Five or more of them shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively received by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting shall, upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer) verify their said Accounts; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or shall not deliver to the said Trustees, or any Five or more of them, within Ten Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act; then, and in any of the said Cases, such Trustees, or any Five or more of them may, and are hereby authorised and impowered to bring, or cause to be brought any Action or Actions, in the Names of such Trustees, or in the Names of any Five or more of them, against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order to recover the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made of any such Refusal or Neglect by or on the Behalf of the said Trustees, or any Five or more of them, to any Two or more Justices of the Peace for the said County of Lancaster, such Justices may and are hereby authorised and required, by a Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers,

and may remove them and appoint others.

Trustees to allow Officers Salaries.

Officers to account upon Oath.

Officers neglecting to account,

ficers, Perſon or Perſons refuſing or neglecting as aforeſaid, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, by virtue of this Act might have done; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby impowered and required to adminiſter without Fee or Reward) it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and are hereby required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied and raiſed by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of levying and raiſing the ſame, then, and in either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol for the ſaid County of Lancaſter, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees, or any Five or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees, or any Five or more of them, are hereby impowered to make), and until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or given Satisfaction in reſpect thereof to the ſaid Truſtees, or any Five or more of them.

Juſtices to inquire into the Default,

and levy the Balance by Diſtreſs.

For want of Diſtreſs, Offender to be committed.

Provided always, That as often as any Collector of the Tolls ſhall die, or be incapable of performing his Duty, it ſhall and may be lawful for any Five or more of the ſaid Truſtees, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint any other Perſon 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 veſted 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

On Death, &c. of Toll-gatherer, another to be appointed.

point a Collector of such Tolls; any Thing herein contained to the contrary notwithstanding.

Provided always, That no Collector, Surveyor, or other Officer or Person, shall gain a Settlement in any Parish, Township, or Place by reason of his being appointed to such Office or Employment, or serving under this Act. Officers not to gain Settlements.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Road, or any of them, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Five or more of them, is and are hereby impowered to cut, dig, gather, take, and carry away, any Furze, Heath, Gravel, Sand, Stones, or other Materials, proper for the repairing of the said Road, out of and from any Waste Ground or Common, River or Brook, in any Township or Place, without paying any Thing for the same; provided no such Gravel, Sand, Stones, or other Materials, be taken within Fifty Yards from any Weir or Bridge; such Surveyors or other Persons filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing, or fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to the said Road intended therewith to be repaired, then and in such Case the Surveyor or Surveyors, or other Persons as aforesaid, may by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away any such Materials as aforesaid, in, upon, or out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River or Brook, or private Ground, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same; filling up the Pits; and for want of a sufficient Quantity there, from private Grounds, paying for the same. Justices to determine Differences.

said, the Justices of the Peace, at their next General Quarter Sessions, to be holden in and for that Part of the County wherein such Difference shall arise, on Twenty Days Notice thereof to be given in Writing by the said Surveyor or Surveyors, to the said Owner or Occupier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or to be left at their respective Places of Abode, with some or One of their respective Families, shall hear, settle, and determine the Matter of such Damages; and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties.

Persons liable to repair the Road, to continue so.

And be it further enacted by the Authority aforesaid, That all Bodies Politick and Corporate, Corporations Aggregate and Sole, and other Persons whatsoever, who by reason of the Tenure of their Lands, or any Charge thereon, or by any Law, Custom, Usage or otherwise, are or shall be liable to the Repair of any Part or Parts of the Road by this Act intended to be repaired, or to pay any Sum or Sums of Money for or towards the Repair thereof, shall, notwithstanding this Act, remain liable to repair the same, or to pay such Monies for or towards the Repairs thereof, as they respectively before were or was liable to do or pay; except so far as is herein or hereby otherwise directed.

Surveyors may remove Annoyances;

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

turn Watercourses, &c.

and lop Trees;

Owners neglecting to do the same after Notice.

or top, cut down and remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Five or more of them) shall be reimbursed to such Surveyor or Surveyors by such Owner or Owners, Occupier or Occupiers; and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person, for every such Offence, shall forfeit the Sum of Twenty Shillings.

Charges thereof to be reimbursed to Surveyors.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Road, or such Person or Persons as he or they shall appoint, to make Causeways, and also Ditches or Drains, in and upon the said Road, and also through any Ground lying contiguous thereto; and also to widen any of the narrow Parts of the said Road, by opening, clearing, and laying into the same any Grounds of any Person or Persons lying contiguous thereto, so as to make such Parts of the said Road not exceeding Thirty Feet in Width; and also to make a Road through the Grounds adjoining, or lying near to any hollow Way, narrow or ruinous Part of the said Road (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground, planted, and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also by Order of any Five or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Road, and cross any Stream, Brook, Water, Ditch or Drain therein or contiguous thereto; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but that no Satisfaction shall

Surveyors may make Causeways,

cut Drains,

widen the narrow Part of the Road,

make a temporary Road,

and erect Bridges,

making Satisfaction to the Owners.

shall be made for doing or performing any of the Works aforesaid upon or through any Common or Waste Ground.

Trustees may turn or alter the Course of the Road.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall be, and are hereby fully impowered to divert, turn, or alter the Course or Path of any Part or Parts of the said Road, through any Common or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall and may be lawful to and 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 diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments, and to pay for the same Lands and Hereditaments 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants or Issue unborn, Lunaticks, Idcots, or other Person or Persons, and to and for all Femes Covert who are or shall be seised or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances that shall be so made, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be, and are hereby indemnified for what they shall do by

Bodies Politick, &c. may contract with the Trustees for the Sale Lands, &c.

virtue

virtue of this Act; and if any such Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the House of the Tenant in possession of the Lands or Hereditaments through which any Part of the said Road is intended to be diverted, turned, or altered; or which the said Trustees, or any Five or more of them, shall think necessary to be purchased for the widening any Part of the said Road, shall, for the Space of Two Months next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises; or if by reason of Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he, she, or they cannot conveniently be applied to, or treated with for that Purpose, or if treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in any of the said Cases, the said Trustees, or any Five or more of them may, and are hereby impowered by Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the said County of Lancaster, or his Deputy, to impanel, summon, and return a Jury of Twelve honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place, to be specified in the said Warrant or Warrants, Precept or Precepts; the same Time being at least Twenty Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively to the said Sheriff or his Deputy; then, and there to assess and ascertain the Prices and Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff or his Deputy is hereby required to impanel, summon, and return the said Jury accordingly, giving to each Juryman at least Ten Days Notice of the Time and Place of his Attendance; and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Five or more of them, having caused Twenty Days Notice, in Writing under their Hands, to be given to the Person or Persons entitled to the said Lands or Hereditaments intended to be purchased, or to be left at the last or usual Place or Places of Abode of such Person or Persons, or of the principal Officer or

If Persons interested shall refuse to treat, &c.

Trustees to issue their Warrant to the Sheriff for returning a Jury.

Officers of such Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole; or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments; thereby setting forth the Nature, Situation, and Quantities of such Lands or Hereditaments, and the Time when, and the Places where the said Jury are to meet, to assess and ascertain the Value thereof; they the said Trustees, or any Five or more of them, may proceed to inquire, by the Verdict of the said Jurors on their Oaths (which Oaths the said Trustees, or any Five or more of them, are hereby impowered and required to administer) of the Value of such Lands or Hereditaments; and in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the Bye-standers, or that may be conveniently had for the Service, and to which Jurors all Parties interested shall have their lawful Challenges: And the said Trustees, or any Five or more of them, having given the Nature of the Enquiry in Charge to the said Jury which shall be sworn, may, and are hereby impowered to send for, summon and examine all proper Persons on their Oaths, (which Oaths the said Trustees, or any Five or more of them, are hereby impowered and required to administer) concerning the Nature and Value of the said Lands and Hereditaments; and if needful, or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves, and the Jury sworn, concerning the Nature and Value of the said Lands and Hereditaments as they shall think proper; and the said Jury being so informed, shall by their Verdict assess and ascertain the Value of the respective Lands and Hereditaments that shall have been given them in Charge to inquire of; and the said Trustees, or such Five or more of them as shall be present at the taking of such Inquests, shall thereupon adjudge the Sums of Money assessed by the said Juries as the Value of the said Lands or Hereditaments, to be paid to the Person or Persons entitled to the same Lands or Hereditaments; and such Findings of the Juries and Judgements of the said Trustees shall be finally binding and conclusive to all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested or to be interested in the said Lands and Hereditaments, or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any Act or Matter of his Office relating to the Premises; or if any Juryman so summoned as

Jurors may be challenged.

Verdict of the Jury to be final.

Penalty on Sheriff, &c. neglecting to obey Warrant.

as aforesaid shall not appear, or appearing shall refuse to be sworn, or if sworn shall not find his Verdict concerning the Matters that shall be given him in Charge; or if any Witness being sent for, or summoned to appear, or give Evedence to the said Trustees and Juries, shall not appear, or if appearing shall refuse to be sworn, or being one of the People called Quakers, shall refuse to make his solemn Affirmation, and thereupon to give his Evidence concerning the Matters aforesaid; every such Sheriff, Deputy, Juryman and Witness, shall for every such Refusal, Neglect or Offence, forfeit the Sum of Five Pounds.

Costs, by whom to be paid.

Provided always, and it is hereby enacted the Authority aforesaid, That if the said Jury upon such Inquest shall shall find or assess an equal, or less Sum of Money, for such Damage and Recompence, than had been by the said Trustees, or any Five or more of them, or their Treasurer, or other Person or Persons, by virtue of their Order, tendered to the Party or Parties so refusing or neglecting to treat as aforesaid; then and in such Case, the Person or Persons so refusing or neglecting to treat, shall pay the Costs occasioned by such Refusal or Neglect; which Costs shall be settled and ascertained by the said Jury, and shall be deducted out of the Sum of Money by them assessed for such Damage and Recompence.

Conveyances &c. to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Conveyances of Lands and Hereditaments, that shall be purchased by virtue of this Act, and Memorials of all the Verdicts of Juries, and Judgements of Trustees, concerning the Value of Lands and Hereditaments, that shall be ascertained by Juries, shall be entered into some Book or Books of the Trustees, and shall be inrolled with the Clerk of the Peace of the said County of Lancaster; and that after the Execution of such Conveyances, and giving such Judgements of the said Trustees, and after Payment or Tender of the Consideration-monies mentioned in such Conveyances, or of the Monies assessed, and adjudged to be the Value of any Lands or Hereditaments as aforesaid, to the Person or Persons intitled to the same; or in case of Want of Opportunity to tender, or of Refusal to accept the said Monies when tendered, then on leaving the same with the said Clerk of the Peace, or his Deputy, for the Use or Uses of the Person or Persons intitled thereto; it shall be lawful for any Person or Persons authorised by the said Trustees, or any Five or more of them, to divert, or

After Payment of Consideration-money,

Road may be turned through private Grounds,

or turn the said Road through such Lands or Hereditaments, or to add the same to such Part of the Road as is intended to be widened therewith, and to do all and every Act, Matter and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them shall think fit; and the said Trustees, or any Five or more of them, shall cause such Part of the said Road as shall be diverted or turned through private Grounds, or which shall be widened by virtue of this Act, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which shall be made a Part or Parts of the said Road, shall be for ever then afterwards a common Highway to all Intents and Purposes, and shall be repaired and kept in Repair in such Manner as the said Road hereby appointed to be repaired is by this Act, or any other Law to be amended; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed, the Land constituting the former Road, unless it shall lead to some Village, Town or Place to which the new Road doth 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 got for the same; and the Money arising by such Sale shall be applied to the Purposes of this Act; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any Thing herein contained to the contrary notwithstanding.

and deemed a common Highway.

Old Road may be sold.

Dwelling-houses not to be injured.

And be it enacted by the Authority aforesaid, That all and every the Inhabitants of the several Townships, Hamlets and Places through which the said Road doth lead, who by the Laws and Statutes of this Realm are or shall be liable to do Work in the Highways for the repairing thereof, commonly called Statute-work, from and after the said First Day of May, One thousand seven hundred and seventy, shall and are hereby required to do and perform such and so many Days Work, not exceeding Three Days Work for any One Person or Team in One Year, for any Township, Hamlet, or Place through which the said Road doth lead, in such Part or Parts of the said Road as doth lie in such Townships, Hamlets, and Places respectively, and

Persons liable to repair the Roads, to continue so.

and in such Places thereof, and at such Times, (the same not being in Hay Time or Harvest) and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by virtue of this Act to be appointed, or either of them, shall for those Purposes direct or appoint, and shall with their Teams and Servants, or otherwise as the Case shall be, do Eight Hours Work in every Day; and the Surveyor or Surveyors of the Highways of such Townships, Hamlets, and Places respectively, and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, and if no Churchwardens or Overseers, then some or one of the principal Inhabitants of the said Townships, Hamlets, and Places respectively, shall yearly, within the Space of Seven Days next after Notice in Writing to him or them for that Purpose respectively given by the said Trustees, or any Five or more of them, or by any or either of the said Turnpike Surveyors under his or their respective Hands, deliver to such Trustees or Surveyors, from whom such Surveyor, Churchwarden, Overseer or Inhabitant shall receive such Notice, or to one of them, a true List in Writing of the Names of all the Inhabitants of such Townships, Hamlets and Places respectively, and shall therein distinguish and set forth which of such Inhabitants keep Teams, or occupy Plough Lands, and are liable to do Teams Duty, and which of them are Labourers, or liable only to do Labourers, or any and what other Duties to the Highways; and if any or either of the Inhabitants of the said Parishes, Hamlets or Places shall refuse or neglect to do their respective Statute-work or Duty on the said Road, at such Times and Places, and in such Manner as, according to the Powers by this Act given, he shall be directed to do; or if any Person shall come as a Labourer, or with a Team to work on the said Road, in pursuance of such Notice as aforesaid, and shall be found idle or negligent by the said Surveyor or Surveyors where the Work is required to be done, such Surveyor or Surveyors may, and is hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team had not come or been sent to do such Work; and every Person so offending shall for every such Offence forfeit the several and respective Sums herein after-mentioned; that is to say, Every Person liable to do a Team's Duty, the Sum of Ten Shillings; and every Person liable to do a Labourer's Duty only, the Sum of One Shilling and Sixpence; and if any or either of the said

Parish Surveyors, &c. to give in Lists of Persons liable to do Statute-work.

Penalty on Persons not performing their Statute-work.

Parish Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Townships, Hamlets, or Places respectively, having such Notice to deliver such List or Lists as aforesaid, shall refuse or neglect so to do within the Time, or in the Manner herein before for that Purpose mentioned, every such Surveyor or Churchwarden, Overseer and Inhabitant shall, for every such Neglect or Offence forfeit the Sum of Five pounds.

Trustees may compound for Statute-work.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered to compound with the Inhabitants of the several Townships, Parishes, Hamlets and Places through which the Road by this Act intended to be repaired and amended doth lead, for the Statute-work and Labour by them respectively by virtue of this Act to be done in the said Road, in every Year; the several Sums of Money at and for which such Work and Labour shall be so compounded, being paid down at the respective Times of making such Composition.

Roads to be measured, and Mile-stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them may, and they are hereby impowered and required to cause the said Road to be measured, and Stones or Posts to be set up in, upon, or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon, denoting the Distance of every such Stone or Post from any Town or Place as they shall think fit; and also to erect Guide or Direction-posts, with such Inscriptions thereon as they the said Trustees, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully pull down, break or damage any such Stone or Post, or deface or obliterate any Inscription that shall have been made thereon, or shall cause or procure the same to be done, every such Person so offending shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Ten Shillings; whereof One Moiety shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the Penalties are herein after directed to be applied.

Penalty on defacing Mile-stones.

Application of Monies.

And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures by this Act imposed, other than and except such or such Parts thereof as are by this Act otherwise directed to be paid, shall be paid to the said Trustees; and shall be by them applied in the Repair of the said Road, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall take such Security from their Treasurer or Treasurers, Receiver and Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Nine or more of them, shall think proper. Treasurer, &c. to give Security.

Provided also, and be it enacted, That no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant to any Trustee shall be capable of holding any Place of Profit under this Act. Victuallers, &c. not to enjoy Places of Profit.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no Provision is made for the Recovery thereof, shall be recovered and levied 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 of His Majesty's Justices of the Peace for the said County of Lancaster; which Warrant such Justice or Justices are hereby impowered and required to issue, upon Information of One or more Witness or Witnesses upon Oath, which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorised and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges shall be sooner paid and satisfied. Penalties and Forfeitures how to be recovered. For want of Distress, Offender to be committed.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is appointed, such Person may appeal to the Justices of the Peace at the next, or the Second General Quarter Sessions of the Peace to be held for the said County of Lancaster; such Appellant first giving or causing to be given Fourteen entire Days Notice at the least, in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees; and within Seven Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal at, and abide Persons aggrieved may appeal to the Quarter Sessions; giving Notice, and entering into Recognizance.

abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at the said Session upon due Proofs of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Proceedings not to be deemed unlawful for want of Form,

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

nor Party deemed a Trespasser *ab initio*, for subsequent Irregularity.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any of the said Trustees, or any Justice or Justices of the Peace, or exhibited before them or any of them, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Proceedings to be entered in Books.

Provided always, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be entered into Books to be kept for those Purposes; and such Orders and Proceedings so entered shall be signed by the Clerk, at any Meeting of Five or more of the said Trustees, assembled as the Case shall require, and such Orders shall be deemed and taken to be original Orders; which said Books, and also the Books directed to be kept for registering the said Mortgages, Assignments, or Transfers, or Extracts therefrom signed by the Clerk to the said Trustees, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the said First Day of May, One thousand seven hundred and seventy, for and during the Residue of the said Term, granted in and by the said recited Act of the Twentieth Year of his late Majesty's Reign, and during the additional Term given and granted by an Act made in the Twenty-eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty-sixth Year of His late Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike-roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*; but also from and after the Expiration of the said additional Term, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; but that it shall and may be sufficient for any Justice or Justices of the Peace, acting in the Execution hereof, to draw up any Conviction or Convictions of any Offender or Offenders against this Act, in the following Form, or in Words to the like Effect, to wit, No Order or Proceedings touching the Conviction of any Offender, to be removed by *Certiorari* into the Courts at *Westminster*.

County of *Lancaster*. BE it remembered, That on the Day of in the Year of the Reign of His present Majesty, *A B* is convicted before (One *or* Two) of His Majesty's Justices of the Peace for the County of *Lancaster*, of the Offence *(specifying shortly the Nature of the Offence, and the Time and Place where the same was committed)* contrary to the Statute made in that Behalf; and is (*or* are) by me (*or* us, *as the Case shall be)* adjudged to have therefore forfeited the Sum of

Given under my (*or* our) Hand and Seal, (*or* Hands and Seals) the Day and Year first above said.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced

menced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk of the said Trustees, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the said County of Lancaster, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid; that then and in any of the Cases aforesaid, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.