ANNO UNDECIMO

Georgii III. Regis.

An Act to enlarge the Term and Powers of Three Acts, passed in the Twelfth Year of King *George* the First, and the Nineteenth and Twenty-sixth Years of His late Majesty, *for repairing the Road from* Liverpoole *to* Prescott, *and other Roads in the County Palatine of* Lancaster, *and for amending the Road from the Causeway at* Blacklow Brow, *to the Causeway leading from* Prescott *to* Liverpoole, *and also through* Lime Kiln Lane, *to* Ranelagh House, *in* Liverpoole *aforesaid.*

WHEREAS an Act was made in the Twelfth Year of the Reign of King George the First, for repairing and enlarging the Road from *Liverpoole* to *Prescott*, and other Roads therein mentioned, in the County Palatine of *Lancaster*: And whereas an Act was made in the Nineteenth Year of the Reign of His late Majesty King George the Second, to enlarge the Term and Powers of the said former Act, and for amending the Road leading from *Prescott*

Preamble. Act 12 *Geo.* II.

Act 19 *Geo.* II.

Act 26 Geo. II. *cott* to the Chapel of *Saint Helen*, in the said County: And whereas an Act was made in the Twenty-sixth Year of the Reign of His said late Majesty, for enlarging the Terms and Powers granted by the said former Acts, and for repairing the Road from *Prescott*, through *Whiston*, *Rainhill*, *Bold*, and *Sankey*, to the Town of *Warrington*, and also the Road from *Saint Helen* to *Ashton* in the County aforesaid: And whereas several Sums of Money have been borrowed on the Credit of the said Acts, great Part of which still remains due: And whereas great Progress has been made in amending the said Roads, but by Reason of the Extent thereof, and Inconveniencies and Difficulties arisen from several of the Provisions and regulations in the said Acts, the said Roads cannot be completed and kept in good Repair for the future, and the Money so borrowed be repaid, with the Interest thereon, unless the Term of the said last-mentioned Act be enlarged, and sufficient Powers given: And whereas the Road leading from the Turnpike Causeway [illegible]lacklow Brow, Eastwards, through Huyton, to the [illegible] of the Blue Bell, to join the Turnpike Cau[illegible] Road leading from Prescott to Liverpoole, and [illegible]ane of Road called Lime Kiln Lane, leading fro[illegible] Turnpike Causeway, opposite the East [illegible] Sailors Hospital in Liverpoole, to Ranelagh House, in Ranelagh Street, in the said Town, are in a ruinous Condition, narrow in some Parts, and cannot be effectually amended by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Term of the said Act, made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, shall be, and the same is hereby further continued from the Expiration thereof, and of the additional Term of Five Years, granted by an Act made in the Twenty-eighth Year of His said late Majesty, intituled, An Act to amend an Act made in the Twenty-sixth Year of His present 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*, for and during the further Term of Twenty-one Years, and to the End of the then next Session of Parliament; and instead of all other the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters and Things contained in

Additional Roads.

Act 26 Geo. II. further continued.

Provisions in this Act established instead of those in the former Acts.

in the said recited Acts of the Twelfth Year of King George the First, and the Nineteenth and Twenty-sixth Years of His said late Majesty, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Matters, and Things, in this Act contained, shall take place and commence upon the First Day of June, One thousand seven hundred and seventy-one, and shall continue in Force until the Expiration of the said further Term of Twenty-one Years, and to the End of the then next Session of Parliament, for the Purpose of repairing, widening, and keeping in Repair the Roads leading from the late Dwelling-house of Thomas Shaw Gentleman, and now of Henry Thomson Dyer, situate at the End of Dale Street, in the Town of Liverpoole aforesaid, and leading through the several Townships of Liverpoole, West Derby, Huyton cum Roby, Knowsley, and Prescott, to a Dwelling-house, known by the Sign of the Old Legs of Man, now in the Possession of William Shaw Innkeeper, in the Street called the Back Street, in Prescott aforesaid, and also the Highway or Road leading from a House lately known by the Sign of the Wheat Sheaf, and now of the Boot, in the Possession of Michael Beesley, in the same Street, to the Parochial Chapel of Saint Helen aforesaid; and from the same Chapel, through the Townships of Parr and Haddock, to the Scite of the Town Field-gate of Ashton aforesaid; and also the Highway or Road leading from the Toll Bars, in the Hillock Street, near a House now inhabited by Ralph Bannister, in Prescott aforesaid, through the said several Townships of Whiston, Rainhill, Bold, and Sankey, to that Part of the Lane or Road which is opposite to the House of Thomas Patten Esquire, called Bank Hall, in the said Townthip of Warrington; and also the Road leading from the said Place, called Blacklow Brow, through Roby Town, over Broad Green, and through Petticoat Lane, into the Road leading between Liverpoole and Prescott, entering thereon at a House called the Old Swan, in West Derby aforesaid, being the Roads included in the said herein-recited Acts, some or One of them; and likewise for amending and keeping in Repair the new additional Roads herein before mentioned and described.

Trustees appointed.

And be it further enacted by the Authority aforesaid, That for the better surveying, ordering, repairing, widening, and keeping in Repair the said several Highways and Roads, all Persons who have, or shall have, and be in actual Possession and Receipt of the Rents and Profits of an Estate of Freehold or Copyhold, in Lands, Tenements or Hereditaments, within the Hun-

dred of West Derby, in the County Palatine of Lancaster, of the clear yearly Value of One hundred Pounds, and who at such Time, shall reside within the same County, and be of the Age of Twenty-one Years, or who shall be possessed of a personal Estate of the Value of Three thousand Pounds above Reprizes, and be also resident in the same County, and of the Age of Twenty-one Years, shall be and are hereby appointed Trustees for putting this Act in Execution; and the same Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, shall and may, and they are hereby respectively authorised and impowered to continue and erect, and cause to be continued and erected, the same or other such Turnpikes, Toll-gates, and Toll-houses, in, upon, and on the Side of the Highways or Roads aforesaid, and in and near to such convenient Place or Places of the said Highways or Roads, so intended to be repaired, and kept in Repair, as to the same Trustees, or any Five or more of them, shall seem requisite (except as herein-after is excepted); and shall and may, from and immediately after the First Day of June, One thousand seven hundred and seventy-one, receive and take the Tolls and Duties following, before any Coach, Berlin, Chariot, Post-chariot, Post-chaise, or other Chaise, Chair, Calash, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Ass, Mule, Swine, Calves, Sheep, Lambs, or other Beast whatsoever, shall be permitted to pass through the same Toll-gate or Toll-gates, Turnpike or Turnpikes, Toll-bar or Toll-bars, or any of them; that is to say,

Tolls granted.

For every Horse, Gelding, Mare, Mule, Ass, or other Beast carrying Coals only, the Sum of One Half-penny.

For every other Horse, Gelding, Mare, Mule, Ass, or other Beast, the Sum of One Penny;

For every Cart or other Carriage, drawn by One Horse, or other Beast laden with Coal, Slate, Turf, or Clay only, One Penny.

For every Cart or other Carriage drawn by One Horse, or other Beast, and being laden with or having other Goods in it, the Sum of Two-pence.

For every Cart or other Carriage having the Fellies of its Wheels at the Soles thereof of the Breadth of Six Inches, drawn by Two Horses, or other Beasts, and laden with Coal, Slate, Turf, or Clay only, One Penny; and if drawn by Three Horses, or other Beasts, the Sum of Four-pence.

For

For every Cart or other Carriage with the Fellies of its Wheels of the said last-mentioned Dimensions, and having or being laden with other Goods, and drawn by Two Horses or other Beasts, the Sum of Four-pence.

For every Cart or other Carriage with Wheels less in Breadth than Six Inches, and drawn by Two Horses or other Beasts, and having in it, or being laden with, any Goods or other Things, Sixpence.

For every Cart or other Carriage with Wheels of less Breadth than Nine Inches as aforesaid, and drawn by Three Horses or other Beasts, the Sum of Nine-pence.

For every Waggon having its Wheels of the Breadth of Nine Inches at the Soles thereof, the Sum of One Shilling and Sixpence.

For every Waggon having Wheels of less Breadth than Nine Inches at the Soles or Fellies, the Sum of Four Shillings and Sixpence.

For every other Four-wheeled Carriage having Wheels of the Breadth of Nine Inches, the Sum of One Shilling.

For every other Four-wheeled Carriage of Burthen, having Wheels of less Breadth than Nine Inches, the Sum of One Shilling and Sixpence.

For every Cart or other Carriage laden with Coal, Slate, Turf, or Clay, having Nine-inch Wheels, and drawn by Two Horses or other Beasts, One Penny; if by Three Horses or other Beasts, Three halfpence; and if by Four or Five Horses or other Beasts, Three-pence.

For every Cart or other Carriage with Nine-inch Wheels laden with other Goods, and drawn by Two Horses or other Beasts, Four-pence; if with Three Horses or other Beasts, Sixpence; if with Four or Five Horses or other Beasts, Eight-pence.

For every Waggon, Cart, or other Carriage, laden with Coal, or Canel Coal, having Wheels of the Breadth of Nine Inches as aforesaid, and drawn by Four or more Horses or other Beasts, and coming out of Hood Lane, or any other Way or Road hereafter to be made between Hood Lane and Sankey Bridges, or any of the said Roads, the Sum of Two-pence; and if drawn by Three or fewer Horses or other Beasts, the Sum of One Penny.

For every Ox, Cow, Bull, Heifer, or Stirk, the Sum of One halfpenny.

For every Sheep, Swine, Calf, or Lamb, the Sum of One Farthing.

For every Coach, Berlin, Chariot, Post-chariot, Post-chaise, or other Chaise, Calash, Chair, Hearse, or other such Carriage of Equipage, drawn by Six Horses, or other Beasts, One Shilling and Sixpence; and if by Four Horses or other Beasts, One Shilling; and if by Two Horses or other Beasts, Sixpence; and for every Chaise or Chair, drawn by One Horse or other Beast, Three-pence:

Which said respective Sum and Sums of Money shall be demanded, taken, and paid, in the Name of and as a Toll and Duty, Tolls and Duties, granted thereupon respectively by this Act, applicable for the Repair of all the said Roads in general hereby directed to be repaired; and the Monies to be paid, taken, and raised as aforesaid, shall be and are hereby vested in the said Trustees, and all such Monies, subject as herein-after mentioned, shall be applied and assigned to and for the several Uses, Intents and Purposes of this Act; that is to say, For Repair of all the said Roads in general hereby directed to be repaired, and in such Manner as herein-after is mentioned and directed (the reasonable Charges expended, or to be expended in and about the passing of this Act, and other necessary Charges thereby occasioned after having been allowed at a General Meeting of the said Trustees, being first deducted); and the said Trustees hereby appointed, or any Five or more of them, are hereby impowered, by themselves, or any Person or Persons by them, or any Five or more of them, under their Hands and Seals thereunto authorised, to levy the Toll and Duty, Tolls and Duties, hereby required to be paid upon any Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other the Goods or Chattels of such Person or Persons who ought to pay the same, and to detain and keep such Distress until such Toll or Duty, with the reasonable Charges of such detaining and keeping, shall be paid; and it shall and may be lawful to and for such Person and Persons so distraining, after the Space of Five Days after such Distress made and taken, (such Toll or Duty, with the reasonable Charges of distraining and keeping of such Distress not being then paid) to sell the Horses, Cattle, or Goods so distrained, or a competent

Tolls vested in Trustees;

Trustees to levy the same,

petent Part thereof, returning the Overplus (if any be) upon Demand, to the Owner or Owners thereof, after such Toll or Duty, and the reasonable Charges of distraining, keeping, and selling the same shall be deducted, which Charges shall be ascertained by the said Trustees, or any Two of them.

County, &c. Bridges to be repaired as formerly.

Provided always, and be it enacted by the Authority aforesaid, That no Part of the said Tolls shall be applied in the Repair of any County or Hundred Bridge of any of the said Roads, which hath heretofore accustomarily been, and by Law ought to be repaired at the Expence of the Inhabitants of the said County, or of the Hundred of West Derby.

Penalty on an unqualified Person acting as a Trustee.

And it is hereby enacted by the Authority aforesaid, That if any Person or Persons who shall not be so qualified as aforesaid, shall presume to act as a Trustee for putting in Execution any the Powers of this Act, every such unqualified Person so acting shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, with Costs of Suit, to any Person or Persons who shall sue for the same, by Action of Debt in any of His Majesty's Courts of Record, wherein no Essoin, Wager of Law, Protection, or more than One Imparlance shall be allowed; and such Person sued shall prove that he is qualified as by this Act is required, and it shall not be incumbent on the Plaintiff or Plaintiffs in such Action to make any other Proof than that the Defendant hath acted as a Trustee in executing any of the Powers of this Act.

Persons not suffered to pass through Lands to elude the Tolls.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons, owning, renting or occupying any Lands or Premises near unto any Turnpike-gate erected in pursuance of the said former Acts, or any of them, and hereafter to be continued, or any Turnpike-gate to be erected in pursuance of this Act, on, or on the Side of the aforesaid Roads hereby directed to be repaired, or any of them, who shall pass through any such Lands or Premises, or through any Gate, Passage, Inclosure, Place, or Way, in order to elude the Payment of any of the Tolls hereby granted; or who shall for Gain, Reward, Friendship, or with or without any Consideration, knowingly and willingly permit or suffer any other Person or Persons to pass, and shall not use his or their best Endeavour to prevent such Person or Persons from passing through any such Lands, Premisses, Gate, Passage, Inclosure, Place, or Way, with any Coach, Berlin, Chaise, Chariot, Post-chaise Post-chariot or other Chaise, Chair, Calash, or

other Carriage, Waggon, Wain, Cart, or other Carriage, or with any Horse, Mare, Gelding, Ass, Mule, Swine, Sheep, Lambs, Calves, or other Beast or Cattle, whereby the Payment of the Toll, appointed by this Act to be taken in respect thereof, shall be avoided; all and every such Person and Persons so offending, and also the Person or Persons driving such Coach, Berlin, Chariot, Post-chariot, Post-chaise, Chaise, Chair, Calash, Waggon, Cart, or other Carriage, or driving or riding any Horse, Mare, Gelding, Ass, Mule, Swine, Sheep, Lambs, Calves, or any Sort of Cattle, Beast or Beasts, and being respectively thereof convicted, upon Oath or Confession before the Mayor of Liverpoole for the Time being, or One or more Justice or Justices of the Peace for the said County of Lancaster, shall respectively forfeit and pay to the Trustees of this Act, the Sum of Ten Shillings, to be levied and recovered as herein-after directed.

Exemptions from Tolls.

Provided also, and it is hereby enacted and declared, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, who shall pass through any Turnpike Gate or Gates, continued, or to be erected by virtue of this Act, with any Cattle or Carriage which shall carry any Quantity of Stones, Gravel, or other Materials for repairing of any of the aforesaid Turnpike Roads, or of any Roads in the Parishes in which any the said Turnpike Roads lie or in any of the neighbouring Parishes; provided that, every such Waggon, Cart, or other Carriage in which any such Materials or Things exempted hereby from the Payment of Toll shall be carted or drawn have Wheels not less in Breadth at the Soles than Six Inches, and be drawn by Two Horses or other Beasts only; or if drawn by more than Two Horses or other Beasts, have Wheels of the Breadth of Nine Inches at the Soles, but not otherwise; or for carrying through the said Turnpike-gates, or any of them, any Dung, Mould, or Compost, for manuring of Gardens or Lands within the Parishes in which any of the said Turnpike Roads lie; nor shall any Person or Persons be chargeable with the said Toll or Duty for any Waggon, Cart, or other Carriage carrying any Hay or Corn, or other Grain in the Straw, or any Pulse or Roots from off the Lands on which the same grew, to be laid up at or near the Houses or Farms of any the Inhabitants of the several Parishes in which the said Turnpike Roads lie, or in any other adjacent Parish not exceeding the Distance of Two Miles from the said Turnpike Roads, or any of them; nor for any Horse or Beast going with Ploughs, Harrows, or any Implement or Implements of Husbandry,

Husbandry, in order to the using or repairing of the same, or any other Thing or Things whatsoever, to be only employed in Husbandry for manuring or stocking of Land in the several Parishes wherein the said Turnpike Roads lie, and not being for Sale or Merchandise; nor shall any Toll or Duty be demanded for any Horse or Beast going to or returning from any Pasture or usual watering Place only, belonging to any Farm of any of the neighbouring Inhabitants; nor from any Person or Persons going to or returning from their Parish Church, or usual Place of Divine Worship upon Sundays; nor from any of the Clergy going to visit or actually returning from visiting the Sick only; nor for any Corpse to be buried at any such Church or other Place, or for any of the Company attending such Burial; nor for any Post-horse carrying the Mail or Packet; nor for any Horse or Horses, Beast or Beasts, of Soldiers passing upon their March, nor for any Cart, Waggon or other Carriage attending them; nor for any Horse, Beast, Cart, Waggon, or other Carriage, travelling with any Vagrant or Vagrants sent by Pass; nor for any Horse, Beast, or Carriage, returning empty or unladen to or from any of the aforesaid Towns.

First and subsequent Meetings of Trustees.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or so many of them as conveniently can, shall meet together at and in the Common-hall within Liverpoole aforesaid, on the First Day of June, One thousand seven hundred and seventy-one, and shall then adjourn themselves, and afterwards meet there, or at any other Place or Places near the said Turnpike Roads, as the said Trustees, or any Five or more of them, shall think proper, from Time to Time, as often as it shall be necessary for putting this Act into Execution, and especially on the First Saturday in every Month at and in the Exchange in Liverpoole aforesaid, which hath been the usual and general Day of Meeting, except in such Months as the Meeting is herein-after directed to be held at Prescott; and that Two Meetings of the said Trustees shall be held yearly in the Town Hall of Prescott aforesaid, on every First Tuesday in April and First Tuesday in October: And that the said Trustees, at their First and every subsequent Meeting whereso ever, shall bear their own Expences; and that it shall not be lawful for them, or any of them, to pay, allow, or apply for or towards Payment of any Charge or Expence of eating or drinking, of them, or any of them, or of any other Person or Persons, at any Time or Times, any Monies out of the said Duties: And that all Acts or Orders of the said Trustees, shall be from Time to Time entered

Trustees to bear their own Expences.

Orders to be entered in a Book.

entered in the Book to be kept for that Purpose, and signed by the Trustees making the same.

Tolls granted for 21 Years.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted shall take place upon the First Day of June, One thousand seven hundred and seventy-one, and have Continuance from thenceforth, for and during the said further Term of Twenty-one Years, and until the End of the then next Session of Parliament, subject to such Increase or Reduction of them, from Time to Time, as is herein-after authorised.

Justices of the Peace may order Surveyors on these Roads, &c.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace for the said County of Lancaster, at their General Quarter Sessions to be held for the said County, by Adjournment, or otherwise, at Ormskirk, or any other Place in the Hundred of West Derby, next after the Feast of Easter yearly, after the passing of this Act, (if they shall think fit) to appoint One or more fit Person or Persons of the same County to survey the said Turnpike Roads, and to enquire of and concerning the Tolls and Duties received by virtue of this Act, and the Application thereof; and in case such Person or Persons so appointed shall find any Misapplication of any Money collected under this Act, or any other Abuse or Abuses of any of the Powers or Authorities hereby given, such Person or Persons shall thereupon report and certify the same to the Justices of the Peace at their next General Quarter Sessions to be holden in and for the said County, by Adjournment, or otherwise, at Ormskirk or elsewhere, in the said Hundred of West Derby, who are hereby impowered and required to summon the Party or Parties charged; and on his, her, or their Appearance or Default, (Oath of the Service of such Summons upon every such Party, or of the same having been left at the usual Place of Abode of any Party who may not be found, having been first made to the Satisfaction of such Court of Quarter Sessions) to examine any Person or Persons on Oath, and to hear and finally determine such Misapplication or Abuse, and to award such Costs on either Side as they shall think reasonable, without any further or other Appeal, unless such Justices shall see Cause to adjourn the Hearing till the then next Sessions, which in such Case they are hereby authorised to do; and all such Sums of Money and Costs as the said Justices, at any of their Quarter Sessions to be holden as aforesaid, shall thereupon think fit to order to be paid in respect of such Misapplication or Abuse, shall by the Person or Persons making such Misapplication or committing such Abuse, and who shall, by the Justices at such

such Quarter Sessions, be ordered to pay the same, be accordingly paid to the Treasurer, or One of the Treasurers of the said Turnpikes for the Time being, within Twenty Days after such Determination; and in Default thereof, it shall be lawful for the said Justices at the then next or any subsequent General Quarter Sessions, by Adjournment, or otherwise, to be held for the said County, within the said Hundred, after such Determination had, by Warrant, to order such Monies and Costs to be levied by Distress and Sale of the Offenders Goods, returning the Overplus, if any shall happen to be, after Deduction of the Costs of and relating to such Distress and Sale, to the Person or Persons so neglecting to make such Payment, and for want of sufficient Goods to be found for that Purpose, it shall and may be lawful to and for the said Justices at the same, or any subsequent Quarter Session to be so as aforesaid held for the said County, within the same Hundred, to commit the Person or Persons so ordered to make such Payment as aforesaid, to the Common Gaol of the said County, there to remain without Bail or Mainprize, for any Time not exceeding One Year, or until Payment or Satisfaction shall be made, as by such Order of Session is required.

Justices to order misapplied Money to be levied by Distress and Sale, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting or Meetings, present, by Writing under their Hands and Seals, from Time to Time, shall and may appoint a Clerk and fit Persons to be Collectors of the Tolls and Duties granted by this Act, and One or more fit Person or Persons to be Treasurer or Treasurers of the Money to be collected thereunder, and Surveyor or Surveyors to view the said Roads, and see that the same be properly repaired, and also all such other Officers as the said Trustees, or any Five or more of them, shall think necessary, for the better putting this Act in Execution; and all such Persons as are by this Act liable to pay the said Tolls and Duties, are hereby required to pay the same after the Rates aforesaid, to the Collectors at each respective Gate where the same are demandable for the Time being: And the several Persons so appointed for the receiving of the said Tolls and Duties, and also all such Treasurers, Surveyors, and other Officers, shall, if thereunto required by the said Trustees, or any Five or more of them, and if so required, upon Oath, before such Mayor, or any One or more Justice or Justices of the Peace for the said County of Lancaster, or Borough of Liverpoole (which Oath such Mayor, Justice and Justices, is and are hereby, within their respective

Trustees may appoint Officers, to collect the Tolls, &c.

Their Duty after Appointment.

tive Jurisdictions, impowered to administer) on the First Saturday in every Month, except April and October, at Liverpoole aforesaid, and on the First Tuesday in the same Months, at Prescott aforesaid, yearly, during the Continuance of this Act, and at such other Times as the said Trustees, or any Five or more of them, shall meet and require the same, give unto the said Trustees, or any Five or more of them, a true and perfect Account in Writing, under their respective Hands, of all Monies which they such Collectors, Treasurers, Surveyors, and other Officers respectively, shall to such Times have received, paid, and disbursed, by virtue of this Act, (for which Oath no Fee shall be taken); and in case any Money so received, shall remain in their, either, or any of their Hands, the same shall, from Time to Time, be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by Writing under their Hands, impower to receive the same, which shall be by Order of the said Trustees, or any Five or more of them, laid out as Occasion shall require, in amending the said Turnpike Roads, and discharging the Monies borrowed, and to be borrowed, for Repairs thereof, and the Purposes aforesaid, according to the true Meaning of this Act: And the said Trustees, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Monies arising from the said Tolls and Duties, pay and allow unto such Clerk, Treasurers, Collectors, Surveyors, and other Officers, for their Care and Pains in the Execution of their respective Offices, and to such other Persons as have been or shall be assisting in or about procuring the said Roads to be repaired, by advancing or laying out any Money, or otherwise, relating thereunto, such Sum and Sums of Money as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case any of the Treasurers, Surveyors, or Collectors of the Tolls or Duties by this Act granted, or any other Officer or Officers, shall not make such Account and Payment unto such Person or Persons according to the Order of the said Trustees, or any Five or more of them, that then the said Mayor and any other Justice for the said County, or any Two Justices of the Peace for the said County, shall and may, from Time to Time, at any Special or other Session or Monthly Meeting of them, to be holden at Liverpoole, Prescott or elsewhere, near the said Turnpike Roads, enquire of such Default, as well of the Parties so making Default upon their respective Oaths as upon the Oath of One or more credible Witness or Witnesses, (which Oaths

Trustees to allow Salaries to Collectors, &c.

Treasurers not accounting to Trustees, how be proceeded against.

Oaths the said Mayor and Justices, or any Two of them, are hereby impowered and required to administer without Fee); and if any Person or Persons shall be convicted of such Default by such Mayor and Justice, or any Two such Justices, such Mayor and Justice, or Two Justices, shall and are hereby respectively authorised and required, upon such Conviction, by Warrant under their respective Hands and Seals, to commit the Party or Parties so making Default to the Common Gaol of the said County of Lancaster, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded for such Payment with the said Trustees, or any Five or more of them, and paid such Composition; which Composition the said Trustees, or any Two or more of them, are hereby impowered to make.

Trustees may act as Justices where not interested.

Provided always, and be it further enacted, That no Person qualified by Estate, Real or Personal, to act as a Trustee for putting this Act in Execution, shall be capable of holding any Place of Profit arising out of, or relating to the Tolls or Duties by this Act granted; but every such Person, whilst he shall hold such Place, shall be, and he is hereby rendered incapable of acting as a Trustee under this Act, any such Qualification notwithstanding.

Justices impowered to widen the narrow Parts of the Roads.

And whereas some Part of the said Highways are narrow, and may require to be widened, be it therefore enacted by the Authority aforesaid, That the Justices of the Peace of the said County, or the major Part of them, being Five at the least, at any General Quarter-sessions of the Peace to be held by Adjournment, or otherwise, for the said County, at any Place within the Hundred of West Derby aforesaid, shall, upon Application made to them by Five or more of the said Trustees, or any Person or Persons, by Five or more of them authorised thereunto, have Power to enlarge and widen all or any of the narrow Places in the said Turnpike Roads, so that the Ground to be taken into the same do not exceed Eight Yards in Breadth, and so as the said Power do not extend to pull down any House or Building, or to take away the Ground of any Garden, Park, Paddock, Court, or Yard; and, for the Satisfaction of the Person or Persons, Body or Bodies Politick or Corporate, seised, possessed of, or interested in their own Right, or in Trust for any other Person or Persons in the said Ground that shall be laid into the said Highways, or any of them, the Surveyor, or any One of the Surveyors of the said Roads for the Time being, with the Approbation of the said Trustees, or any Five or more of them, is hereby impowered to make an Agreement with such Person or Persons,

Surveyors impowered to treat with Persons interested in Lands.

Persons, Body or Bodies Politick or Corporate; or if he, she, or they cannot be found, or shall refuse to treat or take such Recompence as shall be offered to him, her, or them by such Surveyor, then the Justices, at any General Quarter-session to be held by Adjournment, or otherwise, for the same County, within the Hundred of West Derby, upon Proof of Six Days Notice in Writing having been given by the said Surveyor to the Owner, Occupier, or other Person or Persons, Body or Bodies Politick or Corporate, interested in such Ground, or to his, her, or their Guardian, Trustee, Clerk, or known Agent, signifying an Intent to apply to such Quarter-session for the Purpose of taking in such Ground, the Justices there not being fewer than Five, are hereby impowered to impannel a Jury before them of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter-session, and to administer an Oath to the said Jury, that they will well and truly assess such Damages to be given, and Recompence to be made to the Owners, Occupiers, and others interested in the said Ground for their respective Interests therein, as they such Jurors shall think reasonable for the Value of the Lands so laid into any of the said Highways, and likewise such Recompence as they shall think reasonable for the making a new Ditch and Fence to that Side of the Highway that shall be so enlarged, and also Satisfaction to any other Person or Persons, Body or Bodies Politick or Corporate, who may be otherwise injured by the enlarging of any of the said Highways; and upon Payment or Tender of the Monies so assessed or awarded to the Person or Persons, Body or Bodies Politick or Corporate, intitled or authorised to receive the same, or leaving it in the Hands of the Clerk of the Peace of the said County, for the Use of the Owner or other Person or Persons interested in the said Ground, in case he, she, or they cannot be found, or shall refuse to accept the same, the Interest of the said Persons, Body or Bodies Politick or Corporate in the said Ground shall be for ever divested out of them, and the said Ground so laid into any of the said Highways by virtue of this Act shall be, and be taken to be, a publick Highway for all Purposes whatsoever, and be repaired accordingly; saving nevertheless to the Owner or Owners of such Ground all Mines, Minerals, and Fossils lying under the same, which can or may be got without breaking the Surface of the said Highway, and also saving to him, her, and them, all Timber and Wood growing upon such Ground to be fallen by such Owner or Owners in One Month after such Order shall have been made, or,

Satisfaction for Damages to be made to Owners, &c.

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in Default thereof, to be fallen by such Surveyor, within the Season or Month by Law limited for falling Timber in other enlarged Highways, and laid upon the Land adjoining for the Benefit of the Owner or Owners: And such Recompence and Satisfaction, together with all reasonable Costs and Charges touching the making of such Agreement, and in or about the assessing such Damages and Satisfaction as aforesaid, to be settled and allowed by such Court of Quarter-session, in case the Verdict given by such Jury shall be for greater Damages than shall have before been offered by the said Surveyor as a Recompence for the Interest of such Person or Persons, Body or Bodies Politick or Corporate respectively in such Lands, and for the making of such Fence, and for such Damage or Injury to be sustained by him or them respectively as aforesaid, shall be paid and borne by such Surveyor out of the Tolls and Duties to be paid and collected by virtue of this Act; but if such Jury shall give a Verdict for no more, or for less Monies than shall have been so offered and proposed by the said Surveyor before such Application to the said Court of Quarter-session, then the said Costs and Charges shall be borne and paid by the Person or Persons, Body or Bodies Politick or Corporate, who shall have refused to accept the Recompence so offered to him, her, or them, and shall be deducted out of such Damages. Surveyors to be reimbursed Expences.

Provided always, That no Person shall act as a Trustee under this Act in any Case where he is any-ways interested, either in his own Right, or in Trust, or as Agent for any Person or Persons, in any Land to be taken or laid into any of the said Highways. Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That when and so often as any of the Surveyors of the said Turnpike Roads, or any Part thereof, shall observe any Nuisance or Nuisances, Incroachment or Incroachments, made or committed upon or near to, and to the Prejudice of any of the said Turnpike Roads, or the Passengers thereupon, or any Ditch or Ditches, Drain or Drains, Gutter or Gutters, Watercourse or Watercourses adjoining to, and which ought to carry off the Water from any the said Highways into the Lands adjoining, or any Trunk or Trunks, Tunnel or Tunnels, Plat or Plats, Bridge or Bridges, where any Cartways lead out of any of the said Roads into the adjoining Lands, and which by any Law now in being ought respectively to be removed, opened, scoured, laid, made, or amended by the several Possessors of such adjoining Lands, not being well and sufficiently removed, open- Surveyors to remove all Nuisances, if Owners neglect after Notice given;

ed, scoured, laid, made, and amended accordingly; or if any of such Surveyors shall at any Time or Times observe any Hedge or Hedges to want cutting or pruning, or any Tree, Bough, Bush, or Shrub, Trees, Boughs, Bushes, or Shrubs, belonging to any such Hedge or Hedges growing on or hanging over any of the said Roads, which the Possessor or Possessors of the adjoining Lands is or are by any Law now in being liable to prune, cut, or lop, such Surveyor shall, as soon as conveniently may be, give to any Person or Persons making, committing, permitting, or omitting the same respectively, personal Notice, or Notice in Writing, to be left at his, her, or their usual Place or Places of Abode, specifying the Particulars in which such respective Nuisances, Incroachments, Annoyances, Defaults, and Omissions consist; and if such Nuisances, Incroachments, and Annoyances respectively shall not be removed and abated, and such Ditches, Drains, Gutters, and Watercourses shall not be effectually scoured, cleansed, and opened, and such Trunks, Tunnels, Plats, and Bridges shall not be properly laid, made, and amended, and the Trees, Boughs, Bushes, and Shrubs growing or hanging over as aforesaid, shall not be properly cut, lopped, and pruned, according to the true Intent and Meaning of the Laws now in being in those respective Behalfs, within Twenty Days after such Notice shall be given as aforesaid; then such Surveyors shall and may, in every such Case, and he is hereby authorised and impowered, at any Time or Times after the End of Twenty Days after such Notice given as aforesaid, to remove and abate, and cause to be removed and abated such Nuisances, Incroachments, and Annoyances, and to cause to be made, opened, cleansed, and scoured all such Ditches, Drains, Gutters, and Watercourses, and to cause to be laid, made, and amended all such Trunks, Tunnels, Plats, and Bridges, and to be cut, pruned, and lopped, all such Hedges, Boughs, Trees, Bushes, and Shrubs, in like Manner, and under the like Restrictions as the Surveyors of Parishes and Townships are by the Laws of this Realm authorised to do; and the Person or Persons so neglecting, and who ought to scour and cleanse such Ditches, Drains, and Watercourses, and to cut, lop, and prune such Hedges within the Time aforesaid after such Notice given, shall forfeit for every Foot in Length, which shall be so neglected or omitted, the Sum of One Penny; and the Surveyor shall be reimbursed the Charges and Expences he shall be at in removing such Nuisances, Incroachments, and Annoyances,

cut and lop Trees, &c.

Persons neglecting their Duty, to reimburse Expences to the Surveyor,

ances,

ances, and opening, cleansing, and scouring such Ditches, Gutters, Drains, and Watercourses, and making and amending such Trunks, Tunnels, Plats, and Bridges, and in cutting and pruning such Hedges, and lopping such Trees and Shrubs respectively by the Person or Persons who ought to have done the same, over and above the said Forfeiture: And in case such Person or Persons shall, on Demand, refuse or neglect to pay the said Surveyor his Charges and Expences occasioned thereby respectively, then the said Surveyor shall apply to the said Mayor, or any Justice of the Peace for the said County, and upon making Oath before him of Notice given to the Defaulter or Defaulters in Manner aforesaid, and of the said Work being done, or caused to be done, by such Surveyor, and of the Expence attending the same, the said Surveyor shall be repaid by such Person or Persons all such his said Charges as shall be allowed to be reasonable by such Mayor or Justice; or, in Default of Payment thereof within Three Days after Demand, the same shall be levied on and recovered from such Defaulter or Defaulters, in such Manner as any other Penalties and Forfeitures hereby inflicted are directed to be levied and recovered by this Act.

Penalties how to be recovered.

And be it further enacted by the Authority aforesaid, That where any of the Ditches, Gutters, or Watercourses, which have been usually made, or which are by Law directed to be made, cleansed, and kept open by the Possessors of the adjoining Lands, shall not be sufficient to carry off the Water which shall lie upon or annoy any of the said Highways, it shall and may be lawful to and for any the said Surveyors, by Order of the said Trustees, or any Five or more of them, to cut and make new Ditches, Soughs, and Drains, in and through the Lands or Grounds of any Person or Persons, Body or Bodies Politick or Corporate, adjoining and lying near to the said Highways, or any of them, or any other Lands or Grounds, whenever it shall be necessary for the more easy and effectual carrying off such Water from the said Highways, and also to keep such Ditches, Soughs, Gutters, and Watercourses, scoured, cleansed, and opened; and every such Surveyor, and his Workmen, are hereby authorised to go upon any the said Lands for the Purposes aforesaid; Provided, that such Surveyor shall, without Delay, make proper Trunks, Tunnels, Plats, and Arches or Bridges of Brick, Timber, or Stone, over such Ditches, Gutters, and Watercourses, where the same shall be necessary for the convenient Use and Enjoyment of the Lands through which the same shall be made, and

In case the Ditches made be not sufficient, Surveyors to make others.

and from Time to Time shall keep the same in Repair; and that the said Surveyor shall also make such reasonable Satisfaction to the Owner or Occupier, or Person or Persons interested in such Lands which are not waste or common, for the Damages which he, she, or they shall sustain thereby, as shall be agreed on between him, her, or them, and such Surveyor, with the Approbation of the said Trustees, or any Five or more of them; and in case they cannot agree, then such Satisfaction shall be settled and ascertained, and shall be paid by such Persons and in such Manner as is herein-before directed, in respect to Lands or Grounds taken for widening the said Road.

Damages how to be ascertained.

Surveyors may take any Rubbish, or Refuse-stones of any Quarry, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the several Surveyors, and such Person and Persons as they shall respectively appoint, from Time to Time, to take and carry away, and cause to be taken and carried away, so much of the Rubbish and Refuse-stones of any Quarry or Quarries lying and being in any of the Parishes, Townships, or Places where the said Highways, or any of them lie, the Licence of the Owners or Occupiers of such Quarries being first had and obtained, as such Surveyor shall respectively think necessary for the Amendment of the said Highways, or any of them; and also that it shall and may be lawful for every such Surveyor, for the Use aforesaid, in any common or waste Land, River or Brook, Sea Strand or Shore, within any of the said Parishes, Townships, or Places, or any other Parish, Township, or Place wherein Gravel, Sand, Stone, or other Materials are likely to be found, to search for, dig, get, and carry away the same, so that the said Surveyors, or any of them, do not thereby damage, or cause to be damaged or prejudiced, any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of One hundred Feet above or below any Bridge, nor within the like Distance of any Pond, Dam, or Wear: And if sufficient Gravel, Stones, or Materials cannot conveniently be had within such Commons or waste Lands, River, Brook, or Sea-shore, it shall and may be lawful for all and every the said Surveyors, for the Use aforesaid, to search for, dig, and get Sand, Gravel, Stone, and other Materials, in any of the Lands of any Person or Persons, Body or Bodies Politick or Corporate whatsoever, within the said Parishes, Townships, or Places, or any of them, not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or Plantation, and to take and carry away so much

and dig for Gravel, &c.

For want of Gravel, &c. in Commons, may search private Grounds.

of the said respective Materials as, by the Discretion of the said respective Surveyors, shall be thought necessary to be employed in the Amendment of the said Highways, the said respective Surveyors making such Recompence for the Damage to be done to such Lands by the getting and carrying away the same as shall be agreed on between him or them, and the Owner, Occupier, or other Person or Persons interested in such Lands, with the Approbation of the said Trustees, or any Five or more of them; and in case they cannot agree, then such Recompence shall be settled and ascertained, and shall be paid by such Persons, and in such Manner, as is hereinbefore directed in respect to Lands or Grounds taken for widening the said Road.

Trustees not disabled from acting, being Mayor of *Liverpoole*, or a Justice for the County.

And be it further enacted by the Authority aforesaid, That if any Trustee who shall act in putting this Act in Execution is or shall be elected Mayor of the Town of Liverpoole aforesaid, or become a Justice of the Peace for the same Town, or be put into the Commission of the Peace for the said County, such Trustee who shall have so acted may act as Mayor of Liverpoole, or Justice of the Peace within his Jurisdiction, for the more effectual putting in Execution the several Authorities and Powers by this Act vested in Justices of the Peace, notwithstanding such Mayor or Justice shall have acted as a Trustee under this Act.

Turnpikes, &c. vested in Trustees.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act the Right, Estate, Interest, and Property of all the Turnpikes, Toll-gates, and Toll-houses, with their respective Appurtenances, which have been erected by virtue of the said respective Acts, or any of them, and shall be continued, and all such also as shall be erected by virtue of this present Act, shall be, and the same and every of them, where not otherwise directed by this Act, are hereby vested in the Trustees appointed to put this present Act into Execution, so that they, or any Five or more of them, at any of their publick Meetings, shall and may, and they are respectively impowered to dispose of such Turnpikes, Toll-bars, and Toll-gates, as they shall think proper for the Purposes of this Act; and shall and may cause to be brought and preferred Actions, Ejectments, and Bills of Indictment against any Person or Persons who shall steal, take away, break, enter, spoil, or hold over the same, or any of them, or any Thing belonging to them, or any of them; but so, nevertheless, that such Actions, Ejectments, and Bills of Indictment, shall and may be brought and preferred against such respective Offenders

and Wrong-doers, in the Name of the Treasurer or Treasurers of the said Turnpikes for the Time being, such Right, Estate, Interest, and Property of the said Trustees notwithstanding, and as if the same were respectively the Right, Estate, Interest, and Property of such Treasurer or Treasurers; and the said Trustees, or any Five or more of them, assembled at any of their publick Meetings, shall, and they are hereby enabled, by their Treasurer or Treasurers, or otherwise, to cause Appearances to be entered, and Defence to be made in any Court of Law or Equity, as Occasion shall require, in any Suits and Prosecutions to be brought against them, or any of them, or any Person or Persons employed by them, or any Five or more of them, for any Thing done in pursuance of this Act.

No other Turnpike, &c. to be erected,

Provided always, and it is hereby enacted and declared, That during the Continuance of this Act no Turnpike or Toll-gate shall be erected in or across any Part of the said Road leading from the House late in the Possession of the said Thomas Shaw, but now of the said Henry Thompson, at the Bottom of Dale Street in Liverpoole, to the Scite of the said Town Field-gate of Ashton aforesaid, nor in any Part of the Parish of Prescott aforesaid, nor upon any Part of the Road leading from the Toll-bar, near the said House of Ralph Bannister, in Hillock Street in Prescott aforesaid, through the Townships of Whiston, Rainhill, Bold, and Sankey, to the Township of Warrington aforesaid, other than and except the following Turnpikes or Toll-gates already erected on the respective Roads aforesaid; (that is to say) One standing on the High Road leading from Liverpoole to Prescott, between Lurden Lane End and Stockbridge Lane, commonly called the Huyton Gate; One other standing near the Finger Post in the Township of Haddock, commonly called the Haddock Gate; One other at or near Roby Cross in Roby Town, commonly called the Roby Gate; One other in Twig Lane aforesaid, called the Twig Lane Gate; and the other at or near Sankey Bridges, in the said Town of Sankey, called the Sankey Gate; which said Five Turnpikes or Toll-gates shall stand and remain at the said several Places where they now stand, during the Continuance of this Act; and also other than and except any Toll-gate which the said Trustees, or any Five or more of them, shall think proper and necessary to erect at or near the Scite of the Town Field Gate of Ashton aforesaid, where they are hereby authorised, if they shall think proper, to erect and continue, during the said Term, or any Part thereof, One such Toll-gate.

except One in Ashton.

Provided

Provided likewise, and Power is hereby given to the said Trustees, or any Thirteen or more of them, assembled at any of their General Meetings for that Purpose, so as such Thirteen be the Majority of the Trustees assembled at such Meeting, and so as the Time and Place thereof be by the Clerk of the said Trustees advertised, by Notices to be affixed a Calendar Month before on all the said Turnpike-gates then standing, if the said Trustees, or such Number or Majority of them so assembled as aforesaid shall find it necessary, to prevent the Payment of the said Tolls or Duties at any of the before-mentioned Turnpikes or Toll-bars being avoided or eluded, from Time to Time, and at any Time and Times during the Continuance of this Act, to erect and maintain One or more Turnpike-bars and Toll-houses for taking of the Tolls hereby granted upon the Side of any Part of the said Highways herein before directed to be repaired and kept in Repair, as preventive or Stop-bars, at which respectively they are hereby authorised to take and demand the several Tolls aforesaid. Power to erect Stop-gates.

And be it further enacted, That from and immediately after the First Day of June, One thousand seven hundred and seventy-one, and during the Continuance of this Act, the Two Toll or Turnpike-gates, One called the Eccleston Gate, erected near the Four Lane Ends, in the said Township of Eccleston, and the other called the Noggin Hillock Gate, erected in the Town of Prescott aforesaid, by virtue of the said Act of the Twenty-sixth Year of his late Majesty, shall be taken down and discontinued; and all Tolls due and payable at the same Gates, or either of them, shall from thenceforth cease and be extinguished, and the same, or either of them, shall not be erected again during the Continuance of this Act; and that it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of the Materials of the Toll-house erected on the Waste of the Manor of Eccleston aforesaid, and also of the Materials of the same Two Turnpike-gates and Bars, they applying the Monies thence arising in Reparation of the said Highways. The *Noggin Hillock* and *Eccleston* Gates to be taken down.

And it is hereby likewise provided and declared by the Authority aforesaid, That no Person or Persons who shall, from and after the passing of this Act, on any Day or Days, have paid the Toll or Duty hereby imposed for or in respect of any Horse, Mare, Gelding, or other Beast, Cattle, Coach, Landau, Hearse, Chariot, Berlin, Post-chariot, Post-chaise, or other Chaise, Chair, Calash, or other Carriage, Waggon, Dray, Cart, or other Carriage, at any of the said Gates called the Huyton Gate, Twig Tolls to be paid but once a Day.

Twig Lane Gate, and Roby Gate, or at any Gate which shall or may be erected on the Side of any the said Road or Roads between Liverpoole and Prescott, and shall have Occasion to pass or return on the same Day, or before Twelve o'Clock at Night of the same Day, through the same or any other of the same Gates, with the same Horse, Mare, Gelding, or other Beast, Cattle, Coach, Landau, Hearse, Chariot, Berlin, Post-chariot, Post-chaise or other Chaise, Chair, Calash, or other Carriage, or with the same Waggon, Dray, Cart, or other Carriage, the same Horse, Mare, Gelding, Beast, Cattle, Waggon, Dray, Cart, or other such like Carriage, not being laden with or carrying Coal, Goods, or Merchandises, shall be liable to pay any Toll the same Day, or before Twelve o'Clock at Night of the same Day, for or in respect thereof, or of any of them respectively, for which Toll shall have been paid as aforesaid, at the same or any of the same Gates; nor shall any Person who shall on any Day or Days have paid the said Toll or Duty as aforesaid at any of the said Gates called the Sankey, Haddock, and Ashton Gates, or at any Gate to be erected on the Side of either of the said Roads between Prescott and Warrington, and Prescott and Ashton, and shall have Occasion to pass or return unladen with any Coal, Goods, or Merchandise, on the same Day, or before Twelve o'Clock at Night of the same Day, through the same or any other of the same Gates as aforesaid, be liable to pay any Toll the same Day, or before Twelve o'Clock at Night of the same Day, at the same or any other of the same Gates, in respect of any Horse, Beast, Cattle, Carriage of any Kind, or other Thing or Things whatsoever, above particularised, for which Toll shall have been before paid the same Day, or before Twelve o'Clock at Night of the same Day, at the same or any of the same Gates, all and every Person and Persons not being liable again to pay Toll by virtue of this Clause, carrying a Ticket or Tickets from such of the said Gates where he, she, or they shall have paid Toll (which Ticket or Tickets the Collector at each of the said Gates is hereby required, on Payment of such Toll, to give gratis), and producing the same at such other of the said respective Gates as he, she or they shall afterwards pass through, and at which he, she, or they shall not be liable to pay Toll by virtue of this Clause.

And, for the better ascertaining what particular Things shall not be liable again to pay Toll the same Day they have once paid at the said respective Gates; it is hereby declared, That nothing herein contained shall extend, or be

be construed to extend, to charge any Horse, Mare, Gelding or other Beast, carrying a Rider or Riders, or being unburthened, or any Coach, Landau, Hearse, Chariot, Berlin, Post-chariot, Post-chaise, or other Chaise, Chair, Calash or other such like Carriage, which shall go or return laden with One or more Persons or Passengers, or pass empty through any of the said respective Gates, but they and every of them having once paid Toll, shall on the same Day, and before Twelve o'Clock at Night of the same Day, be ticketed free through such other of the said Gates respectively, at which they are not liable by this Clause to pay Toll, and on such Condition as in this Clause above is mentioned; but every Horse, Mare, Gelding or other Beast, Waggon, Dray, Cart or other Carriage, which shall return or pass laden with, or carry, Coals, Goods, or Merchandises, shall, notwithstanding their having before paid Toll the same Day, be liable again the same Day, and before Twelve o'Clock at Night of the same Day, as often as they shall respectively pass laden with or carrying Coals, Goods, or Merchandises, to pay Toll at such of the said several Gates, in like Manner, and on the like Terms and Conditions, as they are originally liable to pay Toll by virtue of this Act. except loaded Carts, &c.

And, for further preventing of Frauds upon the said Tolls or Duties, be it enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act granted, and having received a Note or Ticket, Notes or Tickets, from any of the said Turnpike-gates erected or to be erected as aforesaid, for the Purpose of passing through any other of the said Gates Toll-free, with any Beast or Cattle, Coach, Chaise, or other Carriage, Waggon, Cart, or other Carriage, shall deliver or dispose of the same Tickets, or any of them, to any other Person or Persons in order that such other Person or Persons may pass free from Payment of any of the said Tolls, in respect of any Beast or Cattle, Coach, Chaise, or other Carriage, Waggon, Cart, or other Carriage, every Person so delivering or disposing of such Ticket or Tickets, and every Person also receiving and uttering the same, or any of them, for the Purposes aforesaid, shall each forfeit the Sum of Twenty Shillings; to be recovered before the said Mayor, or any Justice of the Peace for the said County, in like Manner as other Penalties are by this Act directed to be recovered. Persons not to dispose of their Tickets.

Provided nevertheless, That if the Monies to be collected under the Authority of this Act shall hereafter Tolls being deficient, the Trustees may

raiſe the Toll on Coal, &c. to double the Toll before granted.

be found not ſufficient to anſwer the Ends and Purpoſes thereof, it ſhall and may be lawful for, and Power is hereby given to, the ſaid Truſtees for the Time being, or any Thirteen or more of them, aſſembled, a Calendar Month's Notice having been firſt given by the Clerk of the ſaid Truſtees, of the Time and Place of ſuch Meeting, and affixed on all the ſaid Five Turnpike-gates, and ſo as ſuch Thirteen or more of the ſaid Truſtees, be the Majority of the Truſtees for the Time being who ſhall happen at ſuch Meeting to be aſſembled, by any Order or Orders, to be entered in the Book or Books containing their Acts and Orders, from Time to Time, and at any Time and Times during the Continuance of this Act, to raiſe, and by the Ways and Means herein-before directed, to demand, levy, and take double the Tolls and Duties herein-before granted and laid on all Horſes and other Beaſts, carrying on their Backs, or drawing any kind of Coal, Slate, Turf, or Clay, and on all Waggons, Carts, and other Carriages, and paſſing therewith with Coal, Slate, Turf, or Clay, through any of the aforeſaid Toll-gates, in like Manner, and on the like Terms, Conditions, and Reſtrictions, in all reſpects, as the ſingle Tolls hereby granted are made payable; ſo nevertheleſs, that not any more Tolls than what is herein before firſt granted and laid upon Coal ſhall at any Time, during the Continuance of this Act, be raiſed or laid upon any Coal which may hereafter be carted or brought from any Collieries or Coalworks belonging to Sir Thomas Gerard, Baronet, his Heirs or Aſſigns, and which ſhall not be drawn above One Mile upon any Part of the ſaid Road between Saint Helen's Chapel and the Scite of the Townfield Gate of Aſhton aforeſaid, and which ſhall paſs through any Gate which ſhall hereafter be erected at Aſhton Townfield aforeſaid, nor for any Coal coming out of Hood Lane, and going through Sankey Gate aforeſaid.

Exception for Sir *Thomas Gerard*'s Coals not going above a Mile on the Road, and Coals coming out of *Hood Lane*.

Officers dying, Truſtees to appoint others, and to remove for Miſbehaviour.

And it is hereby further enacted by the Authority aforeſaid, That in caſe of the Death of the Clerk, or any of the Treaſurers, Surveyors, or Collectors of the ſaid Tolls, or of any of the Officers or Perſons to be employed under this preſent Act, or in caſe the Clerk, or any of the Treaſurers, Surveyors, Collectors, Officers or other Perſons to be employed, ſhall, in the Judgement of any Seven or more of the ſaid Truſtees for the Time being, being the Majority of the Truſtees preſent at any publick Meeting of ſuch Truſtees, any way misbehave himſelf or themſelves, or be negligent in the Execution of his or their Office or Offices, it ſhall and may be lawful

lawful to and for any Seven or more of the said Trustees, being a Majority of those assembled at any publick Meeting, from Time to Time, after the passing of this present Act, in every such Case to displace and remove every such Clerk, Treasurer, Receiver, Surveyor, Collector, Officer, and Person dying, misbehaving, or being negligent as aforesaid, and to appoint another in his Room or Stead.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Appointment, Information, Oath, Summons, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Deed, or other Instrument or Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Officer or Officers to be employed by them, or any of them, or by any such Mayor, Justice or Justices of the Peace, or signed by any Informer or other Person or Persons, and exhibited before them, or any of them, touching, concerning, or in the Execution of any of the Powers by this Act vested in them respectively, or signed by any Mortgagee or Mortgagees of such Tolls, shall be charged or chargeable with any Stamp-duty whatsoever.

Waggons paying 4*s*. 6*d*. or 1*s*. 6*d*. at one Gate, to pass free through the others the same Day.

And it is hereby likewise provided and enacted, That when any Waggon, which is herein before directed to pay the Sum of Four Shillings and Sixpence, or One Shilling and Sixpence respectively, for passing through any Turnpike or Toll-gate erected, or to be erected on, or on the Side of any Part of the Roads hereby directed to be repaired, shall have paid the same Sums respectively to the Collector of the said Tolls, at the First of the said Toll-gates through which such Waggon shall pass, such Collector shall give gratis to the Person driving such Waggon a Ticket denoting that such Toll is paid, and thereupon such Waggon shall be exempt, and not be liable on the same Day, or before Twelve of the Clock in the Night of the same Day, to pay any Toll or Duty at any other Turnpike-gate erected, or to be erected, on any the said Roads, so as such Person driving such Waggon do deliver, or shew such Note or Ticket, to the Collector and Collectors of the said Tolls, at the next and other Toll-gates in the said Roads through which he shall pass the same Day, or before Twelve of the Clock at Night of that Day with the same Lading, any Thing herein before contained notwithstanding.

Trustees to contract for repairing the Roads.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more

more of them, and they, or any Five or more of them, are hereby impowered at any of their Meetings, by Writing under their Hands and Seals, from Time to Time, to contract and agree with any Person or Persons who shall be willing to undertake the same for the repairing, widening, and maintaining any Part or Parts of the Highways hereby directed and intended to be amended and kept in Repair, for and during so long Time, and at and for such Rate and Price, Rates and Prices, for every Mile thereof in Length, or otherwise, as to the said Trustees, or any Five or more of them, shall seem reasonable and expedient, so as Ten Days Notice for that Purpose in Writing, under the Hand of the Clerk to the said Trustees, be affixed upon every of the Toll-gates then standing under the Authority of this Act.

Treasurer, &c. to give Security.

And be it enacted by the Authority aforesaid, That the several Treasurers, Surveyors, Collectors, and also such other Persons to be employed under the Authority of this Act as shall be thereunto required by the said Trustees, or any Five or more of them, or by a Majority of the Trustees at any General or Monthly Meeting to be assembled, shall, before he or they shall respectively enter upon his or their said Office or Offices, give such Security for the due Execution thereof, and accounting for the Monies they shall respectively receive, as to the said Trustees, or any Five or more of them, or the Majority of them at such Meeting to be assembled, shall seem meet and sufficient; which Security the said Trustees, or any Five or more of them, or such Majority of them as aforesaid, are hereby required to take; and the same shall be lodged with the Clerk to the said Trustees for the Time being.

Tolls hereby granted to stand chargeable with all Monies lent.

And whereas divers Sums of Money have been advanced to the Trustees under the said recited Acts, and several Debts have been contracted, and Engagements entered into by them with sundry Persons on the Credit of the Tolls to arise on the said respective Roads, and granted by the same Acts, or some of them, and also on the Credit of divers annual Allowances thereby granted out of the Tolls arising on the said Road between Liverpoole and Prescott, for Repair of the said Roads between Prescott and Warrington, and Saint Helen's Chapel and Ashton respectively, a considerable Part of which Monies are still owing, and some of the said Contracts are or may be unperformed at the Time of passing this Act; it is therefore further enacted by the Authority aforesaid, That all the said Tolls and Duties hereby granted shall stand charged and chargeable with the Payment of all Monies

Monies lent or advanced by any Person or Persons to or for the Use of the Trustees named in, or who have acted under the Authority of the said recited Acts, or any of them, for the Purposes of repairing any of the said Roads, or other Purpose or Purposes of any of the said recited Acts, and all Interest, Costs, and Charges due and to grow due for the same, and with the fulfilling and making good all Bonds, Contracts, Orders, and Engagements made and entered into by the same Trustees, or any Five or more of them, or the Surveyor or Surveyors who have acted under the Authority of them, or any Five or more of them, with any Person or Persons, Township or Inhabitants, for purchasing Materials for, or for repairing and amending, or raising or reimbursing Monies which have been employed in the Repair of the said Roads, or any of them, or any Purpose or Purposes of the said Acts, or any of them; and that nothing in this Act contained shall prejudice or affect any such Securities, Bonds, Orders, or Contracts, but the same and every of them shall be and remain in full Force, and shall charge and affect the Tolls to be taken at the said respective Gates under the Authority of this Act; any Thing herein contained notwithstanding.

Monies may be borrowed on the Credit of the Tolls,

And be it also enacted by the Authority aforesaid, That from and immediately after the passing of this Act, the Trustees hereby appointed, or any Five or more of them for the Time being, shall and may, and they, or any Five or more of them, are hereby impowered, from Time to Time, for the Purposes of this Act, to borrow and take up at Interest any Sum and Sums of Money on the Credit of the Tolls and Duties hereby granted, and, by Writing or Writings under their Hands and Seals, or under the Hands and Seals of any Five or more of them, to grant, bargain, sell, demise, mortgage, charge, assign, and set over the Tolls and Duties directed to be taken by virtue of this Act, or any Part or Parts thereof, subject nevertheless to the several prior Assignments, Mortgages, Bonds, Orders, and other Securities and Incumbrances, which shall be then subsisting upon, and shall affect the same respectively under the Authority of the said recited Acts, or any of them, or of this Act, unto any Person or Persons, Body or Bodies Politick or Corporate, whatsoever, his, her, and their respective Executors, Administrators, Assigns, Successors, or Trustees, who shall advance and lend Money thereon, for the securing the Repayment thereof, and legal or less Interest for the same; and the said Mortgages, and other Securities

subject to prior Securities.

and Incumbrances for any Money so borrowed, or to be borrowed and lent, and all Interest due and to grow due thereon, shall be paid off by the said Trustees, or any Five or more of them, in a Course of, and according to a Priority of the respective Dates thereof, and not otherwise; and which said Writing or Writings, and Assignment or Assignments, so to be made under the Hands and Seals of the said Trustees, or any Five or more of them, (the Charges whereof shall be paid out of the said Tolls) shall and may be made in the following Words, or in any Words to the like Effect; to wit,

Form of Assignment.

BY virtue and in pursuance of an Act of Parliament passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, *to enlarge the Term and Powers of Three Acts passed in the Twelfth Year of King* George *the First, and the Nineteenth and Twenty-sixth Years of His late Majesty*, for repairing the Road from *Liverpoole* to *Prescott*, and other Roads in the County Palatine of *Lancaster*, and for amending the Road from the Causeway at *Blacklow Brow*, to the Causeway leading from *Prescott* to *Liverpoole*, and also through *Lime Kiln Lane* to *Ranelagh House*, in *Liverpoole* aforesaid; and, in consideration of the Sum of to *A. B.* Treasurer, or One of the Treasurers appointed by the Trustees for putting the said Act into Execution, having been this Day paid by *C. D.* of, *&c.* (or such Corporation, or Person or Persons, as shall lend the Money by their proper Names), we, whose Hands and Seals are hereunto set, being of the said Trustees, do assign unto the said *C. D.* (or such Corporation or other Person as aforesaid) his (or her or their) Executors, Administrators, (or Successors, as the Case may require) 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 *C. D.* (or such Corporation, or Person or Persons as aforesaid) his (or her or their) Executors, Administrators, (or Successors) and Assigns, 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, if the Term, for which the said Tolls are granted by the said Act, shall so long continue.

Witness our Hands and Seals, this Day of

And

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

IN conſideration of to me (or us, in hand, paid by *E. F.* of, *&c.* (or ſuch Corporation, Perſon or Perſons, as aforeſaid) I (or we) do transfer this Mortgage or Aſſignment, with all my (or our) Right and Title to the Principal hereby ſecured, and to all the Intereſt now due unto the ſaid *E. F.* his (or her or their) Executors, Adminiſtrators, (or Succeſſors) and Aſſigns. Dated this Day of *G. H.*

Witneſs *J. K.*

Form of Transfer.

Which ſaid Transfer or Aſſignment ſhall be produced and notified to the ſaid Clerk, Treaſurer, or One of the Treaſurers, within Three Calendar Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, 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; and which ſaid Book or Books ſhall and may, at all reaſonable Times, be peruſed and inſpected without Fee or Reward; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee or Aſſignees, his, her and their Executors, and Adminiſtrators and Succeſſors, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee or Aſſignees may, in like Manner, aſſign again, and ſo toties quoties; and

Aſſignees may transfer *toties quoties.*

and it shall not be in the Power of any Person or Persons, Body or Bodies Politick or Corporate, who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon.

Power to let the Tolls.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Thirteen 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, or let the Tolls and Duties hereby granted, or any Part or Parcel thereof, from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years, for the best Rent that can be got for the same, unto any Person or Persons who shall give sufficient Security to the Satisfaction of the same Trustees for Payment of the Rent and Rents by such Lease and Leases to be reserved, so as Notice in Writing for that Purpose, under the Hand of the Clerk to the said Trustees, be affixed upon the several Turnpike-gates to be continued and erected by virtue hereof, at least Twenty-one Days before such Meeting; and which said Rent shall be reserved and made payable by Quarterly Payments to the said Trustees, or to any Thirteen or more of them, or to such Person or Persons as they, or any Thirteen or more of them, shall for that Purpose appoint to receive the same, and shall be applied in such Manner as the Tolls and Duties so leased are directed to be applied.

Thirteen Trustees at any Meeting may lessen or advance the Tolls.

Provided always, and it is hereby further enacted and declared, That it shall and may be lawful for the said Trustees, or any Thirteen or more of them, at any Meeting to be held for that Purpose, of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the said Turnpike-gates, from Time to Time, and at any Time or Times, and for so long Time during the Continuance of this Act as they shall think proper, upon examining of the Accounts to be kept of, for, and concerning the said Tolls and Reparations, to lessen and reduce all or any the Duties and Tolls hereby granted, so as the same be not done whilst any Money borrowed on the Credit of the Tolls granted by the said recited Acts, or any of them, or to be borrowed on the Credit of those hereby granted, shall remain due, without the Consent of the Persons intitled to Five Sixths of the Money then remaining due; and also it shall and may be lawful to and for the said Trustees, or any Thirteen or more of them, at any Meeting

Meeting to be held for that Purpose, on the like Notice given, if they shall see Occasion, to advance and raise again all or any the Tolls or Duties so lessened or reduced, so as the same, or any of them, when so raised again, do not exceed the Tolls or Duties herein before granted or authorised to be taken; any Thing herein before contained notwithstanding.

Collectors to keep Accounts.

And be it further enacted by the Authority aforesaid, That every Person who shall be appointed Treasurer, Surveyor, or Collector of the Tolls or Duties hereby granted, shall and he is hereby enjoined and required to keep true and perfect Accounts of all Tolls, Duties and Sums of Money to be by him received, under the Authority of this present Act, and of all Sums of Money by him to be paid or applied in and about the Execution of the Trusts and Powers by this Act given, and shall enter all Debts, Credits, Payments and Receipts, in and about the Premises, in a Book or Books to be by him fairly kept for that Purpose, and shall cause such Accounts to be printed and published yearly at the Feast of Saint John the Baptist, or within One Month next following. and print them.

Composition Clause.

Provided always, and it is hereby furthermore 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 of their publick Meetings, of which Six Days previous Notice shall for that Purpose have been given and affixed on all the said Turnpike-gates continued, and to be erected, as aforesaid, and so as such Nine or more Trustees be a Majority of the Trustees at such Meeting to be assembled, from Time to Time, and at any Time and Times, during the Continuance of this Act, as Occasion may require, to compound or agree with any Person or Persons for any Sum or Sums of Money, for or in lieu of all or any the Tolls to be taken under the Authority of this Act, at any of the said Gates, to be continued or erected under the Authority of this Act, by the Year, or in any other Manner, as to the said Trustees so compounding or agreeing shall seem meet and reasonable, Regard being had to the Circumstance of each particular Case, and so as such Composition be not repugnant to the Terms and Provisions of the Act of Parliament made in the Seventh Year of the Reign of His present Majesty, amongst other Things, for regulating the Turnpike Roads of this Kingdom: And if the Person or Persons

Composition not duly paid, may be levied as other Penalties.

with whom such Composition or Agreement shall be made, shall not pay to such Surveyor or Collector to be employed under the Authority of this Act, as shall by Order, in Writing, of any Five of the said Trustees be authorised to receive the same, such Sum or Sums of Money, as shall be due for or in respect of any such Composition or Agreement, within Ten Days after Demand thereof shall be made to, or left in Writing, under the Hand of such Surveyor, at the usual Place of Abode of the Person or Persons who ought to pay the same; then, in Default of such Payment, it shall and may be lawful for any Justice of the Peace for the said County of Lancaster, or Borough of Liverpoole, within their respective Jurisdictions, to levy and enforce Payment of all and every such Sum and Sums of Money, by like Ways and Means as Penalties and Forfeitures are by this Act recoverable.

Offences against this Act, how to be tried.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Mayor of Liverpoole, or any One or more Justice or Justices of the Peace for the said County of Lancaster, or for the Borough of Liverpoole for the Time being, within their respective Jurisdictions, to hear and determine all or any of the said Offences, Defaults, and Matters, which are made subject to and punishable by any pecuniary Penalty or Penalties by this Act, and for which no other Remedy is by this Act provided; and such Mayor, Justice and Justices of the Peace are hereby respectively authorised and required, upon any Information exhibited, or Complaint made unto them respectively in that Behalf, within Six Calendar Months after any such Offence, Default, or Matter committed or omitted, to summon the Party or Parties accused or charged therewith, and the Witnesses on each Side, upon Request of the Party or Parties desiring the same; and on the Party or Parties accused or charged neglecting to appear on such Summons, and after Oath made of any of the Offences or Defaults aforementioned, by One or more credible Witness or Witnesses, (Oath also of the Service of such Summons on, or leaving the same at the usual Place of Abode of the Party or Parties accused or charged, being before such Mayor, Justice or Justices first made) to issue a Warrant or Warrants to apprehend the Person or Persons so offending or making Default, and neglecting to appear on Summons, and upon the Appearance, or Contempt, of such Party or Parties in not appearing, to proceed to the Examination

of

of the Witneſs or Witneſſes upon Oath, (which Oath ſuch Mayor, Juſtice and Juſtices, are hereby reſpectively authoriſed to adminiſter,) and to give ſuch Judgement and Determination as ſhall be juſt and conformable to the true Meaning of this Act; and when the Party or Parties accuſed or charged ſhall be convicted of ſuch Offence or Default, it ſhall and may by lawful to and for ſuch Mayor, Juſtice and Juſtices of the Peace reſpectively, to iſſue a Warrant or Warrants under his Hand and Seal, or their Hands and Seals, for levying the pecuniary Penalties and Forfeitures adjudged on the Goods and Chattels of ſuch Offender or Offenders, and to cauſe Sale thereof to be made, in caſe they ſhall not be redeemed in Five Days, rendering to the Party the Overplus, if any there be, after paying ſuch Penalties, and the Coſts of and relating to ſuch Proceedings, Levying, and Sale, to be aſcertained by ſuch Mayor, Juſtice or Juſtices: And in caſe any Perſon or Perſons ſhall be ſo as aforeſaid convicted of any Offence or Offences, Default or Defaults, againſt this Act, and no Goods or Chattels of the ſame Perſon or Perſons can be found whereon to levy ſuch Penalty or Penalties, Coſts and Charges; and if the Perſon or Perſons ſo convicted, ſhall not thereupon offer or tender the Penalty or Penalties, Sum or Sums of Money in which he, ſhe, or they, is or are ſo convicted, and alſo ſuch Coſts and Charges to ſuch Mayor, Juſtice or Juſtices, or the Conſtable to whom ſuch Warrant of Diſtreſs ſhall be delivered to be executed, it ſhall and may be lawful to and for ſuch Mayor, Juſtice and Juſtices of the Peace before whom ſuch Perſon or Perſons ſhall be convicted as aforeſaid, and they are hereby reſpectively required immediately to commit ſuch Offender or Offenders to the Common Gaol, or next Houſe of Correction, within their reſpective Juriſdictions, there to be kept to hard Labour for any Time not exceeding the Space of Three Calendar Months, or until ſuch pecuniary Penalty or Penalties, Coſts and Charges ſhall be paid; but if not paid, the Time of ſuch Offender's Impriſonment ſhall not exceed ſuch Three Months, and all pecuniary Penalties by this Act inflicted, and not otherwiſe appropriated, ſhall be paid to the Treaſurer or Treaſurers of the ſaid Turnpike Roads for the Repair thereof.

Penalties how to be recovered and applied.

For want of Diſtreſs, Offenders to be committed

Proviſo.

Provided, That it ſhall and may be lawful to and for ſuch Mayor, Juſtice and Juſtices, and Truſtees reſpectively, from Time to Time, where they ſee Cauſe, to mitigate and leſſen any of the Penalties aforeſaid, as he or they in their Diſcretion ſhall think fit, ſo as ſuch Mitigation

gation and Composition do not extend to remit above One Moiety of the several Penalties inflicted and directed to be levied by this Act; and every such Mitigation shall be a sufficient Discharge to the Person or Persons offending, for so much of the said Penalties as shall be so mitigated and lessened.

Persons aggrieved may appeal to the Quarter-sessions.

Provided also, That if any Person or Persons shall think him, her, or themselves aggrieved with any Judgement of such Mayor, Justice or Justices, or with any Thing done by the said Trustees and Surveyors, or any of them, or any other Person or Persons, or in pursuance or under Colour of this Act, then such Person or Persons supposed to be aggrieved, may appeal to the Justices of the Peace at the next General Quarter-session of the Peace to be held for the said County of Lancaster, by Adjournment at Ormskirk, Wigan, or any other Place in the Hundred of West Derby; and in case of any Judgement or Conviction given or had, the Execution thereof shall in such Case be suspended, the Person or Persons convicted, entering into a Recognizance before such Justice or Justices, within Four Days after such Conviction, with Two sufficient Sureties, in the Sum of Five Pounds upon Condition to prosecute such Appeal with Effect, and immediately on Determination thereof, if the same shall be determined against the Party or Parties convicted, or appealing, to pay the Forfeiture in which he, she or they shall have been convicted, and the Respondent or Respondents Costs occasioned by such Appeal, to be settled by such Court of Quarter-session, which Recognizance such Justice or Justices before whom such Conviction shall be had, is and are hereby impowered and required to take, and the Justices in such Session, in case of any such Appeal, are hereby impowered to summon and examine Witnesses on Oath, and finally to hear and determine the Matter of such Appeal, and to award such Costs as shall appear to them to be just and reasonable to be paid by either Party; and in case of their confirming such Judgement, Thing or Things, such Appellant or Appellants shall immediately pay the Sum which he, she, or they shall have been adjudged to forfeit, together with such Costs as the Justices in their said Quarter-session to be held as aforesaid, shall award to be paid for defraying the Expences sustained by the Respondent or Respondents in such Appeal; or, in Default of making such Payment, such Quarter-session shall and are hereby impowered to issue, or order to be issued, a Warrant or Warrants for levying such Forfeiture, Costs, and Charges on

on the Appellant or Appellants, by Diſtreſs and Sale; and in Default of ſuch Diſtreſs, by Commitment to the ſaid Common Gaol, or Houſe of Correction, for any Time not exceeding Six Months, or until ſuch Penalty, Coſts, and Charges, ſhall be paid; which Order and Determination of Seſſion ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of Certiorari, or other Writ, into any of His Majeſty's Courts of Record at Weſtminſter, Lancaſter, or elſewhere; and ſuch Quarter-ſeſſion are hereby likewiſe impowered, in like Manner, to levy on, and recover from, ſuch Reſpondent or Reſpondents ſuch Coſts and Charges as they ſhall award to be paid by him, her, or them, to and in favour of ſuch Appellant or Appellants.

No Proceedings to be quaſhed for Want of Form, or removed by *Certiorari*.

Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That no Order or Proceeding to be made or had by or before any ſuch Mayor, Juſtice or Juſtices of the Peace, or Truſtees reſpectively, ſhall be quaſhed or vacated for want of Form, or ſhall be removed or removeable into any of His Majeſty's Courts of Record at Weſtminſter, or Lancaſter, by Certiorari, or otherwiſe; and that it ſhall and may be ſufficient for ſuch Mayor, Juſtice or Juſtices, to draw up any Conviction or Convictions of any Offender or Offenders, Defaulter or Defaulters, againſt this Act, in the following Form, or in Words to the like Effect; to wit,

Form of Conviction.

County of *Lancaſter*, or Borough of *Liverpoole*, *viz.*

BE it remembered, That on the Day of in the Year of the Reign of His preſent Majeſty, *A. B.* (*or* C. D. *and* D. E. *as the Caſe may be*) is (*or are*) convicted before me, Mayor of the Borough of *Liverpoole*, (*or before me or us*) One (*or Two*) of His Majeſty's Juſtices of the Peace for the County of *Lancaſter*, (*or Borough of* Liverpoole, *as the Caſe ſhall happen*) of the Offence or Default of (*ſpecifying ſhortly the Nature of the Offence or Default, and when and where the ſame was committed or made*) contrary to the Statute 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.

Publick Act. And it is hereby lastly enacted and declared by the Authority aforesaid, That this Act shall be taken and deemed, in all Courts of Justice within this Kingdom, to be a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.