ANNO UNDECIMO

Georgii III. Regis.

An Act for repairing and widening the Road from *Patrick's Croſs*, within the Town of *Liverpoole*, in the County Palatine of *Lancaſter*, to the Town of *Preſton*, in the ſame County Palatine.

WHEREAS the publick high Road leading from a Place called Patrick's Croſs, within the Borough and Port Town of Liverpoole, through the ſeveral Townſhips of Liverpoole, Kirkdale, Walton on the Hill, Sephton, Aintree, Netherton, Maghull, Lydiate, and Aughton, to the Bridge at the South End of Aughton Street, within the Town of Ormskirk, and the publick high Road from the Houſe of Edward Smith Gentleman, near the North End of Burſcough Street in the ſame Town, through the ſeveral Townſhips of Burſcough, Rufford, the Hamlet of Sollom, and the ſeveral Townſhips of Tarleton, Bretherton, Much Hoole, Little Hoole, Longton, Hutton, Howick, Penwortham, and Preſton, to a Place called The Fiſhergate Toll-bars, within the Borough of Preſton, all in the Preamble.

the County Palatine of Lancaſter, in Length about Thirty-two Miles, being the Carriage and Poſt Road from Liverpoole through Ormſkirk and Preſton aforeſaid, to the County Town of Lancaſter, and to the Northern Parts of this Kingdom, are in many Places too narrow, and from the Nature of the Soil, and many heavy Carriages paſſing thereon, are become very deep and ruinous and almoſt impaſſable, and cannot be effectually amended and kept in Repair by the Laws now in being: And whereas the amending the ſaid Roads would tend greatly to facilitate and improve the Communication and Commerce between the ſaid Port Town and the other Towns and Places above mentioned; 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 all Perſons who have or ſhall have and be in the actual Poſſeſſion and Receipt of the Rents and Profits of an Eſtate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, within the ſeveral Hundreds of Weſt Derby, Leyland, or Amounderneſs, or any of them, in the County Palatine of Lancaſter, of the clear yearly Value of One hundred Pounds, and who at the Time of acting, ſhall reſide within the ſame County, and be of the Age of Twenty-one Years, or who ſhall then be poſſeſſed of a perſonal Eſtate of the Value of Two thouſand Pounds above Repriſes, and be alſo reſident in the ſame County, and of the Age of Twenty-one Years, ſhall be, and are hereby nominated and appointed Truſtees for the ſurveying, ordering, amending, widening, and keeping in Repair the ſaid ſeveral Highways and Roads; and the ſaid Truſtees ſo hereby appointed, or any Five or more of them, and ſuch Perſon or Perſons as they, or any Five or more of them ſhall authoriſe and appoint, ſhall and may, and they are hereby authoriſed and impowered, as ſoon as the Sum of Four thouſand Pounds ſhall be ſubſcribed for the Purpoſes of this Act, but not before, to ſet up, erect, and continue, and cauſe to be ſet up, erected, and continued, ſuch and ſo many Turnpikes, Toll-gates, and Toll-houſes, in, upon, and on the Sides of the ſaid Highways or Roads ſo intended to be repaired, amended, and kept in repair reſpectively, at ſuch Places as herein after mentioned; that is to ſay, One Turnpike and Toll-houſe in the Townſhip of Walton aforeſaid, within Fifty Yards on One Side of the preſent Scite of the Fourth Mile-ſtone on the ſaid Road between Liverpoole and Ormſkirk; One other Turnpike and Toll-houſe at ſome convenient Place in the ſaid Townſhip of Lydiate, between the preſent Scites of the Ninth and Tenth Mile-ſtones between Liverpoole and Ormſkirk; One other Turnpike and Toll-houſe to be erected in the ſaid

said Township of Burscough, within One hundred Yards to the South-westward of a House, commonly called Prescot House; One other Turnpike and Toll-house to be erected in the Township of Tarleton, at the Corner of the Lane leading from the High Road to Hesketh Bank, and from thence to Tarleton Bridge; One other Turnpike and Toll-house to be erected in the said Township of Penwortham, within One hundred Yards on the West or South-west Side of Penwortham Smithy; and also such other Gates and Toll-houses on the Sides of any of the said Roads, as Preventive or Stop-gates, as to the said Trustees, or any Five or more of them, shall seem requisite, to prevent the Payment of the Tolls hereby granted being eluded; and at the said several Turnpikes the said Trustees, or any Five or more of them, and such Person and Persons as they, or any Five or more of them, shall appoint, shall and may, from and immediately after the said Sum of Four thousand Pounds shall have been borrowed, and during the Continuance of this Act, demand and take the Tolls and Duties following, before any Coach, Landau, Berlin, Chariot, Post-chariot, Post-chaise, or other Chaise, Chair, Calash, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Gelding, Mare, Mule, Ass, Swine, Calves, Sheep, Lambs, or other Beasts whatsoever, shall be permitted to pass through any of the said Toll-gates, or Turnpikes; that is to say, For every Horse, Gelding, Mare, Ass, Mule, or other Beast, the Sum of One Penny; for every Cart or other Carriage, drawn by One Horse or other Beast, laden with or having 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 only, and having in it, or or being laden with Goods, the Sum of Four-pence; for every Cart or other Carriage less in Breadth than Six Inches as aforesaid, and drawn by Two Horses or other Beasts, and having in it, or being laden with any Goods or other Things, the Sum of Sixpence; for every Cart or other Carriage with Wheels of less Breadth than Nine Inches, 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 in the Soles or Fellies, the Sum of Four Shillings and Sixpence; for every other Four-wheeled Carriage having the 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 with Nine-inch Wheels, laden with Goods, and drawn by Two Horses or other Beasts, the Sum of Four-pence; if with Three Horses or other Beasts, Six-

The Tolls.

pence; if with Four or Five Horſes or other Beaſts, the Sum of Eight-pence; 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 Carriage of Equipage, drawn by Six Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and if drawn by Four Horſes or other Beaſts, the Sum of One Shilling; and if by Two Horſes or other Beaſts, the Sum of Sixpence; and for every Chaiſe or Chair, drawn by One Horſe or other Beaſt, the Sum of 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 by this Act, applicable, and to be applied for the Repair of the ſaid ſeveral Roads 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 the ſame and every Part thereof, ſhall be applied, diſpoſed of, and aſſigned, from Time to Time, to and for the repairing, enlarging, widening, and keeping in Repair the ſaid ſeveral Roads, and for the ſeveral Uſes, Intents, and Purpoſes of this Act, in ſuch Manner as herein-after 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, having been firſt 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 as aforeſaid, by Diſtreſs of any Horſe or Horſes, or Cattle upon which ſuch Toll or Duty, Tolls or Duties is or are by this Act impoſed, or upon any other Goods or Chattels of ſuch Perſon or Perſons who ought to pay the ſame, and to detain and keep ſuch Diſtreſs until all ſuch Tolls and Duties, with the reaſonable Charges of ſuch diſtraining 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 Tolls and Duties, with the reaſonable Charges of diſtraining and keeping ſuch Diſtreſs not being then paid) to ſell the Horſes, Cattle, or Goods ſo diſtrained, or a competent Part thereof, returning the Overplus (if any be) upon Demand, to the Owner or Owners thereof, after ſuch Tolls and Duties, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame Horſes, Cattle, or Goods, ſhall be deducted.

Tolls veſted in the Truſtees.

Truſtees may levy Tolls, on Refuſal, by Diſtreſs.

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And whereas the Road branching from the Highway or Lane leading from Sollom to Hesketh Bank, in the said Township of Tarleton, down to Tarleton Bridge, and likewise the said Bridge over the River Douglas, are the Property of Peter Legh Esquire, who is intitled to, and doth collect certain Payments or Tolls for the Passage of Passengers, Carriages, and Cattle, along the said Road, and over the said Bridge: And whereas the said Peter Legh is consenting, upon his receiving a Security upon, or Mortgage of the Tolls by this Act granted, for the principal Sum of One thousand one hundred and fifty Pounds, with Interest at Five Pounds per Centum per Annum, in manner herein-after mentioned, that such Payments or Tolls shall be abolished and extinguished; and that the said Road and Bridge, together with a Road from the said Bridge, over certain Lands, within the Township of Bretherton, which are likewise his Property, shall be given up to the Use of the Publick, and be made Part of the Roads by this Act directed to be amended; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees for putting this Act in Execution, and they, or any Five or more of them, are hereby impowered and required, as soon as they shall be by this Act enabled to erect Turnpikes and collect Tolls, to make a Mortgage or Assignment, in such Manner as other Mortgages or Assignments are herein-after directed to be made), of the Tolls by this Act authorised to be collected, to secure to the said Peter Legh, his Heirs, Executors, Administrators, or Assigns, the principal Sum of One thousand one hundred and fifty Pounds, with Interest thereupon, at the Rate of Five Pounds for every One hundred Pounds, until the said principal Sum shall be paid; and that upon such Mortgage or Assignment being duly executed and delivered, or tendered to the said Peter Legh, his Heirs or Assigns, or to his or their Order, the said Peter Legh, his Heirs and Assigns, shall be, and he and they is and are hereby declared to be thenceforth entirely divested of the Fee-simple and Inheritance of the Road leading from the before-mentioned Lane, in the said Township of Tarlton, to Tarleton Bridge, and also of the said Bridge over the River Douglass, called Tarleton Bridge, and of all Right and Title thereunto, and of all Payments and Tolls which he the said Peter Legh is now intitled to, or doth receive; and also of so much Land as shall be necessary to be used to make a Road Thirty Feet wide from the said Bridge to Carrhouse Grounds, or otherwise, over Bank Marsh, at the Option of the said Trustees, or any Five or more of them, and the said Payments or Tolls shall from thenceforth cease, and be no longer paid, and the said Bridge, with the Abutments, Arches, Piers, and all Things thereunto belonging, shall be, and the same is and are hereby vested in the said Trustees for the Use of the Publick, with full Power, from Time

Trustees to pay Mr *Legh* 1150*l.* for his Interest in a Bridge and certain Lands, and to assign the Tolls, with 5 *per Cent.* till Payment.

Time to Time, to ſupport, maintain, alter, or rebuild the ſame, in ſuch Manner as they, or any Five or more of them, ſhall think proper; and the ſaid Truſtees, or any Five or more of them, are hereby fully impowered and required to make a new Road from the ſaid Bridge, through the Grounds of the ſaid Peter Legh, in Bretherton, to Carrhouſe Grounds, or otherwiſe, over Bank Marſh, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think moſt proper, ſo as ſuch Road do not exceed Thirty Feet in Breadth, without paying to the ſaid Peter Legh, his Heirs or Aſſigns, any further or other Sum of Money, or making any other Recompence whatſoever, for the ſame; and that the ſaid Road from the Lane in the Townſhip of Tarleton aforeſaid, to Tarleton Bridge, and the Way or Paſſage over the ſaid Bridge, and alſo the new Road to be made in Manner herein before directed, ſhall be, and the ſame are hereby declared to be a publick Highway, and a Part of the Roads by this Act directed to be amended.

Mr. *Legh*'s Money may remain ſecured on the Tolls till other Aſſignments be paid off, unleſs demanded.

And be it further enacted by the Authority aforeſaid, That the ſaid principal Sum of One thouſand one hundred and fifty Pounds ſhall be and remain ſecured upon the Tolls by this Act granted, until ſuch Time as all other Mortgages or Aſſignments granted of the ſaid Tolls ſhall be paid off and redeemed, unleſs the ſaid Peter Legh, his Heirs or Aſſigns, ſhall require the ſame to be ſooner paid, in which Caſe the Security of the ſaid Peter Legh ſhall be paid in Priority to all other Mortgages or Aſſignments of the Tolls whatſoever then exiſting.

Firſt Meeting of the Truſtees.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall meet at the Houſe of Samuel Hanmer, the Sign of the Wheat Sheaf in Ormſkirk, on the Firſt Monday in June next after the paſſing of this Act, and proceed to the Execution thereof, and ſhall then chuſe a Clerk or Clerks to write their Orders, take Minutes, and make Entries of their Proceedings, and for other Purpoſes; and ſhall then, and from Time to Time afterwards, adjourn themſelves and meet at Liverpoole, Ormskirk, Tarleton, and Preſton, alternately, ſave at ſuch Times as it ſhall be neceſſary to meet at or near the Place or Places where the Repair of the ſaid Roads, or any of them, ſhall, for the Time being, be carried on, when they ſhall meet at thoſe reſpective Places for putting this Act in Execution; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences: And all Orders and Determinations of the ſaid Truſtees in Execution of, and not otherwiſe directed by this Act, ſhall be be made at ſome publick Meeting of, and by Five or more of them; and that no ſuch Order or Determination ſhall be made unleſs a Majority of the Truſtees preſent at ſuch 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

Truſtees to defray their own Expences.

Orders to be made at publick Meetings only;

nor shall any such Order or Determination be revoked or altered at any subsequent Meeeting, 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 act as such in any Case whatsoever, where he shall be concerned in Interest either personally or as Agent or Trustee for any other Person; but all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act within their respective Jurisdictions, notwithstanding their being Trustees, except only in such Cases where they shall be interested in their own Right, or as Agent or Trustee for any other Person or Persons.

nor revoked but by a greater Number.

Trustees holding Places of Profit not to act.

Trustees may act as Justices, where not interested.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That if any Person or Persons, not qualified according to the Directions of this Act, shall presume to act as a Trustee or Trustees, 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 at Westminster or Lancaster, by Action of Debt, or by Plaint, Bill or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued 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 any of the Power or Powers of this Act.

Penalty on Persons acting if not qualified.

And be it further enacted by the Authority aforesaid, That the Right and Property of the several Toll-houses and Turnpike-gates to be erected by virtue of this Act, and of the Materials provided for building and repairing any of them, and of all Materials which shall be got and prepared for repairing the said Roads, or any of them, 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, an Action or Actions, in the Name or Names of any Five or more of them, or of their Treasurer or Treasurers, Clerk or Clerks, and in like Manner to prefer, or order the preferring of One or more Indictment or Indictments, against any Person or Persons who shall wrongfully injure or possess any such Turnpikes, Toll-houses, or Materials, or disturb the said Trustees, or any of them, the Tenant or Tenants of them, or any Five or more of them, in the Possession thereof, or of any of them, or take, or retain, or hold Possession thereof, or any Part thereof, after being required by the Order of any Five or more of the said Trustees, to deliver up the same; and to order Defence to be made in any Suit or Suits, Prosecution or Prosecutions, to be brought against the said Trustees, or any of them, or any Person or Persons

Turnpikes, &c. vested in the Trustees.

sons acting under the Authority of any Five or more of them, for or in respect of any Thing done under the Powers of this Act.

Tolls to be paid but once a Day within certain Districts.

And it is hereby likewise provided and enacted by the Authority aforesaid, That no Person or Persons who shall from and after the passing this Act, on any Day or Days have paid the Toll or Duty hereby granted, 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 either of the said Turnpikes or Toll-gates to be erected and continued by virtue of this Act, at or near the several Places herein-before mentioned, across the said Road between Liverpoole and Ormskirk, or at any Gate which shall be erected on the Side of the same Road; and shall have Occasion to pass or return on the same Day, or before Twelve of the Clock at Night of the same Day, through the same, or any other of those 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, such Horse, Mare, Gelding, Beast, Cattle, Waggon, Dray, Cart, or other such like Carriage, on such Return, not being laden with or carrying Coals, Cannel, Goods, or Merchandise, shall be liable to pay Toll on the same Day, or before Twelve of the 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 those Gates; nor shall any Person or Persons who shall, on any Day or Days, have paid the said Toll or Duties as aforesaid, at any of the said Gates to be erected and continued at or near the several Places herein-before mentioned, across the said Road between Ormskirk and Preston, or at any Gate which shall be erected on the Side of the same Road, and shall have Occasion to pass on the same Day, or before Twelve of the Clock at Night of the same Day, through the same, or the next Gate in his, her, or their Way across the same Road, or any Stop-gate or Gates which shall be erected on the Side of the same Road, between such Gate where such Person or Persons shall have paid Toll, and such next Gate across the same Road, or to return through the same, or such next Gate across, or any Stop-gate or Gates which shall be erected on the Side of the same Road betwixt, and such next Gate, any such Horse, Mare, Gelding, Beast, Cattle, Waggon, Dray, Cart, or other such like Carriage, on such Return, not carrying Coals, Cannel, Goods, or Merchandise, shall be liable to pay any Toll the same Day, or before Twelve of the Clock at Night of the same Day, at the same Gate where he, she, or they, shall have paid such Toll, or at the next Gate in his, her, or their Way across the same Road, or at any Stop-gate or Gates which shall be erected on the Side

Side of the ſame Road, between ſuch Gate where ſuch Perſon or Perſons ſhall have paid Toll, and ſuch next Gate acroſs the ſame Road, in reſpect of any Horſe, Beaſt, Cattle, Carriage of any Kind, or other Thing or Things whatſoever above particulariſed, for which Tolls ſhall have been paid the ſame Day as laſt mentioned, all and every Perſon and Perſons not being liable to pay Toll again the ſame Day as laſt aforeſaid, carrying a Ticket or Tickets from ſuch Gate where he, ſhe, or they, ſhall have paid Toll, (which Ticket or Tickets the Collector at ſuch Gate is hereby required to give gratis on Payment of ſuch Toll), and producing the ſame at ſuch other of the ſaid laſt-mentioned Gates, as he, ſhe, or they ſhall afterwards paſs through, and at which he, ſhe, or they ſhall not be liable to pay Toll the ſame Day, by virtue of this Clauſe; but nevertheleſs, all and every Perſon and Perſons ſhall be liable the ſame Day, and before Twelve of the Clock at Night of the ſame Day, to pay Toll at the Third Gate to be erected acroſs the ſaid Road between Ormſkirk and Preſton as aforeſaid, which he, ſhe, or they ſhall paſs, or at ſuch Stop-gate which he, ſhe, or they ſhall paſs, between ſuch Second and Third Gate acroſs the ſame Road, for or in reſpect of every ſuch 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.

What Things ſhall not pay Tolls again on the ſame Day.

And, for the clearer aſcertaining what particular Things above mentioned, and charged with Toll, ſhall not be liable again to pay Toll the ſame Day, at the ſaid Gates, on each of the ſaid Roads, and for avoiding Doubts concerning the ſame, it is hereby enacted and declared, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge with Toll more than once the ſame Day, 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, Calaſh, or other ſuch like Carriage, which ſhall go or return, loaden with One or more Perſon or Perſons, Paſſenger or Paſſengers, or paſs empty through either or both of the ſaid Gates, acroſs the ſaid Road between Liverpoole and Ormſkirk, or any Stop-gate or Gates which ſhall be erected on the Side of the ſame Road, or of any Part thereof, but they and every of them having once paid Toll at any of the ſame Gates on any Day, ſhall on the ſame Day, and before Twelve of the Clock at Night of the ſame Day, be ticketed and paſs free through the ſame, and the other of the ſame Gates, both going and returning; but every Horſe, Mare, Gelding, Beaſt, Cattle, Waggon, Dray, Cart, or other ſuch like Carriage, returning loaden with, or on its return, carrying Coals, Cannel, Goods, or Merchandiſes, ſhall, notwithſtanding it, or they having paid Toll on Firſt paſſing or going, be liable to pay Toll again the ſame

Day, or before Twelve of the Clock at Night of the same Day, as often as it or they shall so pass at such of the same Gates, as it or they shall first so return through, but then the same and every of them, shall be ticketed free of Toll the same Day, if they shall pass but once again, or else for each respective Time of passing through the other Gate and Gates across, and on the Side of the said Road between Liverpoole and Ormskirk; and nothing herein contained shall extend, or 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, Calash, or other such like Carriage, which shall have paid Toll on any Day, at any of the said Gates across or Stop-gates on the Side of the said Road, between Ormskirk and Preston, and shall the same Day, or before Twelve of the Clock at Night of the same Day, go or return, loaden with One or more Person or Persons, Passenger or Passengers, or pass empty through the Second Gate, or any Stop-gate between the Gate where he, she, or they shall have paid Toll, and such Second Gate across the same Road, with the Payment of any Toll at such Second Gate, or last-mentioned Stop-gate, but they and every of them, having once paid Toll at any of the said Gates across, or Stop-gates on the Side of the said Road, between Ormskirk and Preston, on any Day, shall on the same Day, and before Twelve of the Clock at Night of the same Day, be ticketed and pass free, both going and returning through the same, and the Second Stop-gate or Gates, as there shall be between such First and Second Gates across the same Road, but shall be liable to pay Toll at the Third Gate across the same Road, or at some Stop-gate on the Side of the same Road, between the Second and Third Cross-gates the same Day, or before Twelve of the Clock at Night of the same Day; and every Horse, Mare, Gelding, Beast, Cattle, Waggon, Dray, Cart, or other such like Carriage, returning loaden with, or on its or their return, carrying Coals, Cannel, Goods, or Merchandise, shall, notwithstanding it or they having paid Toll at first passing or going, on any Day, be liable to pay Toll again the same Day, or before Twelve of the Clock at Night of the same Day, as often as it or they shall so pass, at the same or such of the Cross-gates or Stop-gates on the same Road, as it or they shall first so return through, and shall be ticketed Toll-free the same Day, and before Twelve of the Clock at Night of the same Day, that it or they shall pass but once again, or else for each respective passing through the Second of such Cross-gates, and through such Stop-gate or Gates, as there shall be between such First and Second Cross-gates on the same Road, but shall nevertheless be liable to pay Toll the same Day, and before Twelve of the Clock at Night of the same Day, at the Third gate it or they shall pass across the same Road,

or

or at some Stop-gate which it or they shall pass through, so returning on the same Road, between the Second and Third Cross-gate its or their Way.

Provided, 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 said 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 either or any the said Roads, or any of the Roads in the Parishes and Townships in which any the said Roads lie, or in any of the neighbouring Parishes or Townships not exceeding the Distance of Two Miles from some Part of the said Roads; or for carrying through the said Turnpike or Turnpikes, or any of them, any Lime, Dung, Manure, Mold, 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, Pulse, Potatoes, Carrots, Turnips, or other Roots, to be laid up in or on any the Houses, Barns, Outhouses, Yards, or Lands, of the Occupier of the Land 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 Land, in such Parishes or Townships; nor for any Waggon, Cart, Carriage, Horse, Mare, Gelding, Mule, or Ass, going empty or unloaden to any Coal, or Cannel, Pit or Pits; nor for any Carriages, Horses, Mares, or Geldings, wherein or whereon any Person or Persons shall be going to or returning from their respective Parish Church, Parochial Chapel, or their usual Place of Divine Worship on Sundays, or with any Corpse to be buried and interred at such Church, Chapel, or other such Place; nor for any Clergyman going to, or returning from visiting any sick Person or Persons, or other his Parochial Care or Duty; nor 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, such Shop or Shops being within the Township, wherein the Owner or Owners of such Horses, Mares, Geldings, or Cattle, shall then inhabit or dwell, or going to or returning from the Pasture or usual Watering-place or Places, belonging to any Farm or Farms, in any of the Parishes or Townships wherein the said Roads lie; or for any Post-horse carrying the Mail or Packet; nor for any Horses, Mares, Geldings, Waggons, Carts, or other Carriages, belonging to, or conveying Soldiers, passing on their March, or their Baggage; or for any Waggons, Wains, Carts, Carriages, or Horses, 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

Exemptions from Toll.

drawing the same, going to, or returning from any of the said Towns of Liverpoole, Ormskirk, or Preston; nor for any Corn on Horseback only, going to any Mill situate and being in the Township, wherein the Owner or Owners of such Corn shall at that Time reside, or where they are or may be bound or obliged to grind.

Exceptions to the Exemptions with regard to the General Law.

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, Cart, or Carriage, not having the Fellies of the Wheels thereof of such Breadth, as is in that Behalf required by the Statute made in the Seventh Year of His present Majesty's Reign, for explaining, amending, and reducing into One Act of Parliament, the General Laws then in being, for regulating the Turnpike Roads of this Kingdom, and for other Purposes therein mentioned; nor shall any such Exemption be had or allowed, contrary to the Purport and Meaning of the same Act, any Thing herein before contained to the Contrary thereof in any wise notwithstanding.

Trustees may compound for Tolls.

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, and Beasts, travelling upon the said respective Roads, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, and 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 Roads, 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 as the Tolls hereby granted are directed to be applied; provided that no such Composition shall be repugnant to the said Act of Parliament, made in the Seventh Year of the Reign of His present Majesty.

Penalty on Persons avoiding the Tolls.

And be it further enacted, That if any Person or Persons shall go or pass with any Cattle or Carriage through or over any Land, Ground, or Place, lying by the Side of, or near to the said Roads, the same not being a publick Highway, in order or with Intent to avoid the Payment of the Tolls by this Act granted, or any Part thereof, or shall forge, counterfeit, or alter, or shall deliver to, or receive of any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of any, or any Part of the said Tolls; or if any Person or Persons owning or occupying any Land, Ground, or Place, not being a publick Highway, shall knowingly and wittingly permit or suffer any other Person or Persons to go or pass with any Cattle or Carriage through or over such Land, Ground, or Place, in order or with Intent that the Payment of any

Cattle

of the said Tolls, or any Part thereof, should be avoided; or if any Person or Persons shall do any other Act in order or with Intent to avoid the Payment of the said Tolls, or any Part thereof, such Persons and every of them, shall, for each Offence, forfeit the Sum of Five Pounds, over and besides such Damages and Punishments as they shall be otherwise liable to by Law, to be levied and recovered by such Means, and in such Manner as are herein-after mentioned and provided for the levying and recovering of Penalties and Forfeitures imposed by this Act, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety shall be applied in such Manner as the other Penalties and Forfeitures are herein-after directed to be applied.

Trustees may lease the Tolls.

And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and may, and they are hereby authorised and impowered, at any General Meeting or Meetings, from Time to Time, as they shall think proper, 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 from each respective letting, for the best Rent that can be got for the same, unto any Person or Persons, who shall give them good and satisfactory Security, 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 or Hands of the Clerk or Clerks to the said Trustees, be affixed upon the several Turnpike-gates, which shall then be erected across the said Roads, by virtue of this Act, at least Twenty 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 appoint to receive the same, and shall be applied in such Manner as the Tolls and Duties so leased are hereby directed to be applied.

Trustees may contract for amending the Roads.

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, and they are hereby authorised and impowered, from Time to Time as they shall think proper, 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, supporting, and maintaining any Part or Parts of the Roads hereby directed and intended to be repaired 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, or any Nine or more of them, shall seem reasonable, so as Fourteen Days Notice in Writing for that Purpose, under the Hand of the Clerk or Clerks to the said Trustees, be affixed upon the

Tolls may be lessened.

ſeveral Turnpike-gates which ſhall then be erected acroſs the ſaid Roads by virtue of this Act.

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 leſſen and 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, as Occaſion ſhall require, advance all or any of the Tolls ſo leſſened, to any Sum or Sums of Money not exceeding the reſpective Rates hereby granted, and to order and direct the Tolls ſo reduced and advanced reſpectively, 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 intitled to Three-fourths of the Money which ſhall be then owing on the Credit of the ſaid Tolls ſhall be conſenting thereto, and teſtify ſuch Conſent under their reſpective Hands; 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 then erected by virtue of this Act.

Tolls may be mortgaged.

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 their Firſt, Second, or any ſubſequent Meeting or Meetings 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, when Occaſion ſhall require, ſuch Sum and Sums of Money as they, or any Nine or more of them, ſhall think fit, not exceeding Eight thouſand Pounds Principal in the Whole, 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 which Aſſignments or Mortgages ſhall 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 Eleventh Year of the Reign of His Majeſty King *George* the Third, *for amending and keeping in Repair the Road from* Liverpoole *to* Ormſkirk, *and alſo the Road from* Ormſkirk *to* Preſton, *in the County Palatine of* Lancaſter, and in conſideration of the Sum of to the Treaſurer appointed by the Truſtees for putting the ſaid Act in Execution, having been this Day paid by *A. B.* we, whoſe Names 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 ſaid Tolls, to have, hold, receive, and take the Proportion of the ſaid

ſaid Tolls hereby aſſigned unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, from the Day of the Date hereof, until the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be repaid; as Witneſs our Hands, the 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 ſhall be for that Purpoſe affixed in Writing upon the ſeveral Turnpike Gates to be erected acroſs the ſaid Roads, at the leaſt Twenty Days before the borrowing thereof; and all and every Perſon and Perſons to whom any 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 and Intereſt in and 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 Words, or Words to the like Effect, videlicet.

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

E. F.

Witneſs *G. H.*

Which ſaid Transfer ſhall be produced or notified to One of the ſaid Clerks or Treaſurers, within Three Calendar Months after the Date thereof; who ſhall cauſe an Entry or Memorial to be made of ſuch 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; and 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 Transfer ſhall intitle ſuch Aſſignee, his, her, and their Executors and Adminiſtrators, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner transfer again, and ſo toties quoties; and it ſhall not be in the Power of any Perſon, who ſhall have made ſuch 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, or his or their reſpective Executors, Adminiſtrators, Aſſignee, or Aſſigns, 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.

If first Sum not sufficient, a further Sum may be borrowed with Consent of Mortgagees.

Provided always, and be it further enacted by the Authority aforesaid, That if it shall happen, that the said Sum of Eight thousand Pounds hereby authorised to be borrowed upon the Security of the Tolls hereby granted, 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, on such Terms as such Number and Value as aforesaid of the Creditors for the said Sum of Eight thousand Pounds shall in like Manner approve, and to make such Assignment or Security of the Tolls hereby granted, for securing such further Sum and Sums, and Interest, as is herein before mentioned; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

Trustees may 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 One or more Clerk or Clerks, and Treasurers, and One or more Surveyor or Surveyors of the said Roads, and such other Officers as they shall think necessary to employ in the Execution of this Act; and from Time to Time, remove any of such Officers and other Persons, and appoint others in the Room of such of them as shall be so removed, or such as shall die; and out of the Monies to arise by virtue of this Act, may pay such Salaries, and make such Allowances, to all and every the said Clerks, Surveyors, Collectors, Officers, and Persons, as to the said Trustees, or any Five or more of them, shall seem reasonable: And all such Surveyors, Collectors, 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 to 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 him and them respectively received by virtue of this Act, and how much thereof shall have 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

and remove them, and appoint others, &c.

Surveyors, &c. to deliver Accounts of Money received.

Person or Persons as they shall appoint; and all the said 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 Surveyor or Surveyors, Collector or Collectors, Officer, Person or Persons, shall not make and render, or refuse to verify upon Oath, any 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 or their 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, an Action or Actions, Bill or Bills in Equity, in the Names of such Trustees, or in the Names of any Five or more of them, against the Person or Persons so neglecting or refusing as aforesaid, in order to obtain such Account, and to recover the Monies that shall be in the Hands of such Person or Persons respectively; or for the greater Expedition of recovering such Monies, 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 every such Surveyor, Collector, Officer, and Person 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 producing such Account before such Justices, and on the Face of such Account, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said 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 and raised by virtue of this Act, shall remain or be in the Hands of, or be due from such Surveyor, Collector, Officer, or Person, such Justices may, and are hereby required to give Judgement for the Sum, which shall so as aforesaid, appear due, and on 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 every such Surveyor, Collector, Officer, or Person respectively; and if no

Surveyors, &c. refusing to verify their Accounts,

Actions may be commenced against them.

Monies in the Hands of Officers not duly accounted for,

may be levied by Distress.

Offender to be committed for want of sufficient Distress.

no such Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of levying and raising the same, to be ascertained by such Justices; or if such Surveyor, Collector, Officer, or Person, shall neglect or refuse to render such Account; then, and in either of the Cases aforesaid, such Justices, by Warrant under their Hands and Seals, 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 account with the said Trustees, or any Five or more of them, and make true and perfect Payment of all the said Monies in his Hands, or shall compound with the said Trustees, or any Five or more of them, for the same, 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 all such Books, Papers, and Writings, as aforesaid, or given Satisfaction in respect thereof, to the said Trustees, or any Five or more of them.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, and such other Person and 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 respectively authorised to cut, dig, gather, take, and carry away, any Sand, Gravel, Stones, or other Materials proper for the repairing of the said Roads, out of and from any Waste Ground or Common, River, Brook, Sea-strand, or Shore, in any Township or Place, without paying any Thing for the same; provided no Damage shall be thereby done to any Building, Highway, or Ford; and that no such Gravel, Sand, Stones, or other Materials be taken within Fifty Yards from any Ware or Bridge, Pond or Dam, 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 it shall be lawful for the said Surveyors, and Persons employed as aforesaid, to cart and convey any such Materials, if Occasion shall require, through the Lands of any Person or Persons, making Satisfaction for the Damage thereby done, in like Manner as Satisfaction is herein-after directed to be made for Damage done by carting and conveying Materials taken in other Lands: And if such Quantities of Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Ground or Commons, Rivers, Brooks, or Sea-shore, within a reasonable Distance of the said Roads 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 for, gather, take, and carry away

levelling the Pits, &c.

For want of proper Materials in Commons, private Grounds may be searched,

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, Lawn, 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 such Materials, 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 of them, concerning Payment for such Materials or Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions of the Peace for the said County, to be holden by or without Adjournment, in 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 such Disputes touching Payment for such Materials, and the Quantum of such Damages; and the Judgement or Order of the said Justices therein, shall be final and conclusive to all Parties.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and 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, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and dispose of the same for the Benefit of the said Roads; and to turn any Watercourses, Sinks, or Drains, running along, into, or out of the said Roads, or either of them, 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 Roads, or either of them, or in any 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 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 their Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that

and be reimburſed their Expences by the Owners neglecting, after Notice.

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 the Removal of any of the ſaid Annoyances, or committing any of the ſaid Defaults, any Perſon ſhall again offend, or make Default in like Kind, every ſuch Perſon, for every ſuch Offence or Default, ſhall forfeit the Sum of Twenty Shillings, over and above all ſuch Charges in reſpect thereof.

Surveyors may make Cauſeways, Drains, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to make Cauſeways, and alſo all ſuch other Ditches, Drains, Gutters, and Watercourſes, as he or they ſhall think neceſſary, in and upon the ſaid Roads, and alſo in and through any Ground lying contiguous or near thereto; and alſo to make a Road through the Grounds adjoining or lying near to any hollow Way, or narrow or ruinous Part of the ſaid Roads (ſuch Grounds reſpectively, not being any Ground whereon any Houſe or Building ſtands, nor being 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 occaſionally 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 and repair, and keep in Repair any Bridge or Bridges, Arch or Arches, and alſo build and lay ſuch Plat or Plats, Trunk or Trunks, Tunnel or Tunnels, as ſuch Surveyor or Surveyors ſhall think neceſſary, in or upon any Part or Parts of the ſaid Roads, and acroſs any Streams, Brooks, Gutters, Waters, Ditches, and Drains therein, or in any Lands near or contiguous thereto, making ſuch Recompence to the Owners and Occupiers of the private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, or any Five or more of them, or in caſe of any Difference concerning the ſame, by ſuch Quarter Seſſions, on ſuch Notice as aforeſaid; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any Commons or Waſte Grounds.

making Satisfaction to Owners.

Truſtees may widen the Roads,

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall be, and they are hereby impowered to widen any narrow Parts of the ſaid Roads, by opening, clearing, and laying into the ſame, any Lands of any Perſon or Perſons, Body or Bodies Politick or Corporate, contiguous thereto, ſo as to make ſuch Part of the ſaid Roads, not

not exceeding Thirty Feet wide, making such Satisfaction as herein after mentioned, to divert, turn, or alter the Course or Path of any Part or Parts of any of the said Roads, 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 Damages they may thereby sustain; and for those several Purposes, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to Contract with the Owners and Occupiers of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, and for any Loss or Damage such Owners and Occupiers may sustain, by enlarging such Highways, and by making a new Ditch and Fence on the enlarged Side, or by diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads through such Lands or Hereditaments, and to pay for the same Lands and Hereditaments, taken for each or either of those Purposes, by and out of the Tolls and other Monies to be raised by virtue of this Act: And it shall and may be lawful to and 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 respectively, but also for and on Behalf of their respective Cestuique Trusts, whether Femes-covert, Infants, or Issue unborn, Lunaticks, Ideots, 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, and to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances that shall be so made shall be valid and binding against and upon all Persons, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or other Matter whatsoever, to the Contrary notwithstanding: And if such Bodies Politick and Corporate, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or 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 or Corporate, or at the House of the Tenant in Possession of the Lands or Hereditaments, with or through which any Part of the said Roads intended to be enlarged, diverted,

or turn or alter them.

Corporations &c. impowered to sell Lands.

If Parties do not agree,

verted, turned or altered, or which the said Trustees, or any Five or more of them, shall think necessary to be purchased, for either of those Purposes, 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 great distant Residence from the Lands or Hereditaments intended to be purchased, he, she, or they cannot be conveniently applied to or treated with for that Purpose, or if treating, he or they cannot agree with the said Trustees, for the Prices of such Lands or Hereditaments; then and in any of the said Cases, the Justices of the Peace at any General Quarter Sessions of the Peace, to be held by Adjournment, or otherwise, for the said County, at Ormskirk, Wigan, or elsewhere, within the Hundred of West Derby of Leyland, on Proof of Ten Days Notice in Writing having been given by the said Surveyor or Surveyors, to the Owner, Occupier, or other Person or Persons, Body or Bodies Politick or Corporate, interested in such Lands, or to his, her, or their Guardian, Trustee, principal Officer, Clerk, or known Agent, signifying an Intent to apply to such Quarter Sessions, for the Purpose of taking in such Land, the Justices there assembled 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 Sessions, 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 Lands, for their respective Interests therein, as they such Jurors shall think reasonable, and for such Damage as such Owners, Occupiers, and others, shall any Way sustain, by enlarging, diverting, or altering the Course or Path of any such Highways, and likewise such Recompence as they shall think reasonable, for the making of a new Ditch and Fence to that Side of the Highway that shall be so enlarged, diverted, or altered, and also Satisfaction to any other Person or Persons, Body or Bodies Politick or Corporate, who may be otherwise injured by the enlarging, diverting, or altering 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 or Deputy Clerk of the Peace of the said County, for the Use of the Owner, or others interested in the said Lands, in case he 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 Lands, shall be for ever divested out of them, and the said Lands so laid into the said Highways, and the new Parts of the said Highways, which shall be so diverted or altered respectively, by virtue of this Act, shall be and be taken to be publick Highways, for all

Differences to be settled by a Jury.

Purposes

Purpoſes whatſoever, and be repaired accordingly, ſaving nevertheleſs to the Owner or Owners of ſuch Lands, all Mines, Minerals, and Foſſils, lying under the ſame, which can or may be got without breaking the Surface of the ſaid Highways, and alſo ſaving to him and them all Timber and Wood to be fallen by ſuch Owner or Owners, in One Month after ſuch Order of Seſſions ſhall have been made, or in Default thereof, to be fallen by ſuch Surveyor or Surveyors, 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 Seſſions, in caſe the Verdict given by ſuch Jury ſhall be for greater Damages than ſhall have before been offered by the ſaid Surveyor or Surveyors, 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 or Surveyors, 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 Surveyor or Surveyors, before ſuch Application to the ſaid Court of Quarter Seſſions, 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 or them, and ſhall be deducted out of ſuch Damages.

Perſons liable to do Statute-work to continue ſo.

And be it further enacted by the Authority aforeſaid, That all and every the Inhabitants of the ſeveral Townſhips, Hamlets, and Places, through which the ſaid ſeveral Roads lead, who, by any the Laws or Statutes of this Realm, are or ſhall be liable to do Work, by themſelves or others, or with their Horſes, Beaſts, Carts, or Carriages, in the Highways for the repairing thereof, commonly called Statute-work, (except the Inhabitants of Liverpoole, Kirkdale, and Walton aforeſaid, who, in reſpect of the conſiderable Expence they have already ſeverally been at in paving moſt Parts of the ſaid Roads, from Liverpoole to Ormſkirk, as lie within thoſe reſpective Towns, are hereby exempt from doing any Statute-work in the ſame Road), from and after the Firſt Monday in June, One thouſand ſeven hundred and ſeventy-one, ſhall, and are hereby required to do and perform ſuch and ſo many Days Work, not exceeding Three Days Work in a Year, and bring proper Tools for doing the ſame, in ſuch Part or Parts of the ſaid ſeveral Roads as doth or do lie in ſuch Townſhips, Hamlets, and Places reſpectively, and at ſuch Times, (not being in Hay-time or Corn-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 each do Eight Hours Work in every Day: And the Surveyor or Surveyors of the Highways of such Townships, Hamlets, or Places respectively, (save Liverpoole, Kirkdale, and Walton), and where there shall be no Surveyor, then the Churchwardens or Overseers of the Poor, some or One of them, and if there shall be then no such Churchwarden or Overseer, then some or One of the principal Inhabitants of the said Townships, Hamlets, and Places respectively, (save as aforesaid,) shall yearly, within the Space of Seven Days next after Notice or Request to him or them, in Writing, for that Purpose respectively given or made 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 Surveyor, from whom such Towns or Hamlets, 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 Team's 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 of the Inhabitants of the said Parishes, Hamlets, or Places, (save as aforesaid), shall neglect or refuse to do their respective Statute Work or Duty on the said Roads, at such Times and Places, and in such Manner as, according to the Powers of this Act, he or they shall be directed to do, or if any Person shall come as a Labourer, or with a Team, to work on either of the said Roads 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 and are hereby required to discharge such Person or Team; 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, refusing, neglecting, or idleing, shall, for every such Offence or Default, 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 for each Day respectively: And if some or One of the said Parish, Town, or Hamlets, Surveyors, Churchwardens, Overseers, or principal Inhabitants of the said Townships, Hamlets, and Places respectively, (save as aforesaid), having such Notice to deliver such List or Lists as aforesaid, shall neglect or refuse so to do within the Time, and in manner herein-before for that Purpose mentioned,

Surveyors, &c. to make up Lists yearly of the Persons liable to do Statute-work.

Penalty on Persons not performing their Statute-work.

Surveyors, &c. neglecting to deliver Lists forfeit 5*l.*

mentioned, every such Surveyor, Churchwarden, Overseer, and Inhabitant, shall, for every such Refusal or Neglect, 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, shall and may, and are hereby impowered to compound with the Inhabitants of the several Townships, Hamlets, and Places, through which the Roads by this Act intended to be repaired and amended do lead, for the Statute-work and Labour by them respectively by virtue of this Act to be done in the said Roads, in every or any Year or Years, 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.

Road to be measured, and Mile Stones set up.

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 Roads 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 the said Towns of Liverpoole, Ormskirk, or Preston, 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 necessary.

Application of the 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, or some of them, and shall be by them applied in the Repair of the said Roads, in like Manner as other the Monies to be raised by virtue of this Act are hereby directed to be applied.

Treasurer to give Security.

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 several Treasurers, Collectors, and Receivers, for the due Execution of their respective Offices, as the said Trustees, or any Nine or more of them, shall think proper.

For recovering Fines, &c.

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 Recovery thereof, shall be recovered and levied by Distress and Sale of the Offenders 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 is and are hereby impowered to issue on the Conviction of such Offender before him or them, after Summons or Default made, by Confession or Oath of One or more Witness or Witnesses, which Oath such Justice or

Justices

Justices is and are hereby impowered and required to administer, without Fee or Reward), and such Justice or Justices is and are hereby authorised on Oath of the Service of such Summons, or leaving the same at the Party's usual Place of Abode, to issue a Warrant or Warrants to apprehend the Person or Persons offending or making Default, and not appearing on such Summons, and after Conviction, 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, or until such Penalties and Forfeitures, and all reasonable Charges to be ascertained by such Justice or Justices, shall be sooner paid and satisfied; provided that it shall and may be lawful to and for such Justice, Justices, and Trustees respectively, where they shall see Cause, to mitigate and lessen any of the Penalties aforesaid, as he or they shall in his or their Discretion think fit, so as such Mitigation do not remit above One Moiety of the Penalty or Penalties inflicted; and every such Mitigation shall be a sufficient Discharge to the Offender or Offenders for so much of the said Penalty or Penalties as shall be so mitigated.

Justices may mitigate Penalties.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is appointed, every such Person may appeal to the Justices of the Peace at the next or Second General Quarter Sessions of the Peace, to be held by Adjournment or otherwise, for the said County, in or near such Hundred, or Part of the said County, where such Cause of Appeal shall happen, such Appellant first giving, or causing to be given, Fourteen entire Days Notice at the least, in Writing, of his, her, or their 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 such Justice of the Peace for the said County, in such Sum as such Justice shall think reasonable, with Two sufficient Sureties conditioned to try such Appeal at, and 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 Proof 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

Persons injured may appeal to the Quarter Sessions.

they the said Justices shall think proper; but nevertheless, such Justices shall and may, if they shall see just Cause, adjourn such Appeal to the then next Quarter-sessions, to be held by Adjournment or otherwise, for the said County, at the same or any other Place, and then finally hear and determine the same; and the Determination of such Quarter-sessions respectively shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not 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 Proceeding relating thereto, nor shall the Party or Parties distraining 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 special Damage in an Action upon the Case.

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 a Book,

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 in a Book or Books to be kept for those Purposes, and such Orders and Proceedings so entered shall be signed at each Meeting by the Trustees who shall make the same, or Five or more of them, and such Orders shall be deemed and taken to be original Orders; which said Books of Orders and Proceedings, and also the Books directed to be kept for registering the said Mortgages, Assignments, Transfers, or Extracts therefrom, by the Clerk or Clerks to the said Trustees, shall and may be produced and read in Evidence in all Courts whatsoever.

and taken in Evidence.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence upon and have Continuance from the First Monday in June, One thousand seven hundred and seventy-one, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Proceedings not to be quashed or va-

And be it further enacted by the Authority aforesaid, That no Conviction, Order, or Proceeding, to be had be-

cated for want of Form.

fore any Juſtice or Juſtices of the Peace, or Truſtees, 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, or of the County Palatine of Lancaſter; and 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, 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. } 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 *(or Default, ſpecifying ſhortly the Nature of the Offence or Default) and the Time and Place, when and where the ſame was committed or omitted)* 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 aboveſaid.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced 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, or One of the Clerks, to the ſaid Truſtees, or after ſufficient Satisfaction or Tender of Amends 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 and brought in the ſaid County of Lancaſter, and not elſewhere; and the Defendant or Defendants, in

General Iſſue.

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 or Tender of Amends made as aforeſaid, or after the Time hereby 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 ſhould 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 any other Cases by Fieri Facias, or Capias ad Satisfaciendum. Treble Costs.

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. Publick Act.

FINIS.