Anno ſecundo

Georgii III. Regis.

An Act for repairing and widening the Roads from a certain Place near *Bolton* in the Moors, to *Leigh*; and thence to the Guide Poſt near *Golbourne Dale*, and to the South End of *Newton Bridge*; and from the ſaid Guide Poſt to *Winwick*; and from *Newton*, by *Parr Stocks*, to the Guide Poſt in *Parr*, in the County Palatine of *Lancaſter*.



WHEREAS the High Roads from the Guide Poſt, near a certain Houſe in the Occupation of Samuel Holden, at the Eaſt End of a Moor near Bolton in the Moors, in the County Palatine of Lancaſter, called Bolton Moor, to the Market Town of Leigh, through Chow Bent; and from thence to the Guide Poſt near Golbourne Dale, and to the South End of a Bridge in Newton, called Newton Bridge; and from the ſame Guide Poſt, near Golbourne Dale, to the Turnpike Road leading betwixt Warrington and Wigan, at or near a certain Place called the Town Well, in Winwick, in the ſaid County; and from Newton, directly by Parr Stocks in the ſaid County, as far as the Guide Poſt in Parr aforeſaid, where it falls into the Turnpike Road leading from Aſhton to Preſcot and Liverpool; are in a very ruin- Preamble.

ous Condition, and are in many Places very narrow and incommodious, and the ſaid Roads cannot be effectually repaired and widened by the ordinary Courſe appointed by the Laws in being: Therefore, for the repairing and widening the ſaid Roads, May it pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Lord Strange, the Honourable and Reverend John Stanley, Sir Ellis Cunliffe Baronet, Sir Thomas Heſketh Baronet, Sir William Farington Knight, Peter Legh, Peers Legh, Thomas Cholmondeley, Robert Gwillym, Robert Gwillym junior, William Hulton, Samuel Egerton, John Blackburne, Thomas Blackburne, John Blackburne junior, Thomas Patten, Thomas Patten junior, Roger Heſketh, Fleetwood Heſketh, Legh Maſter, Richard Wilbraham Bootle, James Tyldeſley, Edward Dicconſon, William Dicconſon, Bazil Thomas Eccleſton, Jonathan Caſe, John Leigh, Edward Holt, Roger Holt, William Shaw, John Atherton junior, William Hill, Puſey Brook, Robert Cunliffe, John Colquit, Matthew Lyon junior, John Lyon, Ellis Bent, John Starky, Thomas Lee, Thomas Groſs, Thomas Hart, Robert Parker, William Dumbell, John Parker of Brightmet, Peter Brooke, Jeffery Hart, Lawrence Rawſthorne, Thomas Foſter Buckley, Nicholas Winckley, William Horton, Joſeph Yates, Joſeph Yates junior, Edward Pemberton, John Houghton, George Kenyon, George Kenyon junior, Samuel Clowes, John Walmeſly, John Lees, John Clayton, Richard Clayton, Richard Standiſh, Thomas Willis, John Radcliffe, Eſquires; Aſhburnham Legh, Thomas Stanley, John Hadden, William Farington, John Lowe of Bent, William Worthington, Robert Maſters, John Lowe of Winwick, Thomas Barker, James Hartley, John Hilton, Cudworth Poole, Thomas Mawdeſley, Robert Rawbottom, Bevan, John Boardman, Clerks; Arthur Borrow, Edward Owen, Edward Whitehead, John Cheſhire, John Bent, John Heſketh, William Heſketh, Robert Patten, Richard Nichols, Edward Byrom, John Naylor of Croft, James Richardſon, Joſiah Wilkinſon, Richard Clough, Thomas Sickſmith, John Allinſon, Thomas Megſon, Edward Rigg, Ralph Leigh, James Leigh, Thomas Croft, James Orrel, Samuel Worſley, Joſeph Worſley, John Clayton, Henry Clayton, Henry Worſley, John Worſley, John Farington, John Brideoake, John

Truſtees Names.

Mort of Aſtley, Samuel Arrowſmith, William Biſſell, John Withington, Nicholas Withington, John Aſtley, Richard Gueſt, Richard Gueſt Surgeon, Edward Green, James Kearſley, Robert Haſelden, James Starky, James Green, Hugh Stirrup of Lowton, Thomas Wilmott, Thomas Wrench, William Ranicar, Thomas Gueſt, Chriſtopher Yates, Gilbert Sale, Hamlet Clarke, John Green, Peter Green, John Mort of Atherton, John Green, Thomas Houghton, Samuel Biggins, Henry Young, Joſhua Marriott, John Ranicar, James Ranicar, John Hilton, John Worſley junior, Richard Edge, William Curghey, John Chorley, William Taylor, John Farnworth, Wyant Marriott, Daniel Whitaker, John Hamer, Simon Dearden, William Holland, John Starky, Robert Nuttall, Jo. Starky, Richard Barton, Richard Allen, Robert Kay, James Openſhaw, John Crompton, Ottewell Wood, John Whitehead, James Rothwell, George Oldham, Philip Bury, Robert Taylor, Otho Cooke Eſquire, Giles Higſon, Ralph Seddon, William Tomkinſon, John Cooke, John Gilbert, Cudworth Pole Clerk, Tunſtall D. D. Vicar of Rochdale, Whitehead of Bolton Clerk, William Plant, Nuttall of Bury, James Mangnall, Marriott of Rochdale, Stead of Rochdale, John Leach, George Walmſley, James Walmſley, John Willſon, Robert Wagſtaff, Philip Bury, Thomas Cocker, George Leigh, Edward Chetham Eſquire of Caſtleton, Thomas Percival, Sir Ralph Aſhton Baronet, Aſheton Lever of Alkrington Eſquire, ſhall be, and they are hereby nominated and appointed Truſtees for ſurveying, ordering, amending, enlarging, and keeping in Repair, the ſaid reſpective Roads, and alſo for putting in Execution all the Powers hereby given.

Qualification of Truſtees.

Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe, in the Execution of this Act, unleſs at the Time of his acting therein, he ſhall have or be ſeiſed of, in his own Right, or in the Right of his Wife, and in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of a Real Eſtate, in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes, or be Heir Apparent of a Perſon poſſeſſed of an Eſtate of Land of the yearly Value of One hundred Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds: And if any Perſon, ſo made incapable, ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the

Penalty on acting if not qualified.

Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or by Action of Law, to be brought in His Majesty's Court of Common Pleas to be held for the said County of Lancaster; and the Person so prosecuted, shall prove that he is qualified as above, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence, on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act, One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in the Repair of the said Roads.

Trustees may erect Turnpikes and Toll-houses;

And be it further enacted by the Authority aforesaid, That the said 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 erect, or cause to be erected or set up, such Gates or Turnpikes in or cross the said Roads, with a Toll-house at each of them; One of which said Gates or Turnpikes, and Toll-house, shall be erected in some convenient Place, betwixt the House in the Occupation of John Tyldesley, in the Township of Atherton, in the said County, called Tyldesley Fold, and the House in the Occupation of Edward Green, in Atherton aforesaid, called Green Hall; and the other in some convenient Place betwixt the House and Out-housing in the Occupation of William Marsh, and the House in the Occupation of Thomas Lowe, both in Pennington, in the said County, or in any other Place or Places, save and except in the Market Town of Leigh, as shall hereafter appear more convenient to the said Trustees, or any Five or more of them: And the said Trustees shall receive and take the Tolls and Duties following, before any Horse, Mare, Gelding, Mule, Ass, or other Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Hearse or Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same respectively; that is to say,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Hearse, drawn by Six Horses, or other Beasts of Draught, One Shilling and Six Pence; and drawn by Four Horses, or other Beasts, One Shilling; and drawn by Three Horses, or other Beasts, Eight Pence; and for every such Carriage or Litter, drawn or carried by Two Horses, or other Beasts, Eight Pence.

For every Chaise, Chair, or other such Carriage, drawn by One Horse, or other Beast, Four Pence.

For

For every Waggon drawn by Six Horſes, or other Beaſts, Two Shillings; and drawn by Five Horſes, or other Beaſts, One Shilling and Four Pence; and drawn by Four Horſes, or other Beaſts, One Shilling.

For every Cart or Wain drawn by Four Horſes, or other Beaſts, One Shilling; and drawn by Three Horſes, or other Beaſts, Nine Pence; and drawn by Two Horſes, or other Beaſts, Six Pence; and drawn by One Horſe, or other Beaſt, Three Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, or other Beaſt, One Penny.

For every Drove of Oxen or Neat Cattle, Ten Pence per Score, and ſo in Proportion for any leſs Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, Five Pence per Score, and ſo in Proportion for any leſs Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken as or for, or in the Name of, a Toll, or Duty: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, under their Hands and Seals, appoint, to levy the ſame by Diſtreſs of any Horſe or Horſes, or other Cattle, or of any Carriage, upon which any Toll is by this Act impoſed, or by Diſtreſs of any of the Goods and Chattles of ſuch Perſon or Perſons: And if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs, ſhall not be paid within the Space of Four Days, ſuch Perſon or Perſons ſo diſtraining may ſell the Horſes, Cattle, Carriage, and Goods, ſo diſtrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after ſuch Toll, and all reaſonable Charges, ſhall be deducted; And that all the Monies, ſo to be collected or levied, ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied to ſuch Purpoſes, and in ſuch Manner, as herein after reſpectively is mentioned.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 4 Days.

Provided always, That no more than One Moiety of the Tolls or Duties hereby granted ſhall be taken for any Horſe or other Beaſt, or Carriage, going to any Coal-pit or Cannel-pit, or returning laden from the ſame with Coal or Cannel only; any thing herein contained to the contrary notwithſtanding.

Coal exempt from Part of the Toll.

Tolls to be paid but Once a Day.

Provided nevertheleſs, and be it further enacted, That no Perſon who ſhall have paid Toll for paſſing through any Gate or Turnpike to be erected as aforeſaid, ſhall be ſubject to the Payment of any Toll for paſſing through any other Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, upon the ſame Day, or for returning through ſuch Turnpike or Turnpikes, the ſame Day before Twelve of the Clock at Night, with the ſame Cattle, Coach, Waggon, or other Carriage; but ſhall return Toll-free, upon delivering a Note or Ticket to the Collector of the Tolls at ſuch reſpective Turnpike; which Note or Ticket ſuch Collector is hereby required to give gratis, on the Receipt of the Toll.

Penalty on giving or receiving Tickets, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall offer or diſpoſe of any ſuch Note or Ticket, in order to evade the Payment of the ſaid Tolls, every ſuch Perſon ſo offering or diſpoſing of ſuch Note or Ticket, and the Perſon receiving and making uſe of the ſame, being thereof reſpectively convicted upon Oath, before One or more Juſtice or Juſtices of the Peace for the County of Lancaſter (which Oath the ſaid Juſtice or Juſtices are hereby impowered to adminiſter) ſhall reſpectively forfeit the Sum of Twenty Shillings, whereof One Moiety ſhall go to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be applied.

Penalty on Perſons going thro' or permitting private Paſſage,

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons owning any Land near to any of the ſaid Turnpikes, ſhall knowingly or wittingly permit or ſuffer any Perſon or Perſons to paſs through any Gate, Paſſage, Incloſure, or private Way, with any Coach, Waggon, or other Carriage, Horſe, or other Cattle; or if any Perſon or Perſons ſhall paſs through any ſuch Gate, Paſſage, Incloſure, or private Way, with any Cattle or Carriage as aforeſaid, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons

or taking off Horſes, &c. to avoid paying the Tolls.

ſhall take off, or cauſe to be taken off, any Horſe, or other Cattle, from any ſuch Carriage, with an Intent to avoid paying any of the ſaid Tolls, or any Part thereof; or ſhall leave, or cauſe to be left, upon or near to any of the ſaid Roads, any Cattle or Carriage as aforeſaid, with ſuch Intent as aforeſaid; every Perſon ſo offending in any of the Caſes aforeſaid, and being thereof convicted, upon the Oath of One or more Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid County of Lancaſter (which Oath the ſaid Juſtice

ſtice or Juſtices is and are hereby reſpectively required and impowered to adminiſter) ſhall, for every ſuch Offence, reſpectively forfeit the Sum of Twenty Shillings, and pay the ſame to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer for the time being; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the ſaid Juſtice or Juſtices, rendering the Overplus (if any there be) to the Owner, on Demand, after deducting the reaſonable Charges and Expences of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Juſtice or Juſtices; which ſaid Penalty of Twenty Shillings, when recovered, ſhall go and be applied, One Moiety thereof to the Informer, and the other Moiety towards amending the ſaid Roads.

Exemptions from the Tolls.

Provided always, and it is hereby declared, That no Toll ſhall be demanded or taken for any Cattle or Carriage going empty or unloaden for, and returning loaden only with, Stone, Bricks, Lime, Gravel, or other Materials for repairing any of the ſaid Roads, or for repairing the Highways in any of the Townſhips or Hills through which any of the ſaid Roads directed by this Act to be repaired do lead, or in any of the adjoining Townſhips or Hills, or going empty and unloaden for, and returning loaden only with, Dung, Lime, or other Manure of any Nature or Kind whatſoever, to be uſed in manuring or improving of Lands; nor for any Brick, Lime, Stone, Plaiſter, Timber, or other Materials for building or repairing any Church, Chapel, Houſe, Outhouſe, Barn, Stable, or Hovel, within the ſame Hill, Townſhip, Pariſh, or Place, where ſuch Brick, Lime, Stone, Plaiſter, Timber, or other Materials, were made, gotten, or felled; nor for any Cattle or Carriage going empty or unloaden for, and returning loaden only with, Hay, or Corn in the Straw, to be laid up in the Houſes, Outhouſes, Barns, Yards, or other Places belonging to the Inhabitants of any of the ſaid Townſhips or Hills; or with or for any Ploughs, Harrows, or Implements of Husbandry belonging to any of the ſaid Inhabitants; nor ſhall any Toll be demanded or taken of or from any Perſon or Perſons reſiding in any of the ſaid Townſhips or Hills, for paſſing through either or any of the ſaid Turnpikes on Sundays, to or from his, her, or their Pariſh Church, Chapel, or other uſual Place of religious Worſhip, or for any Cattle or Carriage conveying the Corpſe, or attending the Funeral of any Perſon to be interred in any of the ſaid Townſhips or Places; or for any

Cattle belonging to any of the ſaid Inhabitants, which ſhall be only going to or returning from Paſture or Water; or for any Cattle or Carriage belonging to any Inhabitant of the Townſhips of Pennington, Weſtleigh, Abram, Hindley, Bedford, Atherton, and Tyldeſley with Shackerley, paſſing empty and unloaden to the Blackſmith's Shop, in order to be ſhod or repaired, or for the Return of ſuch Cattle or Carriage unladen; or for any Cattle or Carriage belonging to any Inhabitant of the ſaid Townſhips of Pennington, Weſtleigh, Abram, Hindley, Bedford, Atherton, and Tyldeſley with Shackerly, going or returning to or from the Corn Mills, for or with any Corn, Grain, Malt, Meal, or Flour, for the Owner's own Uſe or Conſumption, in his or her Dwelling-houſe, and not for Sale; or for any Poſt-horſe carrying or drawing the Mail or Packet; or for the Horſes of Soldiers upon their March, or for Cattle or Carriages attending them, or loaded only with their Arms or Baggage, or for Horſes or Carriages travelling with Vagrants ſent by Paſſes; nor for any Coaches, Berlins, Landaus, Chariots, Caſhes, Chaiſes, Chairs, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of Lancaſter, on the Day or Days of ſuch Election, or on the Day before or Day after any ſuch Election ſhall begin or be concluded.

Penalty on Perſons making illegal Claims.

Provided nevertheleſs, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit and pay the Sum of Twenty Shillings.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the Monies ariſing by the Tolls and Duties which ſhall be collected at the ſaid Turnpikes, or the Money which ſhall be borrowed upon the Credit thereof, by virtue of the ſaid Power herein after given for that Purpoſe, the ſaid Truſtees, or any Five or more of them, ſhall, in the Firſt Place, pay all the Coſts and Expences of procuring and obtaining this Act; and ſhall apply the Remainder of the Monies ſo raiſed in erecting Gates or Turnpikes, and repairing, widening, and amending the ſaid Roads, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame, or the Execution of this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall from time to time direct.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall, and they are

are hereby required, in the First Place, to repair the Road from the Guide Poſt, near a certain Houſe in the Occupation of Samuel Holden, at the Eaſt End of a Wood near Bolton in the Moors, in the County Palatine of Lancaſter, called Bolton Moor, to the Market Town of Leigh, through Chow Bent, and from thence to the Guide Poſt near Golbourne Dale, and to the South End of a Bridge in Newton, called Newton Bridge, and from the ſame Guide Poſt, near Golbourne Dale, to the Turnpike Road leading betwixt Warrington and Wigan, at or near a certain Place called the Town Well in Winwick, in the ſaid County; and when the ſame ſhall be ſufficiently repaired, and ſo adjudged by the major Part of the Truſtees at a publick Meeting aſſembled; Twenty Days Notice of which Meeting ſhall be given in Writing on all the Turnpike Gates to be erected by this Act, and ſuch Majority not to conſiſt of a leſs Number than Nine; that then, and not before, the ſaid Truſtees ſhall proceed to the repairing the ſaid Road from Newton directly by Parr Stocks, in the ſaid County, as far as the Guide Poſt in Parr aforeſaid, where it falls into the Turnpike Road leading from Aſhton to Preſcot and Liverpool; any thing in this Act contained to the contrary notwithſtanding. Truſtees to repair the Roads herein mentioned.

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, to cauſe to be erected, ſet up, and provided, One or more Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, over and beſides thoſe before-mentioned, on the Side or Sides of any of the ſaid Roads, croſs any Lane or Way, being already a Highway, leading into or out of the ſame, and to cauſe ſuch Tolls to be collected and levied, at ſuch reſpective Turnpikes, as are by this Act granted, ſo as that the ſame do not extend to a Double Charge, or ſubject any Perſon to the Payment of a larger Toll than is herein before appointed to be paid for paſſing through any other of the Gates or Turnpikes herein before authorized to be erected croſs the ſaid Roads hereby directed to be repaired. Truſtees may erect Side-gates, and take Tolls thereat, ſo as the ſame do not extend to a Double Charge.

Provided always, That no Turnpike or Turnpikes ſhall be erected or ſet up, in or croſs the ſaid Road, betwixt the Houſe in the Occupation of John Tyldeſley, called Tyldeſley Fold, and the Guide Poſt near the Houſe in the Occupation of the ſaid Samuel Holden. No Turnpike to be erected between *Tyldeſley Fold* and *Bolton*.

Provided alſo, and be it further enacted by the Authority aforeſaid, That if the ſaid Truſtees, or any Five Exemption.

or more of them, ſhall at any Time think proper to order a Gate or Turnpike to be erected and ſet up croſs the ſaid Road, betwixt the ſaid Houſe in the Occupation of William Marſh, and the Corner of the Houſe in the Occupation of William Dannet, at the Corner of a certain Lane there called Twiſs Lane; that then, and in ſuch Caſe, no Toll or Duty ſhall be demanded or taken for any Cattle or Carriage going empty or unloaden for, and returning loaden only with, any Coals or Sleck of Coal from the Coal-pits at Hindley Green, in the Townſhip of Hindley, in the ſaid County.

And foraſmuch as the Monies to be collected by Receipt of the Tolls or Duties by this Act made or laid, and made payable, will not at preſent be ſufficient for the ſpeedy amending of the reſpective Roads hereby directed to be repaired, be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, at any Meeting to be held for that Purpoſe, whereof Twenty Days Notice ſhall be given in Writing to be affixed upon all the ſaid Turnpikes, may, and they are hereby impowered, from time to time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the Tolls or Duties to be collected and levied at the ſaid reſpective Turnpikes, or any Part thereof (the Charges of aſſigning or mortgaging the ſame to be paid out of ſuch reſpective Tolls) for any Term during the Continuance of this Act, as a Security for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees, or any Seven or more of them, upon the Credit of ſuch reſpective Tolls, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with ſuch Intereſt as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; which ſaid Money, ſo borrowed ſhall (after paying the Expences of obtaining this preſent Act) be ſo applied and diſpoſed of as the ſaid reſpective Tolls and Duties are by this Act to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that the ſaid Mortgages or Aſſignments may be, from time to time, aſſigned over by the Perſon or Perſons to whom the ſame ſhall be reſpectively made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to any other Perſon or Perſons whomſoever; and that all the Mortgages and Aſſignments, ſo to be made as aforeſaid, ſhall be entered at Length in a Book to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Truſtees; which ſaid Book ſhall and

Tolls may be aſſigned for Money borrowed.

Aſſignments to be entered in a Book.

may

may be peruſed at all ſeaſonable Times, by any Perſon or Perſons whomſoever, without Fee or Reward.

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

And be it further enacted by the Authority aforeſaid, That the Property of all the ſaid Turnpikes and Toll-houſes, and of the Materials for building the ſame, and for repairing the ſaid Roads, ſhall be veſted in the ſaid Truſtees; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions, in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treaſurer or Treaſurers, or to prefer Bills of Indictment againſt any Perſon or Perſons who ſhall take away, break up, ſpoil, or damage, any ſuch Turnpike or Turnpikes, Toll-houſe or Toll-houſes, ſo erected and built as aforeſaid, or diſturb them in the Enjoyment of the Property thereof.

Truſtees may appoint Officers;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, by Writing under their Hands, ſhall and may nominate and appoint fit Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforeſaid; and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors to view the Condition of the ſaid Roads, and to ſee that the ſame be repaired and widened, and the Monies raiſed by virtue of this Act duly applied; and alſo ſuch other Officers as they ſhall think neceſſary to employ in the Execution of this Act; and, from time to time, to remove and diſplace ſuch Clerks, Treaſurers, Receivers, Collectors, Surveyors, and other Officers, as they ſhall ſee Occaſion, and appoint new ones, in Caſes of Death or ſuch Removal: And the ſaid Tolls ſhall be paid after the Rates aforeſaid to ſuch Perſons as ſhall be ſo from time to time appointed to receive the ſame: And the ſaid Treaſurers, Receivers, Collectors, Surveyors, and other Officers, and all other Perſons who ſhall be employed in the Receipt or Expenditure of any of the Monies ariſing by virtue of this Act, ſhall, from time to time, as often as they, or any of them, ſhall be thereunto required by the ſaid Truſtees, or any Five or more of them, give unto ſuch Truſtees true and perfect Accounts in Writing, under their reſpective Hands, of all the Monies which ſhall have been by them reſpectively collected or received, and how, and to what Uſes, the ſame have been paid and applied, together with proper Receipts and Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their Hands to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons, or to ſuch Uſes and

and remove them, and appoint others.

Officers to account upon Oath.

Purposes, as they, or any Five or more of them, shall direct and appoint: And that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Two or more of them, or before One Justice of the Peace for the said County of Lancaster (which Oath such Trustees or Justice are hereby impowered to administer) And if any of the said Officers, or other Persons, shall not give such Account, or shall refuse to verify the same in Manner aforesaid; that then, and in any or either of the said Cases, it shall be lawful for any Justice or Justices of the Peace for the County or Place where such Officer or other Person shall reside; and such Justice or Justices are hereby authorized and required to make Inquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices are and is hereby impowered and required to administer, without any Reward) And if any such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the County or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid: And in case any of the said Officers, or other Persons, shall refuse or neglect to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any One or more Justice or Justices of the Peace for the County or Place where such Person or Persons shall reside, to make Inquiry touching such Neglect or Refusal, in a summary Way, in Manner as aforesaid, and, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattles of such Person or Persons; rendering the Overplus (if any) after the Money remaining due, and the Charges of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, then the said Justice or Justices, or any other Justices, shall commit such Person or Persons to the Common Gaol of the County or Place; there to remain without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition-money to the said Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall appoint to receive the same; which

Officers to account upon Oath.

Officers refusing to account,

Justices to inquire into the Default;

and levy the Balance by Distress and Sale:

For want of Distress, Offender to be committed, until he shall conform,

Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled, are hereby impowered to make.

Truſtees to allow Officers Salaries.

And be it further enacted by the Authority aforeſaid, That out of the Tolls to be collected at each Turnpike as aforeſaid, ſuch Allowances ſhall be made to the Collector or Collectors of the Tolls at ſuch reſpective Turnpike as the ſaid Truſtees, or any Seven or more of them, ſhall think proper; and, that out of the Monies ariſing by the Tolls collected at all the ſaid Turnpikes as aforeſaid, ſuch Allowances and Compenſation ſhall be made to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Surveyor or Surveyors, and to ſuch other Perſons as ſhall be aſſiſting in and about procuring the ſaid Roads to be amended or widened, by advancing any Money, or otherwiſe relating thereto, as to the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable.

Treaſurer to give Security.

Provided always, and be it further enacted by the Authority aforeſaid, That the Treaſurer or Treaſurers, Receiver or Receivers, to be appointed as aforeſaid, ſhall, before he or they enter upon the ſaid Office, give ſuch Security for the due Execution thereof to the ſaid Truſtees, or any Five or more of them, as to ſuch Truſtees, or any Five or more of them, ſhall ſeem meet; which Security the ſaid Truſtees, or any Five or more of them, are required to take; and ſuch Security ſhall be lodged with the Clerk of the Peace for the ſaid County of Lancaſter.

Surveyors may dig Gravel:

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to dig, gather, and take away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, for repairing the ſaid Roads, out of any River or Brook, or out of any Waſte or Common Grounds, in any Pariſh, Town, Village, or Hamlet, in or near which any Part of the ſaid Roads doth lie, without paying any thing for ſuch Materials; ſuch Surveyors paying for the Damages done by landing, and for going over or through any Lands, Grounds, and private Lanes, for or with ſuch Materials, to be aſcertained as herein after mentioned: And alſo, it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, ſuch Surveyor or Surveyors firſt having an Order of the Truſtees, or any Five of them, for that Purpoſe,

Where ſufficient Materials cannot be had there, they may be taken from private Grounds;

Purpoſe, to dig, gather, and take away, ſuch Materials out of the ſeveral Grounds of any Perſon or Perſons (not being a Garden, Orchard, Yard, Paddock, or planted Walk or Walks, or Avenue to a Houſe, or any Piece of Ground incloſed, planted, and ſet apart, as a Nurſery for Trees) paying ſuch Rates for ſuch Materials, and for the Damage done to the Owners or Occupiers of ſuch Grounds where and from whence the ſame ſhall be digged, gathered, and carried away, or over which the ſame or any other Materials for the Repair of the ſaid Roads, ſhall be carried, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable: And in caſe of any Difference concerning the ſame, the Juſtices of the Peace, or the major Part of them, at the next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden for the ſaid County of Lancaſter, ſhall and may adjudge and determine the ſame, which Determination ſhall be final.

making Satisfaction to the Owners.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, from time to time (ſuch Surveyor or Surveyors having an Order from the ſaid Truſtees, or any Two or more of them, for that Purpoſe) to remove and prevent all Annoyances on any Part of the Roads aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of, the ſaid Roads, to the Prejudice thereof, and to open, ſcour, or cleanſe, any Watercourſes or Ditches adjoining to the ſaid Roads, and make the ſame as deep and large as he or they ſhall think proper and neceſſary, and to cut down, lop, or top, any Trees and Buſhes growing upon or near the ſaid reſpective Roads, or in, upon, or near, the Hedges or Banks adjoining thereto, and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to remove the ſame, or to cut down and carry away ſuch Trees and Buſhes as aforeſaid, or to open, ſcour, or cleanſe, ſuch Watercourſes or Ditches, or remove ſuch other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpoſe, under the Hand or Hands of ſuch Surveyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees, or any Two or more of them) ſhall be reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers; the ſame to be recovered in ſuch Manner as the Penalties and Forfeitures are herein after

Surveyors may remove Annoyances in the Road, &c.

and cut down Trees, &c.

Owners neglecting to remove the ſame after Notice;

after directed to be recovered: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence, forfeit unto the said Trustees, the Sum of Twenty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to make or cause to be made Causeways and Drains in and upon the said Roads, and also Ditches and Drains through any Grounds lying contiguous thereto, and to erect Arches upon the said Roads; and also to make or cause to be made a Road through the adjoining Grounds of any narrow or ruinous Part of the said Roads (not being the Ground whereon any House or Houses or other Buildings stand, or a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle, Carriages, or otherwise, as a publick Highway, while the old Road is repairing or widening, and till such Time as it shall be convenient and safe for Passengers and Carriages to pass through the same; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively through which any such Drains shall be made, or on which any such Arches shall be erected, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or the major Part of them, assembled at the next General Quarter Sessions for the County of Lancaster, or at their Second General Quarter Sessions at the farthest, to settle, adjudge, and finally determine, what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid: And if any Owner or Owners of any Watercourses, Ditch or Ditches, adjoining or near to the said Roads, shall neglect or refuse to scour or cleanse the same once in every Year, or oftener, if required by the said Trustees, or any Five or more of them, or by their Surveyor or Surveyors, during the Continuance of this Act, after Ten Days Notice

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

Justices to determine Differences.

Owners neglecting to scour their Watercourses, &c. after Notice given for that Purpose,

tice shall be given for that Purpose, by such Surveyor or Surveyors, or by such Person or Persons as shall be appointed by him or them, to the Owner or Owners of such Watercourses or Ditches, it shall and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men to work to scour and cleanse the same, and by Warrant of any Five or more of the said Trustees, to levy the Charge thereof upon the Goods or Estate of the respective Owners or Occupiers of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods and Chattles, rendering the Overplus (if any be) to such Owners or Occupiers respectively, after all Charges paid, when by him, her, or them demanded.

Charges to be levied by Distress and Sale.

Trustees may contract for the Purchase of Lands to be taken into the Roads.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Five or more of them, shall think proper to widen, turn, or alter the Way or Path of any Part of the said Roads, it shall and may be lawful to and for the said Trustees, or any Five or more of them, from time to time to purchase any Lands or Hereditaments lying contiguous or near to any Part of the said Roads, and out of the Tolls by this Act appropriated for the repairing the respective Roads so intended to be widened or altered, or out of any Money to be borrowed on the Credit of such Tolls, to pay for such Lands or Hereditaments, and all the Charges attending such Purchase: And it shall and may be lawful to and for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and all other Persons whomsoever, to contract, and agree with the said Trustees, or any Five or more of them, for the Purchase of such Lands, or Hereditaments, or any Part thereof, or for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and that all Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And

And be it further enacted by the Authority aforesaid, That if any such Bodies Politick or Corporate, Ecclesiastical or Civil, or any Person or Persons as aforesaid, interested in any such Lands or Hereditaments, upon Notice to him 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 Head Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in, and added to, any of the said Roads, or through which any of the said Roads shall be turned as aforesaid, shall, for the Space of Ten Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating, then, and in every or any such Case, the Trustees or any Five or more of them shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Lancaster (which Oaths any Two or more of the said Trustees are hereby impowered and required to administer) what Damages shall be sustained by, and what Recompence and Satisfaction shall be made to, such Owners or Proprietors, or other Person or Persons interested, for or upon account of the taking of such Lands or Hereditaments, into any of the said Roads, or of turning such Roads through the same; and, in order thereunto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, to summon before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered and directed to administer) and they the said Trustees, or any Five or more of them, shall, by ordering a View, or otherwise, use all lawful Ways and Means, as well for their own, as for the said Jury's better Information in the Premisses; and such respective Trustees shall order, adjudge, and determine, the Sum or Sums of Money, which shall be assessed by the said Jury for such Damages as aforesaid, to be paid to the said Owners or Proprietors of, or other Person or Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of the said Jury; which Verdict or Inquisition, and Judgement, Order, or Determination, shall be final, and

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be conclusive to all Parties.

and binding and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate, Eccleſiaſtical, or Civil, as well as all other Perſon or Perſons whomſoever, and againſt all and every ſuch Owners and Proprietors: And the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the ſaid County of Lancaſter, thereby commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons, or more, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number of Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Five or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and, for Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to the Number of Twelve.

Truſtees to iſſue their Warrants to the Sheriff, to impanel and ſummon a Jury.

Provided always, and be it further enacted by the Authority aforeſaid, That all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have Power from time to time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or refuſe to be ſworn on the ſaid Jury, or being ſworn, and refuſing to give, or not giving their Verdict, or in any other Manner wilfully neglecting their Duty herein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or refuſe to be

Jurors may be challenged.

Penalty on Sheriff, &c. making Default.

be examined and to give Evidence, and from time to time to levy and apply ſuch Fine or Fines, in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and diſpoſed of; ſo as that no ſuch Fine exceeds the Sum of Five Pounds, upon any One Perſon for One Offence. Fine not to exceed 5 l.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed as aforeſaid, ſhall be, and is and are hereby charged and chargeable upon the reſpective Tolls by this Act appropriated for the repairing the reſpective Roads ſo to be widened or altered, or out of the Monies to be borrowed upon the Credit of ſuch reſpective Tolls, and ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment or Tender thereof to ſuch Perſons or their Agents, and, in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Clerk or Clerks for the time being of the Truſtees, for the Uſe of ſuch Perſons, and after One Month's Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Money, Conſideration, Recompence, or Satisfaction, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into, and add to the ſaid Roads, ſuch Grounds, Lands, or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think fit: And ſuch Grounds, Lands, or Hereditaments, ſo taken into or made Part of the ſaid Roads, ſhall be deemed and taken to be, and ſhall be, to all Intents and Purpoſes, a publick and common Highway, and ſhall be repaired, and kept in Repair, by ſuch Ways and Means as the Roads hereby appointed to be repaired and widened are by this or any other Law to be repaired; and after any ſuch new Road ſhall be compleated, the Lands and Grounds comprized in or conſituting the old or former Road ſhall be veſted in, and ſhall and may be ſold and conveyed by, the Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied and diſpoſed of for the repairing and amending the ſaid Roads; and the Sale or Conveyance and Conveyances to be made of ſuch Lands or Grounds, being executed by the ſaid Truſtees, or any Seven or

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

Lands, &c. when purchaſed, to be made Part of the Road,

and kept in Repair as ſuch.

Old Road to be ſold.

more of them, and inrolled with the Clerk of the Peace for the said County of Lancaster, shall be good and effectual in the Law to all Intents and Purposes.

Buildings, &c. not to be injured.

Provided always, and be it further enacted and declared, That the Power and Authority given to the said Trustees as aforesaid, shall not extend to the pulling down any Dwelling-house or other Building, or taking in the Site of any House or other Building, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to a House; any thing herein contained to the contrary notwithstanding.

Proviso.

Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, where he shall be concerned in Interest.

Persons liable to do Statute-work to continue so.

And be it further enacted by the Authority aforesaid, That all Persons who by Law are obliged to do Statute-work, or are chargeable towards amending the several Roads hereby intended and directed to be repaired, or any Part or Parts thereof, shall still remain liable and chargeable, and do their respective Works in the said Townships or Places in which the said Roads do lie, in such Manner as such Persons ought to have done before the passing of this Act: And that it shall and may be lawful for any Five or more of the said Trustees, by their Surveyor or Surveyors, to summon the Surveyors of the Highways, for the respective Townships or Places wherein any Part of the said Roads doth lie, to bring in Writing before the said Trustees, or any Five or more of them, upon Oath, within Fifteen Days after such Summons (which Oath the said Trustees, or any Two of them, are hereby impowered to administer) a List of the Names of all the Persons who, within such Townships or Places respectively, are obliged by Law to do their Statute-work for that Year, with Teams or Draughts, or otherwise, as also the Number of Days Work which each Person ought to do on the Roads in such Townships or Places respectively; out of which List the said Trustees, or any Five or more of them, shall and may appoint and order so many Persons to do their Statute-work on the Roads directed to be repaired by this Act, as they shall think fit; which said Statute-work shall be done by such Persons, at such Times, in such Manner, and in such Parts of the said Roads, within such respective Townships and Places, as the Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall, from time to time,

time, direct and appoint: And if any Person shall neglect or refuse to do such Statute-work, every such Person, for each Day he shall make Default, shall forfeit the Sum of Ten Shillings for each Team and Draught; and every Householder and other Person liable to perform such Statute-work as a Labourer, shall forfeit the Sum of One Shilling and Six Pence for each Day's Default: And if any Person shall be found idle or negligent in the Performance of such Statute-work, the Turnpike Surveyor may, and he is hereby required to discharge such Person, and it shall be deemed as if such Person had not come or been sent to work; and he or they shall be liable to such respective Penalties as aforesaid; And in case any of the said Surveyors of the Highways for such Townships or Places shall refuse or neglect to give in a List of the Names as aforesaid, to such Trustees, every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Twenty Shillings; all which said Forfeitures shall be recovered and levied in the same Manner as the other Forfeitures and Penalties herein before mentioned are directed to be recovered and levied, and shall be applied towards repairing and amending the said Roads. Penalty on Persons not performing Statute-work; Application of the Monies.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors, or other Person or Persons, by and with the Consent of the Inhabitants of such Townships or Places respectively through which any of the said Roads lead, first had at any Vestry or other publick Meeting of such Inhabitants, who shall be summoned together for that Purpose, to compound and agree from time to time with the said Trustees, or any Five or more of them, for an certain Sum of Money, by the Year, or otherwise, in lieu of the Statute-work to be performed by such respective Inhabitants upon any Part of the said Roads: And in case such Composition-money shall not be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be due and demanded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of Lancaster (upon Oath made before him or them of such Default, which Oath the said Justice or Justices as or are hereby impowered to administer) and he or they are hereby required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, impowering Trustees may compound for Statute-work, &c. Composition-money how to be recovered and applied.

powering such Person so by the said Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of the Person or Persons who hath or have made such Composition as aforesaid; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid), to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the Composition-money, and all reasonable Charges of distraining and selling, shall be deducted; which Composition-monies shall go and be applied towards amending the said Roads, and to no other Use or Purpose whatsoever; and such Surveyors, and other Persons, by whom such Composition shall be made on the Behalf of any Township or Place as aforesaid, shall be reimbursed such Composition-money, together with the Charges of levying the same, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Lands, &c. chargeable to the Highways to continue so.

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

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall authorize the said Trustees, or any of them, to repair or amend any County or Hundred Bridge or

Bridges;

Bridges; and that such Bridges, Drains, and Sewers, lying and being in any of the said Roads, and such Parts of the said respective Roads which have been heretofore, and ought to be, maintained and repaired by any particular Person or Persons, or Bodies Politick or Corporate, or by the Inhabitants of any Town or Place, shall from time to time be repaired, maintained, and kept in Repair, by such Person or Persons, Bodies Politick or Corporate, or Inhabitants, liable to the said Repairs, in such Manner as the same were or ought to be respectively kept in Repair before the passing of this Act; and that no such Person or Persons, Bodies Politick or Corporate, or Inhabitants, shall by virtue of this Act, or any Thing herein contained, be discharged from any such Repairs.

Persons liable to repair Bridges, &c. to continue so.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may order and direct the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any Town or Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person shall wilfully pull up or damage any of such Posts or Stones, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and be convicted thereof by the Confession of the Party, or by the Oath of One credible Witness, before any One or more Justice or Justices of the Peace for the said County (which Oath the said Justice or Justices is and are hereby impowered to administer) every such Person shall forfeit the Sum of Forty Shillings for every such Offence, to be levied by Distress and Sale of the Goods and Chattles of such Offender; One Moiety whereof shall be allowed to the Informer, and the other Moiety shall be applied in repairing such Stones and Posts, or in supplying of new Ones in their stead; and if there shall be any Overplus, the same shall be laid out in repairing that Part of the Road on which the Offence shall be committed; and in case sufficient Distress cannot be found, it shall be lawful for the said Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the House of Correction for the Space of One Calendar Month, there to remain without Bail or Mainprize, or until he or she shall

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

to be levied by Distress and Sale;

and for want of Distress, the Offender to be committed.

have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more of the Justices of the Peace for the said County of Lancaster, which Warrant such Justice or Justices is or are hereby impowered and required to grant, upon the Information of any One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is or are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied (if not otherwise directed to be applied by this Act) for and towards the amending the respective Road upon which, or in relation whereto, the Offence was committed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for such Person to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held in and for the said County of Lancaster, or, in case the said Cause of Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace, then such Appeal may be made to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way, and if they see Cause, may, by Order of such Sessions, mitigate at their Discretion all or any of the Penalties aforesaid, or vacate and set aside the Conviction, and set the Party at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them shall seem reasonable; and to make such Orders and Judgements in regard to

the

the Premiſſes, as they ſhall think fit; but the Perſon ſo appealing ſhall give Notice to the ſaid Treaſurer or Treaſurers, of ſuch his or her Intention of bringing ſuch Appeal, Eight Days before the ſaid Quarter Seſſions. 8 Days Notice of Appeal to be given.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender againſt this Act, ſhall be quaſhed or vacated for want of Form, or be removable by Certiorari, or any other Proceſs, into any of his Majeſty's Courts of Record at Weſtminſter, or for the County Palatine of Lancaſter; and 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 to be 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, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of the Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe. Proceedings not to be quaſh'd for want of Form only; nor removable by *Certiorari*. Diſtreſs not to be deemed unlawful for want of Form; nor the Party diſtraining to be deemed a Treſpaſſer *ab initio*.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action, for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by or on Behalf of the Party diſtraining before ſuch Action brought. Plaintiff not to recover, if Tender of Amends hath been made.

And be it further enacted by the Authority aforeſaid, That this Act, and all the Powers hereby given, ſhall take Place, and have Continuance, only from and after the Twenty ſeventh Day of March, in the Year of our Lord One thouſand ſeven hundred and ſixty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament: But if at any Time before the Expiration of the ſaid Term, all the ſaid Roads ſhall be ſufficiently repaired and widened, and ſo adjudged by the Juſtices of the Peace, at their General Quarter Seſſions to be holden for the ſaid County of Lancaſter, that then, and from and after ſuch Adjudication made, and Repayment of all Money owing on account of this preſent Act, all the Powers hereby granted ſhall, from thenceforth, ceaſe and determine. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee or Truſtees ſhall die, On Death, &c. of Truſtees, others to be choſen.

die, remove, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees, or any Five or more of them, from time to time, to elect and appoint one other fit Person, living in the said County of Lancaster, and qualified as aforesaid, in the Room of such Trustee so deceased, removing, or refusing to act: But Notice in Writing of the Time and Place of Meeting for the Election of all such new Trustees, shall be fixed on all the Turnpikes to be erected by virtue of this Act, at least Twenty Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, shall be joined with such surviving or other Trustees, and they are hereby impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as if such Persons had been particularly named in, and appointed Trustees by, this Act.

Time and Place of Trustees Meeting, &c. not to hold any Place of Profit.

And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the House of Thomas Mather, known by the Sign of the New King's Arms, in Leigh aforesaid, on the Twenty ninth Day of March, in the Year of our Lord One thousand seven hundred and sixty two, and proceed to the Execution of this Act, and adjourn themselves, from time to time, and afterwards meet there, or at any other Place in or near any of the said Roads, as the said Trustees, or any Five or more of them, shall think most convenient, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act, and to adjourn to another Day, the Clerk or Clerks to such Trustees shall, by publick Notice in Writing to be affixed on all the said Turnpikes, at least Ten Day before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House or Place near the said Roads, on that Day Month next after the Day on which such last Meeting was appointed to have been held: And in case there shall not appear a sufficient Number of the said Trustees to act at such Meeting, and to adjourn as aforesaid, that then the said Clerk, by affixing, or causing to be affixed, such Notices as aforesaid, shall appoint such Trustees to meet at the House or Place where the Meeting of the said Trustees was appointed to be held, or at some other convenient House or Place in or near the said Roads, on that Day Month next after the Day on which such last Meeting was appointed to have

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

In Default of a sufficient Number to act, Notice to be given of another Meeting.

Books may be read in Evidence.

Writings to be without Stamps.

have been held; and ſo from time to time the ſaid Clerks ſhall appoint a Meeting every Month until a ſufficient Number of the Truſtees ſhall appear and meet to act, or to appoint another Meeting by Adjournment: And that the ſaid Truſtees at all their Meetings ſhall defray their own Charges and Expences.

No Truſtee to accept of a Place of Profit ariſing from the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Truſtee ſhall have any Place of Profit ariſing out of or by reaſon of the Tolls hereby granted; but every ſuch Perſon ſhall, from the Time of accepting ſuch Place, be incapable of acting as a Truſtee during his Enjoyment of ſuch Place of Profit as aforeſaid; nor ſhall any Perſon whatſoever act as a Truſtee or Juſtice of the Peace, in the Execution of all or any the Powers or Authorities hereby given, in any Matter or Thing whatſoever, wherein he is directly or indirectly intereſted, but ſhall on every ſuch Occaſion withdraw, and not be preſent.

Victuallers, &c. not to hold any Place of Profit.

And be it further enacted by the Authority aforeſaid, That no Victualler or Retailer of Spirituous or Fermented Liquors ſhall hold or enjoy any Office or Place of Profit by virtue of or in Execution of this Act.

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

Provided alſo, and be it further enacted by the Authority aforeſaid, That ſuch Truſtees as are or ſhall be in the Commiſſion of the Peace for the ſaid County of Lancaſter, ſhall and may act nevertheleſs as Juſtices of the Peace, for the more ſpeedy and effectual putting in Execution the ſeveral Powers hereby given.

Proceedings, &c. to be entered in a Book.

Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That all Orders and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Clerks: And the ſaid Orders and Proceedings ſo ſigned ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the ſaid Book directed to be kept for regiſtering the ſaid Mortgages and Aſſignments, ſhall and may be read in Evidence in all Caſes of Appeal, and in all Suits or Actions touching any thing done in purſuance of this Act.

Books may be read in Evidence.

Writings to be without Stamps.

Provided alſo, That no Writing whatſoever, under the Hand and Seal 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, in the Execution of any Power or Authority hereby granted, ſhall

uncharged or chargeable with any Stamp-duty whatsoever.

Trustees, with Consent of the Creditors, may lessen the Tolls.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby authorized and impowered, with the Consent of the Party or Parties who shall have advanced Monies upon the Credit of the said Tolls, from time to time to lessen the several Tolls and Duties hereby granted and made payable; and to raise the same again to any Sum, so as the same do not exceed the Tolls directed to be taken by this Act; and to order and direct the same to be collected, received, and taken, in such Manner as they shall think fit; any thing herein contained to the contrary notwithstanding.

No Order, &c. to be made, unless a Majority consent.

Provided also, and it is hereby further declared and enacted, That no Act, Order, or Determination, shall be done or made, at any Meeting or Meetings of the said Trustees, without the Consent of a Majority of the Trustees present at such Meeting or Meetings respectively, that are disinterested in the Matter or Matters in Question.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, the same shall be commenced within Six Months after the Fact committed, and not afterwards; and shall be brought, laid, and tried in the County of Lancaster, and not elsewhere; and the Defendant or Defendants in 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 it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.