Anno tertio

Georgii III. Regis.

An Act for repairing and widening the Road from a Place called *Nightingales*, in the Township of *Heath Charnock*, to the Bridge at the West End of the Town of *Bolton in the Moors*, in the County Palatine of *Lancaster*.



Whereas the High Road leading from a Place called Nightingales, in the Township of Heath Charnock, to the Bridge at the West End of the Town of Bolton in the Moors, in the County Palatine of Lancaster, is very ruinous, and, in many Places, too narrow, and cannot be amended and widened by the ordinary Course of Law; May it therefore please your most Excellent 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 James Stanley, commonly called Lord Strange; Sir Henry Hoghton, Sir Roger Bradshaigh, Sir Frank Standish, Sir Thomas Hesketh, Baronets; Sir George Warren Knight of the Bath, Sir William Farrington Knight, John Aspinal, Cuthbert Allanson Clerk, Samuel Aspinal, James Barton, Thomas Braddyl, Thomas Buckley, Peter Brook, Roger Baldwin Clerk, Thomas Baldwin, Edward Byrom, John Bradshaw, Abraham Crampton the elder, Abraham Crampton the younger, Samuel Crampton, John Crampton, John Cooper, Thomas Cross, Richard Clayton, Edward

Preamble.

Trustees Names.

Edward Clayton, Thomas Cocker, John Crompton, Roger Dewhurſt, James Derbyſhire, Samuel Derbyſhire, Nicholas Fazackerley, Edward Gregg, Henry Houghton, William Horton, Edmund Hornby, Jeoffry Hornby, John Hamſon, John Hollingſhead, Edward Holt, Holt of Wiggan, Thomas Kirkhal, Edmund Leigh, George Leigh, Rigby Molyneux, Robert Moſs, William Makant, Thomas Marſh, George Marſh, Robert Nuttal, William Norris, Thomas Norris, Robert Oliver, George Oldham, Robert Parker, John Parker, Richard Pilkington, Thomas Plumb, John Parker, George Parker, Francis Reynolds, Thomas Reynolds, Laurence Rawſtorne, Townly Rigby, Dorning Raſbotham, James Shuttleworth, Edmund Starkie, Thomas Starkie, Nicholas Starkie, William Shawe, William Shawe **the elder**, William Shawe **the younger**, John Sharpe **Clerk**, Thomas Shephard, Edmund Starkie, Edmund Townley, Richard Whitehead, Joſeph Wilſon, Daniel Willis, Nicholas Walmſley, Robert Winſtanley, John Walker, Edward Whitehead, Nicholas Winckley, Joſeph Wilſon, John Walker, Edward Whitehead **Clerk**, Ottiwell Wood, Nicholas Walmſley, **and** Joſeph Yeates, **ſhall be, and they and their Succeſſors are hereby declared to be, Truſtees for putting this Act in Execution.**

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be deemed qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall have or ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, above Repriſes; or is poſſeſſed of, or intitled to, a Perſonal Eſtate alone, or a Real and Perſonal Eſtate together, to the Amount or Value of Eight hundred Pounds; or ſhall be Heir Apparent to ſome Perſon who ſhall be in the actual Poſſeſſion, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds: And if any Perſon hereby deemed incapable of acting, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety of which ſaid Forfeiture ſhall be paid to the Proſecutor, and the other Moiety thereof ſhall be applied in repairing the ſaid Road.

Penalty on acting, not being qualified.

And

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And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, the said Road, or any Part or Parts thereof; and also a Toll-house or Toll-houses, in, upon, or near the same, or in the Lands adjoining thereto; and to demand, receive, and take the Tolls and Duties following, before any Horse or other Cattle or Carriage shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll houses, and take the following Tolls thereat

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. The Tolls.

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

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 Sum or Sums of Money shall be demanded and taken as a Toll or Duty; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned to and for the several Uses and Purposes herein after-mentioned (the reasonable Charges expended or to be expended by reason of passing this Act, being first deducted and paid) and it shall and may be lawful to and for the said Tolls vested in the Trustees.

Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, under their Hands and Seals, ſhall from time to time appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the ſame upon any ſuch 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 other Cattle, or of any Carriage or Goods upon which any Toll or Duty is by this Act impoſed, or by Diſtreſs of any other Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame, and to detain and keep the ſame until ſuch Tolls or Duties, with the reaſonable Charges of ſuch Diſtreſs, detaining and keeping the ſame, ſhall be fully paid and ſatisfied; and after the Space of Four Days ſuch Perſon or Perſons diſtraining (in caſe ſuch Tolls, with the reaſonable Charges incident to ſuch Diſtreſs as aforeſaid, ſhall remain unpaid or unſatisfied) ſhall and lawfully may ſell the ſaid Horſe or Horſes, Cattle, Carriage, or other Goods ſo diſtrained, for Payment thereof; returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls, Duties, and all reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

No Gate to be erected Eaſtward of *Doff Cocker Lane*.

Provided always, That nothing in this Act contained ſhall extend to impower the ſaid Truſtees to erect any Gate or Turnpike upon or to the Eaſtward of the Lane called Doff Cocker Lane, leading into the ſaid High Road on the North Side thereof.

Tolls to be paid but Once a Day.

Provided always, That no Perſon or Perſons, having Occaſion to paſs the Place or Places where the Tolls or Duties are taken, who ſhall return the ſame Day before Twelve of the Clock at Night, with the ſame Horſe, Aſs, Mule, or other Cattle, or the ſame Coach or other Carriage, ſhall be liable or compellable the ſame Day to pay the ſaid Toll or Duty more than Once; in order to which the Gate-keeper is required to deliver, to each Perſon requiring it, a Note or Ticket, on producing whereof he ſhall be permitted to paſs on the ſame Day Toll-free, with the ſame Horſe, Beaſt, Cattle, and Carriage.

Penalty on giving or receiving Tickets.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, having paid any of the ſaid Tolls or Duties by this Act granted, and having ſuch Note or Ticket, Notes or Tickets, ſhall offer, give, or diſpoſe of the ſame to any Perſon or Perſons (except the Perſon or Perſons appointed to collect and receive the Tolls hereby made payable) or if any Perſon or Perſons ſhall, with any Horſe, Beaſt, or Cattle, Coach, or other Carriage,

Carriage, go or pass through any Ground, Parcel of Land, or other Place adjoining to or lying near any of the Gates or Turnpikes to be by virtue of this Act erected, the same not being a common Road; or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or wilfully permit or suffer any Person or Persons, with any Horse, Beast, or other Cattle, Coach, or other Carriage, to go or pass through the same Grounds, Lands, or Hereditaments; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse or other Beast from any Coach or Carriage as aforesaid, whereby the Payment of any of the said Tolls shall be evaded; that then, and in any of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace in and for the said County where such Offence shall be committed, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use or Uses; and the other Moiety shall go and be applied towards the amending the said Road.

Penalty on Persons permitting or going thro' private Passage, &c. or taking off Horses, &c.

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, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter, as often and for such Time as they shall think proper, to lessen all or any of the Tolls and Duties by this Act made payable, at any Turnpike or Toll-bar, and so again, as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

Trustees may lessen the Tolls, &c.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last mentioned, by affixing such Notice upon every Turnpike to be erected by virtue of this Act.

20 Days Notice to be given of their Meeting.

And be it further enacted by the Authority aforesaid, That the Right and Property of the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be and are hereby vested in the Trustees appointed or to

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

be

be appointed by or in Pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper, and to bring and to cause any Action to be brought in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer for the time being; or to prefer or cause Bills of Indictment, or other Prosecutions, to be preferred against any Person or Persons who shall keep Possession of any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons so keeping Possession, to quit the same; or against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part thereof.

Trustees to appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, may, and are hereby authorized and impowered to choose a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls or Duties aforesaid, and also a Surveyor or Surveyors, to view the Condition of the said Road, and to see that the same be repaired, and such other Officers as they, or any Nine or more of them, shall think necessary for the Execution of this Act; and, from time to time, to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and to appoint new ones on their Death or Removal: And all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall, upon Oath, when thereunto required by the said Trustees, or any Three or more of them (which Oath the said Trustees are hereby impowered to administer) on the Twenty fourth Day of June in every Year, or oftener, if the said Trustees, or any Three or more of them, shall so require, give in a true, exact, and perfect Account in Writing to the said Trustees, or any Three or more of them, of all Monies which such Persons shall have received by virtue of this Act, and how, and to whom, and for what Uses, such Monies have or shall have been paid or applied, together with proper Vouchers for such Payment: And in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Three or more of them, or to such Person or Persons as they, or any Three or more of them, shall impower to receive the same, and shall be laid out and disposed of according to the true

and remove them, and appoint others.

Officers to account upon Oath.

Intent

Intent and Meaning of this Act: And the said Trustees, or any Five or more of them, may and shall, out of the said Tolls or Duties, make such Allowance to the said Officers, and to such other Persons as shall be assistant to them, or any of them, in or about repairing the said Road, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up such Vouchers relating to the same, or verify the Articles thereof on Oath, when required so to do; then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the said County Palatine of Lancaster, shall 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; and if such Person or Persons shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol of the County of Lancaster, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with such Trustees, or any Five or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers to be by them appointed to receive the same; which Composition the said Trustees, or any Five or more of them, at any Meeting, are hereby impowered to make.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to inquire into the Default, and commit the Offender, until he shall conform, or compound.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Persons as he, or any Five or more of the said Trustees, shall appoint, to dig, gather, take, and carry away, any Gravel, Sand, Stones, or other Materials for repairing the said Road, out of any River, Brook, Waste or Common Ground, in any Parish, Town, Village, or Hamlet, wherein or near which the said Road, or any Part thereof, doth lie, without paying any thing for such Materials; and where there are not sufficient Quantities of Materials proper for that Purpose to be had upon, out of, or from such River, Brook, Waste or Common Grounds, 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, or any other Person or Persons by them employed, having an Order from the said Trustees, or any Five or more of them, to dig, gather, take, and carry away, or cause to be dug, gathered, taken, or carried away, any Quantity or Quantities of Gravel, Sand, Stones, or other Materials, proper and sufficient for that Purpose, in, upon, out of, or from, the Lands or Grounds

Surveyors may dig Gravel &c. from Waste Grounds,

without paying for the same.

For want of sufficient Materials, the same may be taken from private Grounds;

of any Perſon or Perſons, where the ſame may be had or found, to be uſed, diſpoſed, and applied, in and towards the repairing the ſaid Road (ſuch Lands or Grounds not being the Site of any Houſe or Houſes, or a Yard, Garden, Orchard, planted Walk, or Avenue to any Houſe, or any Piece or Parcel of incloſed Ground, ſet apart or uſed as a Plantation or Nurſery of Trees) they the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons, paying or offering to pay to the reſpective Owners or Occupiers of ſuch Lands or Grounds, in, from, or over which ſuch Materials ſhall be digged, cut, taken, and carried away, ſuch Sum and Sums of Money for the ſame, and the Damage they ſhall reſpectively ſuſtain thereby, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable: And in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and the ſaid Owners or Occupiers, or any or either of them, concerning ſuch Damage as aforeſaid, the Juſtices of the Peace at the next General Quarter Seſſions to be holden for the ſaid County Palatine of Lancaſter, or the major Part of them preſent, on Ten Days Notice thereof being given in Writing by the 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 left at their reſpective Places of Abode, with ſome or One of their reſpective Families, ſhall hear, ſettle, and determine the Matter of ſuch Damage; and the Judgement or Order of the Juſtices therein ſhall be final and concluſive to all Parties.

making Satisfaction to the Owners of the Grounds.

Juſtices to determine Differences.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Three or more of them, or the Surveyor or Surveyors by them appointed as aforeſaid, or any other Perſon or Perſons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered (they the ſaid Surveyor or Surveyors, or other Perſons, having a Warrant or Order under the Hands of the ſaid Truſtees, or any Three or more of them, for thoſe Purpoſes reſpectively) to make, or cauſe to be made, any Cauſeway or Cauſeways in or along the Side or Sides of any Part of the ſaid Road; and ſhall or may erect or build, or cauſe to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon or acroſs the ſaid Road, or any Part thereof; and may and ſhall make, raiſe, or erect, any Mounds or Banks, or dig or cut, or cauſe to be digged or cut, any Drains or Watercourſes, in, through, or acroſs, any Lands, to prevent the ſaid Road, or any Part thereof,

Surveyors may make Cauſeways, &c.

and erect Bridges, &c.

being overflowed, and erect Bridges over such Drains or Watercourses; making such reasonable Satisfaction to the Owners or Occupiers of such Lands for the Damages they may thereby sustain, as to the said Trustees, or any Three or more of them, shall seem meet.

Surveyors may remove Annoyances, &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, and such Person or Persons as he and they shall appoint, from time to time to remove and carry away all Annoyances on any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, across, or out of, the said Roads, to the Prejudice thereof; and to open, scour, cleanse, or enlarge any Watercourses or Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper or necessary; and to make any new Drains adjoining to the said Road, so as the same be not made through any Garden, Orchard, Yard, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and to grub up or cut down, lop or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop or top, and carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or to make such Drains as may be necessary, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Three or more of them; the Charges whereof shall be settled by the said Trustees, or any Three or more of them, and reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers, so neglecting to grub up, cut down, lop, top, and carry away such Trees or Bushes, or to open, scour, or cleanse such Watercourses or Ditches, or to make such Drains, or to remove such other Annoyances as aforesaid; such Charges to be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures by this Act imposed, are herein-after directed to be recovered, levied, and disposed of; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person so offending, and being thereof convicted on Oath, before One or more Justice or Justices of the Peace for the said County where such Offence was committed, shall for every such Offence forfeit unto

and cleanse Ditches;

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

Penalty of a Second Offence.

the

the ſaid Truſtees, the Sum of Twenty Shillings, to be diſpoſed of and applied in repairing the ſaid Road.

Truſtees may contract with Perſons for the Purchaſe of Lands, &c. to be laid into the Road, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, are hereby authorized and impowered to widen the ſaid Road, or any Part thereof, and for that Purpoſe they the ſaid Truſtees, or any Nine or more of them, ſhall have full Power and Authority, from time to time, during the Continuance of this Act, to treat, contract, or agree with the ſeveral Owners, Proprietors, Occupiers of, and Perſons intereſted in, any Lands, Grounds, or Hereditaments, lying contiguous to the ſaid Road ſo to be widened, for the Purchaſe of any ſuch Lands, Grounds, or Hereditaments, or for the Loſs or Damage any ſuch Owners, Proprietors, or Occupiers, ſhall or may in any wiſe ſuſtain by ſuch widening of the Road, or any Part thereof; and out of the Tolls or Duties by this Act granted, and out of any Monies borrowed on the Credit thereof, to pay for ſuch Lands, Grounds, or Hereditaments, and for ſuch Loſs and Damage, ſuch Sum and Sums of Money as ſhall be agreed upon between the Owners, Proprietors, Occupiers, and Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Three or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe.

Bodies Politick, &c. impowered to treat for the Sale of ſuch Lands.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whatſoever, for and on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands, Grounds, or Hereditaments, neceſſary for widening the ſaid Road, to treat, contract, and agree with the ſaid Truſtees, or any Three or more of them, for the Purchaſe of ſuch Grounds, Lands, or Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, for the Purpoſes aforeſaid, and to ſell and convey the ſame as Occaſion ſhall require; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law, 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 all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, Corporations Aggregate or Sole, and all other Perſons,

Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons neglecting to treat, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Body Politick, Corporate, or Collegiate, Trustee, or other Person interested in any Lands, Grounds, 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 Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said Road as aforesaid, shall, by the Space of Fourteen 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 such Case, the said Trustees, or any Three or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County Palatine of Lancaster (which Oaths the said Trustees, or any Three or more of them, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, as aforesaid, for or upon the account of taking of such Lands, Grounds, or Hereditaments, into the said Road: And in order thereto, the said Trustees, or any Three or more of them, are hereby impowered and required, from time to time, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons, who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Three or more of the said Trustees are hereby impowered and directed to administer) and shall order and cause the said Jury to view the Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Three or more of them, shall think fit: And after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, they the said Trustees, or any Three or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, accord-

Jury to settle the Recompence.

Witnesses may be summoned, and examined upon Oath.

Verdict of the Jury to be binding.

ing to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, against all Persons and Parties whatsoever, claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands, Grounds, or Hereditaments, shall thereby be, from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of the same:

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

And, for the summoning such Jury or Juries, the said Trustees, or any Three or more of them, are hereby impowered to issue a Warrant or Warrants to the Sheriff of the County Palatine of Lancaster, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number 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 Three 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.

Jurors may be challenged.

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 Three 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 Person or Persons who shall be summoned on such Jury, and shall not appear, or who shall refuse to be sworn on such Jury; or, being so sworn, shall refuse or neglect to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or, appearing, who shall

Trustees may impose a Fine on Sheriff, &c. making Default in the Premisses.

refuse to be examined and give Evidence; and from time to time to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty is herein after directed to be levied, so as no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence; and that all such Fines shall be applied for such Uses, and in such Manner, as the Tolls and Duties hereby granted are to be applied.

Fine not to exceed 10*l.*

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, 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, then, upon leaving the same in the Hands of the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Three or more of them, their Surveyor, Workmen, or Agents, to take into and add such Grounds, Lands, and Hereditaments, to the said Road, and to do all and every such Act, Matter, or Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Nine or more of them, shall think fit and proper; and after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, and Notice thereof given as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into, or added to, and made Part of, the said Road, in such Manner as the said Trustees, or any Nine or more of them, shall order and direct.

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

Lands when purchased to be made Part of the Road.

Provided always, and be it further enacted by the Authority aforesaid, That in widening any Part of the said Road, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any planted Walk, or Avenue to any House.

Buildings, &c. not to be injured.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and they are hereby impowered from time to time, by any Writing under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges

Tolls may be assigned for Money borrowed.

Charges of such Assignment to be borne and paid out of the said Tolls or Duties) for the whole Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance or lend such Money, to secure the Repayment thereof by and out of the Monies arising or to be collected by the said Tolls and Duties, with Interest for the same; which said Money so borrowed shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect to the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders, and Persons to whom such Assignments shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the original Assignment or Assignments so to be made by the said Trustees for securing such Sum or Sums of Money, shall be entered at Length in a Book, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward: But no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls after their First Meeting, unless Fourteen Days Notice be previously given thereof, by Writing under the Hand of the Clerk to the said Trustees, to be by Order of the said Trustees, or any Three or more of them, affixed on all the Turnpikes erected by virtue of this Act.

All Creditors to be deemed equal in Degree.

Assignments to be entered in a Book.

Notice to be given for borrowing Money.

And be it further enacted, That all and every Person and Persons to whom any such Assignment or Assignments shall be made by the said Trustees, or any Seven or more of them, or who shall be intitled to the Money thereby secured, may, and they are hereby impowered from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and such Assignment shall intitle such Assignee,

Assignments may be transferred.

Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may in like Manner aſſign the ſame again, and ſo toties quoties.

Aſſignments to be entered in a Book.

Provided always, That all ſuch Aſſignments or Indorſements of ſuch Securities as exceed the Sum of One hundred Pounds, ſhall be entered in a Book, to be kept for that Purpoſe by the reſpective Clerk or Clerks, Treaſurer or Treaſurers for the time being: And in caſe any Security ſo aſſigned ſhall not exceed the Sum of One hundred Pounds, it ſhall and may be lawful to and for the reſpective Perſon or Perſons then intitled to ſuch Security or Securities, or Aſſignment reſpectively, by an Indorſement of his, her, or their proper Name, without Witneſs, to transfer his, her, or their Property in ſuch Security, Aſſignment, or Aſſignments, to any other Perſon or Perſons, without any Entry to be made with the Clerk or Treaſurer, and ſo toties quoties as often as they ſhall think fit.

Exemptions from Tolls.

Provided always, and it is hereby declared and enacted, That no Tolls or Duties ſhall be demanded or taken at any Turnpike to be erected by virtue of this Act, for any Perſon going to, or returning from, any Election of a Knight or Knights of the Shire for the ſaid County Palatine of Lancaſter, on the Day of ſuch Election, and One Day next before and after the ſame; nor for any Waggon or other Carriage, or for any Horſe or other Beaſt drawing or carrying any Materials for repairing any Road or Highway; or any Dung, Lime, Mould, Soil, or Compoſt, for manuring any Lands; or any Graſs, Hay, Corn in the Straw, or Coals, Wood, Heath, Furze, Ling, Turf, or Peat for Fuel; or any Ploughs, Harrows, or other Implements of Husbandry, to be uſed for tilling or manuring of Lands; or any Corn or Grain to be ground; or any Oatmeal, Wheat-flour, or other Flour or Bran whatſoever, ground or made from any Corn or Grain, at the Mill or Mills of Edward Byrom Eſquire, at Smithills, within Halliwell; or for any Perſon reſiding in any of the reſpective Pariſhes or Townſhips, who ſhall paſs to and from Church or Chapel, or other lawful Place of Religious Worſhip on Sundays, or who ſhall attend the Funeral of any Perſon who ſhall die or be buried in any of the Pariſhes or Places in which any Part of the ſaid Road doth lie; or for any Horſe or other Cattle going to or from Water or Paſture, or for the Purpoſe only of being ſhoed at any Smith's Shop within the Pariſhes, Townſhips, or Places, where the ſaid Road intended to be repaired by this Act doth lie, not

being above Two Miles distant from such Turnpike-gate or Gates respectively; or for any Post-horse carrying or drawing the Mail or Packet; or for the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to or passing with them, or carrying their Baggage; or any Horses or Carriages carrying Vagrants sent by Passes.

Penalty on making illegal Claims.

Provided also, 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; to be recovered and applied in Manner herein after directed.

Persons liable to repair any Part of the Road, to continue so.

Provided also, and be it further enacted, That all Persons who by Law are obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes or Townships respectively in which the said Road doth lie, in such Manner as such Persons ought to have done before the passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Road, by this Act directed to be repaired, and lying within the Parishes, Townships, or Places, in which such Inhabitants respectively shall live, and at such Times and in such Manner as the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them authorized, shall direct and appoint; and that every Inhabitant of the said Towns, Parishes, and Places respectively, who shall keep a Horse, Mare, or Gelding, and Cart, shall send the same, with able Persons to work therewith, according to the Laws now in being, for and towards the repairing the said Highways, on such Days, and under the like Penalties for Default, as are now by Law appointed; and the said Turnpike Surveyor shall attend the respective Days and Places of the Statute-work to be done, and lay out the Road, and direct the Manner in which such Road respectively shall be formed and made; and the Surveyors of the several Parishes, Townships, and Places respectively, and the Workmen under their Charge, shall be subject in the repairing such Road to the Orders of such Turnpike Surveyor: Provided, That if any such Surveyor of any Parish or Township, or any Labourer under his Charge, or other Inhabitant, shall think himself aggrieved by any thing done by the said Turnpike Surveyor, or by the said Trustees, or any Three or more of them, in the Premisses, he may (on giving Fourteen Days Notice in Writing) appeal to the

Inhabitants to do Statute-work.

Persons aggrieved may appeal to the Quarter Sessions.

next General Quarter Seſſions of the Peace to be holden for the ſaid County Palatine of Lancaſter; and the Juſtices then and there ſhall hear and determine the ſame, whoſe Order therein ſhall be final.

Surveyors of the Highways to give in Liſts of Perſons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors of the Highways for the reſpective Townſhips, Pariſhes, or Places, wherein any Part of the ſaid Road doth lie, ſhall, and are hereby required at the Firſt Meeting of the ſaid Truſtees after the Firſt Day of January in every Year, during the Continuance of this Act (Ten Days Notice of ſuch Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the ſaid Truſtees true and perfect Liſts in Writing before ſuch Truſtees, or any Three or more of them, upon Oath (which Oath the ſaid Truſtees, or any Three or more of them, are hereby impowered to adminiſter) of the Names of the ſeveral Perſons who within each Townſhip, Pariſh, or Hamlet reſpectively, are obliged by this Act, or by any other Law to do their Statute-work for that Year: And in caſe any of the ſaid Surveyors of the Highways ſhall refuſe or neglect to deliver in true and perfect Liſts as aforeſaid, then every ſuch Surveyor ſhall, for every ſuch Neglect or Refuſal, forfeit the Sum of Five Pounds.

Truſtees may compound with Pariſhes for Statute-work.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes or Townſhips (by and with the Conſent of the Inhabitants of ſuch Pariſhes or Townſhips, firſt had at a Veſtry, or other publick Meeting of ſuch Inhabitants) to compound and agree by the Year, or otherwiſe, with the Truſtees, or any Five or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of ſuch Pariſhes or Townſhips, upon any Part of the ſaid Road; and if ſuch or any future Surveyor or Surveyors ſhall pay ſuch Compoſition-money, or the ſame ſhall be levied on him or them, he or they ſhall be reimburſed the Monies ſo by him or them paid, or levied on him or them, in ſuch Manner as Surveyors of Highways are by the Laws now in being to be reimburſed the Monies by them expended in buying Materials for repairing the Highways; and in caſe ſuch Compoſition-money ſhall not be paid to the ſaid Truſtees, or any Three or more of them, or to ſuch Perſons as they ſhall appoint to receive the ſame, within Fifteen Days after the ſame ſhall be demanded, it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace within the ſaid County Palatine (upon Oath made before him or them of ſuch Default) and he and they is and are hereby

Compoſition-money, how to be recovered and applied.

hereby required to iſſue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering ſuch Perſon ſo by the ſaid Truſtees, or any Three or more of them, appointed to receive ſuch Compoſition-money, to levy the ſame by Diſtreſs of the Goods and Chattles of the Surveyor or Surveyors of the Highways for the time being, of the ſaid Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets reſpectively; 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 ſaid Compoſition-money, and the reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; which Compoſition-money ſhall be, by the ſaid Truſtees, or any Three or more of them, applied towards amending the ſaid Road, and to no other Uſe or Purpoſe whatſoever.

Truſtees may compound with Perſons, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, and they are hereby impowered to compound or agree with any Perſon or Perſons, whoſe Dwelling ſhall be within the Diſtance of One Mile of any Turnpike-gate to be erected by virtue of this Act, for paſſing through ſuch Gate only, and with no other Perſon, for any Sum or Sums of Money to be paid annually, or otherwiſe, in lieu of the ſaid Tolls or Duties granted by this Act.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Three or more of them, ſhall direct, and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Road, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from London, or any other Place, as to the ſaid Truſtees, or any Three or more of them, ſhall ſeem meet: And if any Perſon ſhall wilfully and maliciouſly break, pull up, injure, or deſtroy, any of ſuch Stones or Poſts as ſhall be ſo erected, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon, every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Offence; One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be laid out and applied in repairing ſuch Stones or 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 the Road directed to be repaired by

Penalty on defacing Mile-ſtones.

by this Act; and in case such Offender shall have no Goods or Chattles, then 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 respectively, to commit such Offender to the Common Gaol or House of Correction for the County Palatine of Lancaster, for the Space of One Month, or until he or they shall have paid the said Sum of Forty Shillings.

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 hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Justices of the Peace for the County Palatine of Lancaster; which Warrant the said Justices are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Testimony of One or more credible Witness or Witnesses upon Oath; 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 Charge of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Three or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied, if not otherwise directed to be applied by this Act, for and towards amending the said Road.

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, herself, or themselves aggrieved by any Act, Order, or Judgement, done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said County Palatine; he, she, or they causing Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, so assembled, 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 the Orders and Judgements of

the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form only;

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order of the said Justices, to be had touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster.

nor be removeable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance, from and after the Day Three Weeks after the passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

On Death, &c. of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees, in the Room of such Trustee or Trustees so deceased, or refusing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every such new Trustee, shall be fixed at all the Turnpikes to be erected by virtue of this Act, at least Ten Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, being duly qualified as herein before directed, shall be joined with such surviving Trustees, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees hereby appointed, or any Nine or more of them, shall meet together at the House called The Doff Cocker, in the Township of Halliwell, upon the First Monday in May, One thousand seven hundred and sixty three, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at such convenient Place, as the said Trustees, or the major Part of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen there shall not appear at any such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn themselves, the Clerk to the said Trustees shall, by publick Notice in Writing to be affixed

at or on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks from the Day on which such Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, defray their own Charges and Expences. Notice to be given of another Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall, and they are hereby required, to take such Security from their Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Nine or more of them, shall think fit. Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit: And that no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, or any Person or Persons who shall carry any Goods for Hire, or have, use, or exercise, the Occupation of a Common Carrier, shall be capable of holding or enjoying any Office or Place of Trust or Profit under this Act. No Trustee to accept a Place of Profit arising from the Tolls. No Victualler, &c. to hold any Place of Profit.

Provided also, and be it further enacted by the Authority aforesaid, That such of the said Trustees as are or shall be in the Commission of the Peace, or any of them, may and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees. Trustees in the Commission of the Peace may act as Justices.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And

No Order to be repealed, unless 9 Trustees be present.

And be it enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Three or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, unless Nine Trustees shall be then present, and Five of them at least shall concur in revoking or repealing the same; or if more than Nine be present, then at least Two-thirds of the whole Number to concur as aforesaid in revoking or repealing the same.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons for any thing done or to be done in Pursuance of this Act, the same shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried, within the County Palatine of Lancaster, and not elsewhere; and the Defendant or Defendants, in such Action

General Issue.

or Suit, 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 Matter or Thing for which such Action or Suit shall be so brought, was done in Pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any 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 than as aforesaid, 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 De-

Treble Costs.

fendants shall have Treble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

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.

FINIS.