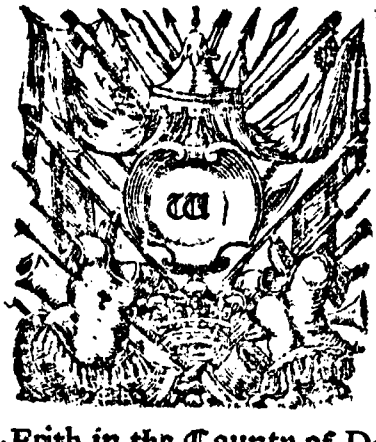
Anno quarto

Georgii III. Regis.

An Act to amend and render more effectual ſeveral Acts of Parliament for Repairing the Roads from *Sherbrooke Hill* near *Buxton*, and *Chappel in the Frith*, in the County of *Derby*, through the Town of *Stockport*, in the County of *Cheſter*, to *Mancheſter*, in the County of *Lancaſter*, and other Roads in the ſaid Acts mentioned; and for Turning and Diverting the Roads from *Whaley Bridge* to *Chappel in the Frith* and to *Sparrow Pit Gate*, and from *Whaley Bridge* to the Weſtern End of *Longſide Common*, in the County of *Cheſter*.



Whereas by ſeveral Acts of Parliament paſſed in the Eleventh Year of the Reign of his Majeſty King George the Firſt, and in the Third, Twenty ſecond, and Twenty fifth Years of the Reign of his late Majeſty, ſeveral Tolls or Duties and Powers were granted and continued for repairing the Roads from Sherbrooke Hill near Buxton, and Chappel in the Frith in the County of Derby, through the Town of Stockport in the County of Cheſter, to Mancheſter in the County Preamble.

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ty of Lancaſter, and from the School-houſe in Didſbury to the Bridge in Wilmſlow, in the County of Cheſter, and other Roads in the ſaid Acts mentioned, and for erecting a Bridge over the River Merſey; And whereas Powers are not granted in any of the ſaid ſeveral Acts to the Truſtees therein or thereby appointed, to turn or alter ſuch Part or Parts of the ſaid Roads as they ſhall think neceſſary for the Safety and Convenience of Paſſengers; for want of which Powers, they the ſaid Truſtees have not been able to carry the ſaid Acts into Execution, to anſwer the Purpoſes thereby intended: And whereas Part of the Road leading from Whaley Bridge to Chappel in the Frith in the County of Derby, being Part of the Road directed by the ſaid ſeveral Acts to be repaired, is very mountainous, ſteep, and dangerous to Travellers, and it would be greatly for the Convenience of the Publick, if the ſaid Road was turned or altered from a certain Part of the preſent Turnpike Road, leading from Whaley Bridge to Buxton, at or near a Bridge, called Shallcroſs Bridge, over Horridge Common, in the Pariſh of Hope, and through certain incloſed Lands, and a Wood called Ollerenſhaw Wood, at or near Chapel Tunſtead, of and belonging to Simon Jackſon, Eſquire, John Gaſkell, William Thomaſon, and Francis Thomaſon, and from thence through certain Lanes called Bye Lanes, to the Turnpike Road in the Town of Chappel in the Frith aforeſaid: And whereas the Road leading from Chappel in the Frith aforeſaid to Sparrow Pit Gate, and alſo the Road leading from Whaley Bridge aforeſaid to the Weſtern End of Longſide Common, are in many Parts mountainous, ſteep, and dangerous to Travellers, and it would be greatly for the Convenience of the Publick if the ſaid Roads were in many Parts thereof turned and diverted: Now, in order to render the ſaid ſeveral Acts more effectual for the Purpoſes thereby intended; 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 James Bradſhaw Eſquire, Benjamin Bower, Joſiah Birch, James Borron, John Peploe Birch, Thomas Boardman, Archibald Bell, Richard Barton, Gentlemen; Joſeph Clowes Eſquire; Peter Crompton, Thomas Chadwick, Richard Clowes, William Ethelſtone,

Truſtees Names.

stone, Charles Ford, Robert Garside, Thomas Gardner, James Gratrix, Robert Hamilton, Robert Hibbert, Henry Hindley, John Hollinpriest, Robert Hyde, Edward Kenyon, Gentlemen; John Lloyd Esquire, Robert Livesley, John Leyer, Gentlemen; Peter Manwaring Esquire, John Markland, Thomas Marriot, Theophilus Ogden, Gentlemen; Roger Sedgewick Esquire, Thomas Tipping, Daniel Whitaker, Michael Walton, Walter Wilson, Thomas Walker, Gentlemen; all of the County of Lancaster, John Arden the younger Esquire, Richard Pepper Arden Esquire, Peter Brooke the younger Esquire, John Buckley, James Brock, Thomas Bancroft, Samuel Cooper, Gentlemen; William Davenport Esquire, Edward Dale, Samuel Daniel, William Greaves, Gentlemen; George Heron Esquire, Nathaniel Isherwood Esquire, Edmund Kershaw Gentleman, Henry Cornwall Legh Esquire, Henry Richmond, Henry Lankford, Gentlemen; Peter Mottram, Robert Newton, Richard Orford, Francis Nicholson, Charles Roe, Robert Slack, James Thompson, George Thornley, Gentlemen, all of the County of Chester; Alexander Barker, John Barker of Edenson, Richard Barker, John Barker of Bakewell, William Bower, William Bosley, Gentlemen; Stephen Bealor, Josiah Bradbury, William Bradbury, Thomas Bowden, John Creswell, James Carrington, Philip Chandley, Gentlemen; John Carver Esquire, John Frith junior Gentleman, John Gee Clerk, Thomas Grove Clerk, John Harris junior, Godfrey Heathcote senior, Godfrey Heathcote junior, Gentlemen; William Hanison Clerk, James Heywood Clerk, Joshua Jebb Esquire, Thomas Longden, William Longden, John Lingard, Robert Longden, John Mander, James Mower, Elias Needham, James Pickford, Cornelius Pickford, Richard Roe, John Renshaw, Francis Roe, Gentlemen; Adam Slater Esquire, Joseph Smedley, Thomas Slater, Richard Slater senior, Philip Sheldon, Richard Slater junior, John Twigg Esquire, John Thorp, Daniel Taylor, Francis Thomason, William Thomason, Henry Thomason, Richard Wilkinson, John Wilkinson, Richard White, Peter Walthall Clerks, all of the County of Derby, shall be added to and joined with the Trustees appointed or elected by or in pursuance of the said former Acts, or any of them, and they are hereby appointed Trustees for putting the said former Acts, and this Act, in Execution.

And be it further enacted, That in case the said Trustees, or any Seven or more of them, shall at any Time or Times during the Continuance of the said former

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

former Acts, and this Act, think proper to turn or alter the said Road, leading from Whaley Bridge to Chappel in the Frith, by turning or altering the same from a certain Part of the present Turnpike Road, leading from Whaley Bridge to Buxton, at or near a Bridge called Shallcross Bridge, and over Horridge Common in the Parish of Hope, and through certain inclosed Lands and a Wood called Ollerenshaw Wood, at or near Chapel Tunstead, of and belonging to Simon Jackson Esquire, John Gaskell, William Thomason, and Francis Thomason, and from thence through certain Lanes called Bye Lanes, to the Turnpike Road in the Town of Chappel in the Frith; and also to widen, turn, or alter the Road leading from Chappel in the Frith to Sparrow Pit Gate, and also to widen, turn, and alter the Road leading from Whaley Bridge to the Western End of Longside Common, or any other Part or Parts of the Roads to be repaired and kept in Repair by the said former Acts, or any of them, for the better Accommodation of Passengers; that then the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and impowered from time to time, to turn or alter the said Road leading from Whaley Bridge to Chappel in the Frith; and also to widen, turn, or alter any other Part or Parts of any of the said Roads; and for that Purpose to treat, contract, and agree with the several Owners, Proprietors, Occupiers of, and Persons interested in, any such Lands, Grounds, or Hereditaments, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested in any of them, shall or may any ways sustain by such widening, turning, or altering, any Part of such Roads; and out of the Tolls or Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreement and Purchase, so far as the same relates to the turning or altering the Road from Whaley Bridge to Chappel in the Frith, and the widening, turning, and altering the Road from Chappel in the Frith to Sparrow Pit Gate, and so far as the same relates to the widening,

widening, turning, or altering any Part or Parts of the said Roads to be repaired and kept in Repair by the said former Acts, or any of them, out of the Tolls or Duties granted by the said former Acts, or any Money to be borrowed upon the Credit thereof; and it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, or other Trustees whatsoever, for or on behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Seven or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, 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 all Bodies Politick, Corporate, or Collegiate, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Executors, Administrators, Husbands, Guardians, Trustees, or other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to 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, 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, or into or through which such Road is to be turned, widened, or altered as aforesaid, shall, by the Space of Twenty one 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 said Trustees, or any Seven or more of them, shall cause to be inquired into, and ascertained and assessed by and upon the Oaths of a Jury of Twelve indifferent

Persons neglecting to treat, &c.

Jury to settle the Damages and Recompence.

ferent Men of the County wherein such Lands, Grounds, or Hereditaments, shall lie, (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Proprietors, Occupiers, or other Person or Persons interested, for or upon account of the taking such Lands, Grounds, or Hereditaments, into the said Road, or of turning such Road into or through any such Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Seven or more of them, are hereby impowered and required from time to time, as Occasion shall be, to summon and call 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 as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of the said Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit: And after the said Jury shall have enquired of, ascertained, and assessed such Damage and Recompence, they the said Trustees, or any Seven 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, Proprietors, or Occupiers of, or other Persons interested in, the said Lands, Grounds, or Hereditaments, according 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, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes-covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and all and every Person and Persons interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, be thereby and from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of

Verdict of the Jury to be final.

of the same; And for the summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County wherein such Lands, Grounds, or Hereditaments shall lie, thereby commanding him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Seven 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 Two or more of them, shall swear, or cause to be sworn, Twelve, to be drawn by Ballot out of the said Twenty four Persons; and in 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, who shall be sworn in like Manner, till the Number of Twelve be compleated, which Twelve shall be the Jury for the Purposes aforesaid; and 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 Seven or more of them, acting in the Premisses, shall have full 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, or on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give or not 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, shall refuse to be sworn and give Evidence; and from time to time to recover, levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty is by the said former Acts, or any of them, directed to be recovered, levied, and applied, so as that no such Fine shall exceed the Sum of Five Pounds upon any One Person for One Offence.

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

Jurors may be challenged.

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

Fine not to exceed 5*l.*

Expences of the Jury how to be borne.

And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Right, Property, or Interest, in any such Lands, Grounds, or Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof, so far as relate to the turning or altering the Road from Whaley Bridge to Chappel in the Frith, and the widening, turning, or altering, the Road from Chappel in the Frith to Sparrow Pit Gate, and so far as the same relate to the widening, turning, or altering, any Part or Parts of the said Roads to be repaired and kept in Repair by the said former Acts, or any of them, out of the Tolls or Duties granted by the said former Acts, or any Money borrowed or to be borrowed upon the Credit thereof; but if any Jury or Juries, so to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid in respect of the turning or altering the Road from Whaley Bridge to Chappel in the Frith, and the widening, turning, or altering the Road from Chappel in the Frith to Sparrow Pit Gate, is and are hereby charged upon the Monies which shall be raised by virtue of this Act, and that all and every Sum and Sums of Money so assessed as aforesaid, in respect to the widening, turning, or altering any other Part or Parts of the said Roads to be repaired and kept in Repair by the said former Acts, or any of them, is and are hereby charged upon the Monies raised or to be raised by virtue of the said former Acts, and shall be paid thereout respectively by the said Trustees, or any Seven or more of them, or their Treasurer or Treasurers, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, 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 Treasurer or Treasurers to the said Trustees for the Use of such Persons, such Lands, Grounds, or Hereditaments, shall by the said Trustees, their Surveyors, Workmen, or Agents, be laid into, and made Part of, the said Road, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Road for ever after; and the Road so widened, turned, or altered, shall be repaired and kept in Repair by such Ways and Means, and in such Manner, as are prescribed and directed in and by this Act and the said former Acts.

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

Lands, &c. purchased to be laid into the Road,

and esteemed as publick Highways.

Provided always, and be it enacted, That in widening, turning, or altering any Part or Parts of the said Roads, nothing shall be done which shall or may in any wise injure or damage any House, Building, Garden, Orchard, or Yard, unless the Owner or Owners thereof shall consent thereto.

Buildings, &c. not to be injured.

And be it further enacted, That if the said Trustees, or any Seven or more of them, shall cause the said Road leading from Whaley Bridge to Chappel in the Frith to be turned or altered, by turning or altering the same from a certain Part of the present Turnpike Road, leading from Whaley Bridge to Buxton, at or near a Bridge called Shallcross Bridge, and over Horridge

Trustees may erect Turnpikes and Toll-houses.

ridge Common in the Parish of Hope, and through certain inclosed Lands and a Wood called Ollerenshaw Wood, at or near Chapel Tunstead, of and belonging to Simon Jackson Esquire, John Gaskell, William Thomason, and Francis Thomason, and from thence through certain Lanes called Bye Lanes, to the Turnpike Road in Chappel in the Frith, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to cause to be erected a Toll-gate or Turnpike, and Toll-house, in, upon, or across the said Road so turned or altered, and to cause to be demanded and taken at such Gate or Turnpike the following Tolls or Duties, before any Cattle or Carriage shall be permitted to pass through the same (that is to say)

and take the following Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, upon Four Wheels, drawn by Six or more Horses, Geldings, or Mares, Two Shillings; and drawn by Four Horses, Geldings, or Mares, One Shilling and Six Pence; and drawn by less than Four Horses, Geldings, or Mares, One Shilling.

For every Calash, Chaise, or Chair, upon Two Wheels, drawn by Two or more Horses, Mares, or Geldings, Six Pence; and drawn by One Horse, Mare, or Gelding, Four Pence.

And for every Waggon, Wain, Cart, or Carriage, loaden with Coal only, and drawn by Four or more Horses, Mares, Geldings, or Oxen, Eight Pence; and drawn by Three Horses, Mares, Geldings, or Oxen, Six Pence; and drawn by Two Horses, Mares, Geldings, or Oxen, or under, Four Pence.

And for every other Waggon or other Four Wheel Carriage, Four Shillings.

And for every other Cart, Wain, or Carriage with Two Wheels, drawn by Five or more Horses, Mares, Geldings, or Oxen, One Shilling and Four Pence; and drawn by Four Horses, Mares, Geldings, or Oxen, One Shilling; and drawn by Three Horses, Mares, Geldings, or Oxen, Nine Pence; and drawn by Two Horses, Mares, Geldings, or Oxen, Six Pence; and drawn by One Horse, Mare, Gelding, or Ox, Four Pence.

And for every Horse, Mare, Gelding, Mule, or Ass, laden with Malt, Salt, Flour, Corn, or Grain, and not drawing, or having been so laden and returning back unladen, One Halfpenny.

And

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

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

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

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; and the Money so to be raised shall be and is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid and applied in Manner herein after mentioned: 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 to such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint to receive the same, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Carriage or Cattle, upon which such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Person or Persons so distraining shall and may sell the Carriage or Cattle, or the Goods and Chattles so distrained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges, shall be deducted.

Tolls vested in Trustees.

Tolls may be levied by Distress and Sale.

Distress may be sold after 4 Days.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, and to provide a Toll-house to each Gate or Turnpike, on the Side or Sides of the said Road hereby impowered to be made, from the said Place near Shallcross Bridge to Chappel in the Frith, across any Lane or Way leading into or out of the same, and to cause such Tolls to be taken and levied thereat as are appointed by this Act to be taken and levied at the Gate or Turn-

Trustees may erect Side-gates,

and take Tolls thereat,

pike to be erected in, upon, or across the said Road; so as the same do not extend to a double Charge upon any Person for the passing through the said Gate or Turnpike erected upon the said Road: And in order to prevent the evading the Payment of the Tolls or Duties hereby granted and to be taken at any of the said Gates or Turnpikes to be erected by virtue of this Act, it shall and may be lawful for the said Trustees, or any Seven or more of them, to cause to be erected a Gate or Turnpike upon, in, or across the said Road used and travelled before the passing of this Act, and leading from Whaley Bridge to Chappel in the Frith aforesaid, at or near a Place called the Higher Crossings on the Western Side thereof, and to cause such Tolls to be taken and levied thereat as are appointed by this Act to be taken and levied at any of the said Gates or Turnpikes to be erected by virtue hereof; so that the same do not extend to a double Charge upon any Person for passing through all or any other of the Gates or Turnpikes hereby impowered to be erected.

So as the same do not extend to a double Charge.

Particular Exemptions from Toll.

Provided always, That no Person residing in the Parish of Chappel in the Frith shall be subject or liable to the Payment of any Toll or Duty hereby granted for the passing of their Carriages or Cattle through any Gate or Turnpike erected by virtue of this Act (save and except such as carry Goods, Wares, or Merchandize for Hire).

Tolls to be paid but Once a Day.

Provided also, That no Person who shall have paid the Toll or Duty hereby granted, for the passing of any Cattle or Carriage through any Gate or Turnpike erected by virtue of this Act, shall be subject or liable the same Day to the Payment of any Toll or Duty at the same or any other Gate or Turnpike erected by virtue of this Act, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next Night; such Person producing a Note or Ticket denoting such Payment, which Ticket the Collector of the Tolls is hereby required to give gratis, upon the Payment of such Toll.

No Toll for Lime and Coal, nor for crossing the Road only.

Provided also, That no Toll or Duty hereby granted shall be demanded or taken for any Cattle laden with Lime or Coal only; nor shall any Toll or Duty hereby granted be demanded or taken for any Carriage or Cattle for only crossing the said Road hereby impowered to be made between the said Place near Shallcross Bridge and Sparrow Pit Gate.

And be it further enacted, That the said Trustees, or any Seven or more of them, may, and are hereby impowered, from time to time, as they shall see convenient, to compound and agree, for any Term not exceeding One Year, with any Person or Persons; for any Carriages, Horses, Beasts, or Cattle, travelling or passing through the Turnpike or Turnpikes to be erected by virtue of this Act, for the Toll to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, except such as travel for Hire; and all such Composition-money shall be paid monthly in Advance to the Treasurer or Treasurers of the said Road; and, in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void, and such Composition-monies shall be applied in such Manner as the Tolls hereby granted are directed to be applied. Trustees may compound with Travellers.

And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments, lying or situate near any Turnpike which shall be erected by virtue of this Act; or if any Owner or Occupier of any such Land, Ground, or Hereditaments, shall knowingly and wilfully permit or suffer any Person or Persons, with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by virtue of this Act to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Bar with any Horse or any Cattle or Beasts, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast from any Carriage; or shall leave, or cause to be left, upon or near to any Part of the said Road, any Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, every Person so offending in each of the said Cases, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied for the Purposes of this Act. Penalty on Persons permitting or going thro' private Passage, &c. or giving or receiving Tickets, or taking off Horses, &c.

And

Truſtees may appoint Officers,

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, from time to time, appoint One or more Collector or Collectors of the Tolls to be collected by virtue of this Act, and One or more Clerk or Clerks, Treaſurer or Treaſurers, and Surveyor or Surveyors of the ſaid Road hereby impowered to be made from the ſaid Place near Shallcroſs Bridge to Sparrow Pit Gate, and ſuch other Officer or Officers as the ſame Truſtees, or any Seven or more of them, ſhall think neceſſary; and, from time to time, to remove any or either of ſuch Officers and other Perſons, and appoint others in the Room of each of them as ſhall be ſo removed, or ſhall die: And out of the Monies to ariſe by virtue of this Act, make ſuch Allowances to the ſaid Officers and Perſons, as to them the ſaid Truſtees, or any Seven or more of them, ſhall ſeem reaſonable: And all ſuch Officers and Perſons ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Truſtees, or any Seven or more of them, ſhall direct, deliver to ſuch Truſtees, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall direct, true and perfect Accounts in Writing, of all the Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Truſtees, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and all the ſaid Officers and Perſons ſhall be ſubject to the like Orders and Directions of the ſaid Truſtees, or any Five or more of them, as other the Officers and Perſons are ſubject and liable to, by and in purſuance of the ſaid former Acts (unleſs otherwiſe provided for by this preſent Act); the ſaid Truſtees, or any Seven or more of them, making ſuch Allowance to the ſaid Treaſurer or Treaſurers, Collector or Collectors, and the Surveyor or Surveyors, Clerk or Clerks, and other Officer or Officers by the ſaid Truſtees, or any Seven or more of them, ſo appointed as aforeſaid, for and in Conſideration of his and their Care and Pains reſpectively taken in the Execution of his and their ſaid Office or Offices, and to ſuch other Perſon or Perſons as ſhall have been employed in

and remove them, and appoint others.

Officers to account.

Truſtees to allow Officers Salaries.

in the Execution of this Act, as to the said Trustees, or any Seven or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Wine, Ale, or Spirituous Liquors by Retail.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby authorized and required, to take such Security from the Treasurer or Treasurers, to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees, or any Seven or more of them, shall seem meet.

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

And be it further enacted, 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, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials proper for repairing the said Road hereby impowered to be made, from the said Place near Shallcross Bridge to Chappel in the Frith, in and out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, without paying any thing for the same; such Surveyor or Surveyors fencing or levelling, or causing to be fenced or levelled, all such Holes and Pits where any such Materials as aforesaid shall be digged, gathered, and taken, so as to prevent any Mischief or Accident happening: And also it shall and may be lawful for such Surveyor and Surveyors, by Order of the said Trustees, or any Seven or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons (not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, or Yard to any House) where such Materials are or may be found; and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid; paying such Sum or Sums of Money for the Damage done to the Owners and Occupiers respectively of the Grounds where and from whence the same shall be digged, gathered, or carried away, or upon, over, or through which the same, or any other Materials so dug and gathered as aforesaid, shall be carried or drawn, as the said Trustees, or any Seven or more of them,

without paying for the same;

levelling the Pits.

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

making Satisfaction to the Owners.

Justices to determine Differences.

shall adjudge reasonable: And in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees touching such Damages as aforesaid, the Justices of the Peace, at their next General Quarter Sessions, or at the Second General Quarter Sessions at the farthest, to be holden in for the County where such Damage shall be done as aforesaid, or the major Part of them then present, shall and may adjudge, assess, and finally determine the same.

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

And be it further enacted, That the Right and Property of all the Turnpikes and Toll-houses which shall be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, shall be and they are hereby vested in the said Trustees, and they, or any Seven or more of them, are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their Treasurer or Clerk, or to prefer, or order the preferring of Indictments against any Person or Persons, who shall injure or disturb them the said Trustees in the Possession thereof.

Application of the Money.

And be it further enacted, That out of the Monies to be collected and raised by the Tolls or Duties hereby granted, or out of any Money to be borrowed on the Credit thereof, the said Trustees, or any Seven or more of them, shall, in the first Place, pay all the Expences incurred in, and in relation to, the obtaining of this Act, and shall apply the Remainder of the Money so raised in erecting and providing Turnpikes and Toll-houses, and of making, repairing, widening, altering, turning, and keeping in Repair, the said Road hereby impowered to be made from the said Place at or near Shallcross Bridge to Chappel in the Frith, and from thence to Sparrow Pit Gate, and of executing all other the Purposes in and by this Act given and granted, in such Manner as the said Trustees, or any Seven or more of them, shall from time to time think proper and direct.

Trustees may borrow Money upon the Credit of the Tolls.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, upon the Credit of the Tolls hereby made payable, to borrow and take up at Interest any Sum or Sums of Money, as they, or any Nine or more of them,

shall think needful; and may, and they are hereby authorized and impowered to mortgage or assign over the said Tolls, or any Part or Parts thereof, to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof as aforesaid; which said Sums of Money so to be borrowed (the Charges of procuring and passing of this Act in the Manner aforesaid being thereout first paid) shall be laid out and applied in and for the Purposes of this Act, in such Manner as the said Tolls are hereby directed to be laid out and applied, and to and for no other Use or Purpose whatsoever. Tolls may be assigned for Money borrowed.

And be it further enacted, That all and every Person or Persons, to whom any such Mortgage or Mortgages, Assignment or Assignments, of the Tolls shall be made, or who shall be intitled to the Money thereby secured, and his, her, or their Assignee or Assignees, may and is and are hereby impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies that shall be due thereon, to any other Person or Persons. Assignments may be transferred.

And be it further enacted, That all and every Person or Persons to whom the said Trustees, or any Nine or more of them, shall at any Time make such Assignment or Mortgage, and his, her, and their Assignee or Assignees, shall be equally intitled to their Proportion of the said Tolls, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever. All Creditors to be deemed equal in Degree.

Provided always, That no Money shall be borrowed on the Credit of the said Tolls, unless Notice in Writing for that Purpose, under the Hand of the Clerk or Clerks of the said Trustees, be fixed upon the Market Cross in the Town of Chappel in the Frith aforesaid, and inserted in some publick News-paper or News-papers, at least Fourteen Days before the borrowing of such Money. 14 Days Notice to be given of borrowing Money.

And be it further enacted, That all the Powers, Authorities, Provisions, Penalties, Compositions, Forfeitures, and Clauses in the said former Acts contained, and now in Force, for the repairing, widening, and keeping in Repair the Roads therein or thereby directed Powers in former Acts extended to this.

rected to be repaired, widened, and kept in Repair, (except such as are hereby varied or altered) shall be, and the same are hereby extended to, and shall take Place in respect of the turning, repairing, widening, and keeping in Repair, the said Road hereby impowered to be made from the said Place at or near Shallcross Bridge to Chappel in the Frith, and from thence to Sparrow Pit Gate, and also the Road from Whaley Bridge to the Western End of Longside Common, and also to any other Part or Parts of any other of the Roads to be repaired, widened, and kept in Repair, by the said former Acts, or any of them, which the said Trustees, or any Seven or more of them, shall think proper to cause to be widened, turned, or altered, for the Accommodation of Travellers.

Writings to be without Stamps.

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the Borrowing of Money, or any 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 any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority 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 or Duty whatsoever.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, &c. to cease.

And be it further enacted, That when the Road hereby impowered to be made and repaired from the said Place at or near Shallcross Bridge to Chappel in the Frith, and from thence to Sparrow Pit Gate, shall be effectually made and completed, and shall be so determined to be by the said Trustees, or any Seven or more of them, and all the Money borrowed upon the Credit of the Tolls or Duties hereby granted, and the Interest thereof, and all the Charges and Expences attending the Execution of this Act, shall be fully paid and satisfied, the Tolls or Duties hereby granted shall cease and determine; and thing herein contained to the contrary notwithstanding.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to affect or alter the Application of the Tolls raised or to be raised at any of the Turnpikes or Toll-gates erected or to be erected by virtue of

of the said former Acts, or any of the Securities made or given, or to be made or given on the Credit thereof, or of any of them, but that such Tolls, and the Securities made and given, or to be made or given on the Credit thereof, or of any of them, shall remain and be subject to the same Application, and of the same Force and Effect, as they were or would be if this Act had not been made.

Commencement and Continuance of this Act.

And be it further enacted, That this Act, and the Tolls or Duties and Powers hereby granted, shall commence and have Continuance, from and after the passing of this Act, for and during the Continuance of the said former Acts.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons, for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County where the Cause of Action shall arise, 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 the same shall appear to have been so done, or if any such Action or Suit shall be so brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, 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, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in this Act, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

General Issue.

Treble Costs.

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

FINIS.