Anno quinto

Georgii III. Regis.

An Act for repairing and widening the Road from *Stockport*, in the County of *Cheſter*, to *Saxon's-Lane-end*, in the County of *Lancaſter*, and from the *Croſs* in *Aſhton-under-Line*, in the ſaid County of *Lancaſter*, to *Doctors-Lane-head*, in the County of *York*, and alſo the Road, branching out of the firſt mentioned Road, in the Townſhip of *Bredbury*, to *Mottram*, in the ſaid County of *Cheſter*.

WHEREAS the Road leading from the Turnpike Road in the Market Town of Stockport, in the County of Cheſter, to the Finger Poſt at Saxon's Lane End, adjoining to the Turnpike Road in the Townſhip of Awdenſhaw, in the County of Lancaſter, leading from Aſhton-Under-Line to Mancheſter, in the ſame County; and alſo the Road leading from the Croſs in Aſhton-Under-Line aforeſaid, to a Place called Doctors Lane Head in Saddleworth, in the County of York, adjoining to the Turnpike Road leading from Wakefield to Auſterlands, in the Weſt Riding of the ſame County; and alſo the Road branching out of the ſaid firſt mentioned Road, at or near the Finger Preamble.

Poſt in Bredbury, in the ſaid County of Cheſter, leading from Stockport aforeſaid to the Village of Mottram in Longdendale, in the ſame County, are in a very ruinous Condition, narrow and founderous in many Places, and ſo very bad and incommodious, that Coaches, Waggons, and other Carriages, cannot travel without Danger: And whereas the putting the ſaid Roads in good and ſufficient Repair, will tend to the Improvement of the Trade and Commerce carried on in thoſe Parts of the Country, and be a Benefit to all Perſons travelling thereon; but the ſame cannot be effectually amended, widened, altered, and kept in Repair, by the ordinary Proviſion of the Law: May it therefore pleaſe your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable James Smith Stanley, commonly called Lord Strange; the Right Honourable George Cholmondeley, commonly called Lord Malpas; the Right Honourable George Harry Grey, commonly called Lord Grey; the Right Honourable Thomas Bellaſis, commonly called Lord Bellaſis; the Right Honourable Lord Viſcount Downe, of the Kingdom of Ireland; the Right Honourable Lord Viſcount Galway, of the Kingdom of Ireland; the Honourable Booth Grey, the Honourable John Grey junior, the Honourable James Cholmondeley, the Honourable Richard Barry, the Honourable Arthur Barry, the Honourable John Smith Barry, Sir Ralph Aſhton Baronet, Sir George Armitage Baronet, John Arden, John Arden junior, Aſtley, Richard Pepper Arden, Legh Arden, Crew Arden, Richard Arden, Anthony Armitage, John Armitage, Joſeph Armitage, George Armitage, Bryan Allott Clerk, Bryan Allott junior, Richard Wilbraham Bootle, Peter Brook, John Brook, Buckley Bower, George Bower, John Buckley, John Brocklehurſt, William Brocklehurſt Clerk, Gilbert Berriſford, Berisford Clerk, Thomas Bancroft, Henry Bancroft, Anthony Bancroft, Joſeph Birch, James Brock, Robert Bancroft, James Bernard, William Broome, Joſeph Broome, Bower, Thomas Briarley, William Bertles, Joſeph Bruckſhaw, Benjamin Bancroft ſenior, Benjamin Bancroft junior, Joſhua Bruckſhaw, George Booth Clerk, James Buckley, James Brown, James Buckley of Over Mill, Robert Buckley, Edmund Buckley, Richard Beaumont, Thomas Beaumont, Muſgrave Briſcoe, Godfrey Boſwell, John Battye, Daniel Battye, Sir John Chet-

Truſtees Names.

wode Baronet, Philip Chetwode, John Chetwode, Thomas Cholmondeley, John Crewe, Wenman Coke, George Clarke, Edward Clarke, George Hyde Clarke, Philip Chetwode Clerk, Charles Chetwode, Claud Champion, Creſpigny, Thomas Chetham, Samuel Cooper, Samuel Cooper junior, William Cooper, Robert Crowther, Chriſtopher Coates, John Clark, John Cooper, John Clayton, George Clayton, George Chadwick, Robert Chetham, Thomas Cotton, John Croſland, James Croſland, Thomas Creſwell, Joſeph Chippendall, William Davenport, Richard Davenport, Peter Downes, Samuel Dodge, Samuel Daniel, Samuel Daniel junior, Robert Dodge, John Dyſon, John Dyſon of Huddersfield, James Dyſon, Edward Dale, Joſeph Dale, John Dale, John Dickenſon of Taxall, Sir Thomas Egerton Baronet, Samuel Egerton, Philip Egerton, Thomas Eccles, Richard Fitzherbert, William Fowden, Samuel Finney, James Farrer, Benjamin Farrand, William Fenton, William Fenton junior, William Fenton of Greenhead, Thomas Groſvenor, John Glegg, Glegg, Samuel Goodier, James Gee, John Gee, James Gartſide, Edward Gregg, James Grimſhaw, John Green, Robert Grimſhaw, Sir William Horton Baronet, Joſhua Horton, Harbord Harbord, William Hulton, John Houghton, Alexander Hollinworth, Thomas Hough, William Hardy, Joſhua Hardy, Thomas Hide, John Holt, John Hewit, John Hollinprieſt, William Holme, William Hollingworth, Joſeph Hague, John Heginbotham, John Hurſt Clerk, Edward Hobſon, Samuel Haigh, Thomas Heginbotham, John Haigh, John Haigh of Golarhill, Thomas Haigh of Petty Royds, Thomas Haigh of Marſden, Daniel Haigh, William Hague, James Harrop, John Harrop, Neddy Hall, Simon Jacſon Clerk, William Jackſon Clerk, Sir John Liſter Kaye Baronet, Anthony Keck, John Chorley Knowles Clerk, Edmund Kerſhaw, Thomas Kerſhaw, John Kerſhaw, John Kenworthy, Cornelius Kenworthy, John Kenworthy, Sir Peter Leyceſter Baronet, Peter Legh of Lyme, Charles Legh, Thomas Legh, George Legh, Cornwall Legh, Henry Legh, Ralph Leiceſter, George Leiceſter, Peter Legh of Booths, Harry Lankford, Joſeph Lawton, John Lingard, John Lingard junior, John Lowe, Sir Henry Mainwairing, Sir William Meredith, Baronets; Richard Middleton Maſſey, Richard Maſſey junior, William Marriott, Theophilus Meredith Clerk, Samuel Mercer Clerk, Peter Mottram, Ralph Nicholſon Clerk, Ralph Nicholſon, Francis Nicholſon, George Oldham, Sir Lionel Pilkington Baronet, Edward Poole Clerk, Joſeph Pickford, Sir John Ramſden Baronet, Legh Richmond Clerk,

Henry Richmond, Robert Radclyffe, John Renſhaw, Jonathan Robinſon, William Radcliffe, Thomas Radcliffe, Amos Rich, Charles Radcliffe, Henry Ridgway, Sir George Savile Baronet, Sir John Thomas Stanley Baronet, the Honourable Sir Charles Saunders Knight of the Bath, James Shuttleworth, John Smith, John Silveſter Smith, John Spencer, Richard Somiſter, John Scolfield, John Stafford, William Stafford, Robert Slack, William Antrobus Sidebotham, Charles Sidebotham, Peter Swindell, Radcliffe Sidebotham, John Slack, John Stringer, Thomas Stringer, Giles Shaw, Samuel Stones, Joſhua Southern, William Tatton, William Tatton junior, Edward Tatton, Thomas Tatton, James Thomſon, Blackburn Thomſon, George Thornley, George Thornley junior, Peers Tarrant, William Tomkinſon, William Thompſon, William Venables, Thomas Venables, Allen Vigor, Sir Peter Warburton Baronet, the Honourable Sir George Warren Knight of the Bath, William Wright, Henry Offley Wright Clerk, Edmund Watſon Doctor of Phyſic, William Wright of Chadkirk, William Whittaker, James Whawell, John Worthington, Iſaac Worthington, Iſaac Worthington junior, John Worthington of Brinnington, Ralph Wilde, James Wilde Clerk, John Whitle, Peter Wilde, John Woodhead, Abraham Woodhead, Thomas Hide, Charles Hide, John Williamſon, Thomas Lockwood, Samuel Lees, John Saxon, Timothy Whitehead, Robert Lees, Henry Lees, Edmund Ratcliffe, John Ridgway, Ralph Worthington, George Leech, Richard Taylor, Joſhua Wood, Ralph Creſwell, John Swindel, James Newton, Henry Taylor, John Buckley, Hugh Kinder, John Turner, Edward Collier, Matthew Binns, Thomas Wagſtaffe, James Cooke, William Shepley, Thomas Chadwicke, Joſeph Wilſon, John Lees, Edward Byrom, James Moſs, Jonathan Birch, John Bradſhaw, James Bayley, James Walker Doctor of Phyſic, Peter Mainwaring Doctor of Phyſic, Townſon Clerk, John Holt, James Wrigley, Randle Judſon, George Robinſon, George Maſſey, George Cooke, Thomas Walton, John Aſhton, William Aſhton, Thomas Lees, John Peploe Birch, Thomas Birch, George Birch, Samuel Birch, Thomas Orrell, John Birch, John Senior, Thomas Hudſon, George Chadwick, William Elliſon, Peter Newton, Benjamin Brookes, John Barlow, William Coppock, John Coppock, James Standring, David Bridge, Ralph Bridge, Thomas Bracegirdle, Peter Pownall, George Hulme, Henry Ellis, Henry Richardſon, Charles Sidebotham of Werneth, John Aſhton, Francis Moſely, James Aſtley, David Hide, Charles Hide, Thomas Lockwood junior, John Gale, Charles Aſtley,

Aſtley, Robert Brookes, John Brown, John Robinſon, Ralph Porter, John Styth, John Mayer, Richard Bancroft, Joſeph Lea, George Coope, James Whitelegg, William Shelmerdine, Thomas Taylor, Henry Sidebotham, John Shepley, Iſaac Booth, James Aſhton, Thomas Booth ſenior, Robert Green, Henry Houghton, Alexander Bancroft, and Samuel Loes, ſhall be, and they and their Succeſſors, to be elected in Manner herein after mentioned, are hereby appointed Truſtees for ſurveying, ordering, widening, turning, altering, amending, and keeping in Repair, the ſeveral Roads aforeſaid, and for putting in Execution all other the Powers by this Act given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, above Reprizes; or poſſeſſed of, or intitled unto, a Perſonal Eſtate of the Value of One thouſand Pounds; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds: And if any Perſon not being ſo qualified, ſhall preſume to act, contrary to the Intent and Meaning hereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act.

Penalty on acting if not qualified.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall meet together at the Houſe of Robert Ridgway, known by the Sign of the Anchor in Stockport aforeſaid, on that Day Three Weeks next after the paſſing of this Act, and proceed to the Execution of this Act; and ſhall then chuſe a Clerk or Clerks to write their Orders, and take Minutes, and make Entries of their Proceedings, and for other Purpoſes: and ſhall then, from time to time afterwards, adjourn themſelves, to meet at ſuch Place or Places within or near the ſaid Roads, or ſome

of

of them, as they the said Trustees, or any Seven or more of them, shall from time to time think most convenient for putting this Act in Execution: And if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to act and to adjourn to another Day, the Trustee or Trustees then present, or the Clerk or Clerks to the said Trustees, shall, from time to time, as often as such Case shall happen, by Notice in Writing to be affixed upon all the Turnpikes which shall then be erected upon or across the said Roads, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, on the Fourteenth Day after the Day for which such last Meeting was appointed; and the said Trustees, at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by this Act authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are Justices of Peace, may act as Justices of Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences

No Order made to be repealed, &c. but at a publick Meeting.

No Trustee to accept of a Place of Profit.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die, or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, by Writing under their Hands and Seals, to elect One other Person qualified as aforesaid, to be a Trustee in the Room of such Trustee so deceased, or refusing to act; but Notice in Writing of the Time and Place of Meeting for every such Election, shall be given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpikes in or upon the said Roads, at least Ten Days before every such Meeting; and all Persons who shall be so elected, are hereby vested with the same Powers for the putting this Act in Execution,

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

Notice of Election to be given.

Execution, as the Persons in whose Places they shall be respectively chosen were vested with.

Trustees may erect Turnpikes and Toll-Houses, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, from time to time, cause to be erected, on each and every of the said Roads, a Gate or Gates, Turnpike or Turnpikes, in, upon, or across, any Part or Parts of the said Roads, and on the Side or Sides of the said Roads, or across any Lane or Way leading out of the same; and also a Toll-house or Toll-houses, in, upon, or on the Side or Sides, or across the same Roads respectively; and may, from time to time, as they shall find necessary, cause any such Turnpike or Turnpikes, Toll-house or Toll-houses, to be taken down, removed, or altered; and that the Tolls following shall be demanded and taken by such Person or Persons as shall be appointed for that Purpose by the said Trustees, or any Seven or more of them, before any Cattle or Carriages shall be permitted to pass through any of the same Toll-gates or Turnpikes respectively; that is to say,

and take the following Tolls thereat.

The Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing in any Carriage, the Sum of Three Pence.

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

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

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or lesser Number.

Tolls may be levied by Distress and Sale.

Which said respective Sums of Money shall be demanded and taken in the Name of or as a Toll; 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, or any Part thereof, it shall be lawful for the Person or Persons, appointed to collect such Tolls, to seize and distrain any Horse, or other Cattle, Beast, or any Goods or Carriage, upon which any such Toll is by this Act imposed, or any of the Goods and Chattles of such Person or Persons so neglecting or refusing 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 Horſe, Cattle, Beaſt, Carriage, or 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; and all the Tolls collected or levied by virtue of this Act, ſhall be, and are hereby veſted in the ſaid Truſtees, and ſhall be applied, or may be aſſigned, in ſuch Manner as is herein after-mentioned.

Proviſo. Provided always, That no Turnpike ſhall be erected by virtue of this Act acroſs any Part of the ſaid Roads lying in the Town of Aſhton under Line, or in the Townſhip of Audenſhaw aforeſaid.

Tolls to be paid but Once a Day. Provided always, and it is hereby further enacted and declared, That if more than One Turnpike ſhall be erected acroſs or on the Side of any One of the ſaid Roads, no Perſon producing a Note or Ticket of having paid Toll at any One Turnpike acroſs or on the Side of any One of the ſaid Roads, which Note or Ticket the Collectors at ſuch Turnpike reſpectively are hereby required to give gratis upon Payment of ſuch Toll, ſhall be liable to pay Toll the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, at any other Turnpike acroſs or on the Side of the ſame Road, for the ſame Horſe or Horſes, Beaſt or Beaſts, Cattle or Carriages, for which ſuch Toll was before paid on the ſame Road, and on the ſame Day as aforeſaid; nor ſhall any Perſon or Perſons be liable to pay Toll more than Once in any One Day, to be computed as aforeſaid, for paſſing and repaſſing with the ſame Cattle and Carriage, through any One Gate or Turnpike to be erected by virtue of this Act.

Penalty on Gate Keepers refuſing to quit Poſſeſſion. And be it further enacted by the Authority aforeſaid, That if any Toll Gatherer, or Perſon appointed by the ſaid Truſtees, or any Seven or more of them, in Manner herein before-mentioned, to collect and receive any of the Tolls by this Act granted, ſhall at any Time or Times neglect or refuſe to quit his Employment, conformable to the Orders of the ſaid Truſtees, or any Seven or more of them, and to deliver up the Poſſeſſion of the Turnpike, or Toll-gate, and Toll-houſe, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall appoint, and ſhall be convicted of ſuch Neglect or Refuſal, before One or more Juſtice or Juſtices of the Peace of the County or Place where ſuch Neglect or Refuſal ſhall be, either upon Con-

session of the Party, or by the Oath of One or more credible Witness or Witnesses; then it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required, to issue his or their Warrant or Warrants to the Constable, Tythingman, or other Officer or Officers of the Peace of the said County or Place, to turn such Toll Gatherer or Collector out of the Possession of the said Turnpike, or Toll-gate, and Toll-house, and to deliver the Possession thereof to such Person or Persons as the said Trustees, or any Seven or more of them, shall have directed and appointed in Manner aforesaid; and also to bring such Toll Gatherer or Collector, so neglecting or refusing as aforesaid, before such Justice or Justices, who is and are hereby impowered and required to commit him or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Two Months.

Proviso. Provided always, That no Toll shall be taken in respect of any Horse, Cattle, Beast, or Carriage, which shall only cross the said Roads.

Turnpikes, Toll-houses, &c. vested in the Trustees. And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected or provided by virtue of this Act, and of the Materials of which the same shall consist, and also all Materials which shall be actually got or collected for repairing the said Roads, shall be, and 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 Treasurers, Clerk or Clerks, 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 Monies. And be it further enacted by the Authority aforesaid, That out of the Tolls and Monies to be collected and raised by virtue of this Act, 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 and passing of this Act; and shall, from time to time, apply the Remainder of the Tolls and Monies to be collected and raised as aforesaid, in defraying the Expences of erecting and providing Turnpikes and Toll-houses, and repairing the same, from time to time, and of repairing, widening, altering, turning, and keeping in Repair, the said Roads respectively, and of executing the other Purposes of this Act, in such Manner as the said Trustees, or any Seven or more of them, shall, from time to time, direct.

And

Trustees may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at any Meeting or Meetings, to be held for that Purpose, from time to time, to vary, lessen, or reduce, all or any of the Tolls hereby granted; and for such Time or Times as they the said Trustees, or any Seven or more of them, shall think proper; and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates herein before mentioned; and to order and direct such Tolls so lessened and reduced, or advanced, to be collected, received, taken, and laid out, and applied, for the Purposes of this Act, in such Manner as they shall think fit; but no such Reduction shall be made at any Time after the First Meeting of the said Trustees, unless the Person or Persons who shall be intitled to Two Thirds of the Money, which shall have been lent upon the Credit of the Tolls intended to be reduced, shall be consenting thereto; and that no such Reduction shall be made, unless Twenty Days Notice at the least shall be given in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of this Act, of the Intention to make such Reduction.

and raise them again.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, 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 Two Years at any One Time, with any Person or Persons for any Carriages, Horses, Cattle, or Beasts, travelling upon the said Roads, or any of them, for all or any of the Tolls to be paid for or in respect of such Carriages, Horses, Cattle, or Beasts, so that no such Composition shall be made for any Cattle or Carriages travelling for Hire; and all such Composition-money shall be paid quarterly in Advance to the Treasurer or Treasurers of the said Roads; and in Default thereof, the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void; and all such Composition-monies shall be applied in such Manner as the Tolls, in respect whereof such Composition is made, are directed to be applied.

Inhabitants of *Bredbury* to pass Toll-free for 7 Years.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the Inhabitants of the said Township of Bredbury, and every of them, with any Horse or Horses, or other Beast or Beasts,

Beasts, or Cattle, or with any Carriage or Carriages, to pass and repass through any Turnpike or Turnpikes to be erected by virtue or in pursuance of this Act, in any Place or Places, within the said Township of Bredbury, Toll-free, and without paying any Duty whatsoever, from time to time, and at all Times during the Space or Term of Seven Years, to commence and be computed from the first erecting such Turnpike or Turnpikes; any Thing herein contained to the contrary notwithstanding.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, from time to time, by Writing under their Hands and Seals, to lease the Tolls arising within, or in relation to the said Roads, or any of them, or any Part or Parts of such Tolls, unto any Person or Persons, from Year to Year, or for any Term of Years not exceeding Two Years, for the best Rent that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; and the Monies arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Penalty on going thro' or permitting private Passage, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditaments, lying near any Turnpike which shall be erected by virtue of this Act (the same not being a publick Highway) or if any Owner or Occupier of any such Ground, Land, or Hereditament, shall knowingly 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 of any Part thereof, shall be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike, with any Horse, or other Cattle or Beast, 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 Roads, any Carriage, Horse, or other Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage, or secrete any Goods chargeable with any

to avoid paying the Tolls.

such Toll, every Person so offending in each of the Cases aforesaid, shall, for every such Offence, forfeit the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are herein directed to be applied.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll shall be taken for any Carriage, or any Horse, Beast, or Cattle, loaden with, or going unloaden for, or returning unloaden, having been loaden on the same Day with Coal, Slack, or Kennel only, and no other Lading; nor for any Horse, Beast, or Cattle, loaden only with, or going unloaden only for, or returning unloaden, having been only loaden on the same Day with Gravel, Stone, or other Materials for repairing the said Roads, or any of the Roads in the Township in which such Roads, or any of them, do lie; or with Hay, Straw, or Corn in the Straw only, or only with Muck, Dung, Compost, or other Materials (Lime only excepted) for the manuring and improving of Land, passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof (but not to be sold or otherwise disposed of) nor for any Ploughs, Harrows, or Implements of Husbandry for manuring, cultivating, or improving of Land, drawn by any Horse or Horses, or other Beast or Beasts; nor from any Person or Persons residing in any Township in which any of the said Roads, or any Part thereof, do or doth lie, going to or from their proper Parochial Church, Chapel, Meeting House, or other Place of Religious Worship, upon a Sunday, with any Horse or Horses, or other Beasts, or with any Carriage or Carriages; nor for any Post Horse, or Vehicle carrying the Mail or Packet; nor for any Cattle going to or from Water or Pasture; nor for the Horses of any Soldiers upon their March, or Carriages attending them with their Baggage; nor for any Cattle or Carriage employed in the conveying of Vagrants sent by legal Passes; nor for any Coach, Landau, Berlin, Chariot, Calash, Chaise, or Chair, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for any of the Counties of York, Lancaster, and Chester, during the Time of such Election, or on the Day before such Election shall begin, or the Day after such Election shall be concluded: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being

Penalty on making illegal Claims, &c.

intitled to the same, such Person shall forfeit for every such Offence the Sum of Twenty Shillings.

Tolls may be assigned for Money borrowed.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may and are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, to mortgage or assign over the Tolls arising by virtue of this Act, or any Part of such Tolls (the Costs and Charges of mortgaging and assigning the same to be paid out of the said Tolls) for any Time or Term during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed by the said Trustees, or any Seven or more of them, for that Purpose, to such Person or Persons, his, her, or their Trustee or Trustees who shall advance and lend the same, to secure the Payment thereof, with Interest for the same; and the Dates and Contents of all such Mortgages and Assignments shall be entered in a Book or Books to be kept for that Purpose by the Treasurer or Clerk to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice in Writing be for that Purpose fixed upon all the said Gates or Turnpikes at least Twenty Days before the borrowing of such Money: And all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from time to time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security or Securities, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of One or more credible Witness or Witnesses, to transfer or assign over such Security or Securities, and all the Monies, both Principal and Interest, that shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the said Treasurer or Clerk, who shall cause an Entry to be made thereof, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the original Mortgages or Assignments, for which such Treasurer or Clerk shall be paid the Sum of Two Shillings and Six Pence, and no more; and which said Book and Books shall and may, at all reasonable Times, be perused and inspected, without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees, his,

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Assignments may be transferred.

ber, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee or Assignees may, in like Manner, assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person or Persons who shall have made any such Assignment or Transfer, to make void, release, or discharge the same, or any Interest or Money due thereon:

All Creditors deem'd equal in Degree.

And that no Preference shall be given to any Person or Persons advancing or lending any Sum or Sums of Money upon the Credit of the said Tolls, or any Part thereof, in respect to the Priority of advancing or lending such Sum or Sums, but that all Persons to whom such Mortgages or Assignments shall be made as aforesaid, shall, in Proportion to the Sum or Sums therein mentioned, be Creditors in equal Degree one with another.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, from time to time, by Writing under their Hands, appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and Surveyor or Surveyors of the said Roads, and such other Officers as the said Trustees, or any Seven or more of them, shall think necessary; and,

and remove them, and appoint others.

from time to time, to remove any or either of such Officers and other Persons, and appoint others in the Room of such 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 appoint, 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: And all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Trustees, or any Seven or more of them (which Oath the said Trustees,

Trustees to allow Officers Salaries.

Officers to account upon Oath.

or

or any Two or more of them, are hereby impowered to administer) verify their said Accounts: And if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Trustees, or any Seven or more of them, within Ten Days after being thereunto required by any Seven or more of such Trustees, all the Books, Papers, and Writings, in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in their respective Hands, to the said Trustees, or any Seven or more of them, or as they shall direct or appoint; then, and in either of the Cases aforesaid, such Trustees, or any Seven or more of them, may and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Name of such Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be or reside, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him or them; and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the Trustees, or any Seven or more of them, by virtue of this Act, might have done: And if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer without Fee or Reward) it shall appear to such Justice or Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants

Officers refusing to account,

may be sued.

Balance how to be levied.

under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattles of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of levying and raising the same, then, and in either of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County or Place, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees, or any Seven or more of them, and shall have paid such Composition, in such Manner as they shall appoint; which Composition the said Trustees, or any Seven or more of them, are hereby impowered to make; or until he shall have delivered up such Books, Papers, and Writings, as aforesaid, and given Satisfaction in respect thereof to the said Trustees, or any Seven or more of them.

For want of Distress Offender to be committed,

until he shall conform or compound for the same.

Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall take such Security from their Treasurer or Treasurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the said Trustees, or any Seven or more of them, shall appoint.

Trustees may appoint Officers, tho' not at a publick Meeting.

Provided always, That as often as any Collector of the Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Seven or more of the said Trustees, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with, until the said Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of this Act, appoint a Collector of such Tolls.

Victuallers not to have a Place of Profit.

Provided also, and be it enacted, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Trustee, shall be capable of holding any Place of Profit under this Act.

Surveyors may dig Gravel, &c.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the said Roads, or any of them, or any Part thereof, and such other Person and Persons as shall be employed by such Surveyor or Surveyors, or by the said Trustees, or any Seven or more of them, is and are hereby impowered to cut, dig, gather,

gather, take, and carry away any Furze, Heath, Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Roads, out of and from any Waste Grounds or Commons, Rivers or Brooks, in any Parish, Town, or Place, in which any Parts of the said Roads, or any of them, lie, or in any neighbouring Parish, Town, or Place, without paying any thing for the same, such Surveyor or Surveyors, or other Person or Persons, filling up the Pits, and levelling the Ground, from whence such Materials shall be taken, or railing or fencing of such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Furze, Heath, Stones, or other Materials, proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons, Rivers or Brooks, contiguous to that Part of the said Roads, or any of them, intended therewith to be repaired, then, and in such Case, the said Surveyor or Surveyors, or other Person or Persons, as aforesaid, may, by Order of the said Trustees, or any Seven or more of them, dig, gather, take, and carry away, any such Materials as aforesaid, in, upon, or out of, from, and over, the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) paying or tendering Payment of such Rates for such Materials, and for the Damage done to such private Lands, over which any Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Seven or more of them, shall adjudge reasonable.

without paying for the same; levelling the Pits.

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

making Satisfaction to the Owners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, from time to time (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them) to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise, and convert the same to his or their own Use or Uses; and to turn any Water-courses, Sinks, or Drains, running along, into, or out of the said Roads, or any of them, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper, any Water-courses or Ditches adjoining thereto, and make the same as deep and large as he or they shall think necessary; and to cut down, lop, or top, any Trees,

Surveyors may remove Annoyances, &c.

and cut down Trees,

Shrubs, or Bushes, growing in the said Roads, or any of them, 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 lop or top, cut down and remove, such Trees, Shrubs, or Bushes, or to open, scour, cleanse, widen, or deepen, such Water-courses or Ditches, or remove such other Annoyances, in such Manner as the said Trustees, or any Seven or more of them, or the Surveyor or Surveyors, shall require, for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof (to be settled by the said Trustees, or any Seven or more of them) shall be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers, and be recovered and applied in such Manner as the Penalties and Forfeitures are herein after directed to be recovered and applied; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall, for every such Offence, forfeit the Sum of Twenty Shillings.

the Owners neglecting to remove the same after Notice;

the Charges to be reimbursed the Surveyor.

Penalty of a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Surveyor or Surveyors for the said Roads, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Seven or more of them) to make Causeways, and also Ditches or Drains, in and upon the said Roads, and also through any Ground lying contiguous thereto; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow or ruinous Part of the said Roads, (such Grounds respectively not being the Ground whereon any House stands, or a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees) to be made use of as a publick Highway, whilst the old Road is repairing or widening; and also, by Order of any Seven or more of the said Trustees, to build, erect, repair, and keep in Repair, any Bridge or Bridges, Arch or Arches, upon any Part or Parts of the said Roads respectively, and cross any Stream, Brook, Water, Ditch or Drain therein, or contiguous thereto, making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Seven or more of

Surveyors may make Causeways, &c.

and make a temporary Road;

making Satisfaction to the Owners of the Ground.

of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid upon or through any Wood or Waste Ground: And in case of any Differences, concerning the Recompence to be made for such Damages, between such Owners or Occupiers and the said Trustees; that then it shall and may be lawful for the Justices of the Peace, or any Two or more of them, assembled at the next General Quarter Sessions of the Peace to be holden for the County, Division, or Place, wherein such Lands or Grounds shall lie, and they are hereby impowered and required, to hear, settle, and finally determine, what Recompence shall be made to such Owners or Occupiers for the respective Damages sustained as aforesaid; whose Judgement or Order therein shall be conclusive to all Parties concerned.

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 Seven or more of them, shall be, and they are hereby fully impowered, to widen any of the narrow Parts of the said Roads, or any of them, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (except as aforesaid) so as to make such Parts of the said Roads Forty Feet in Width, making Satisfaction to the Owners of such Grounds, and Persons interested therein, for the Damage they may sustain thereby (unless such Grounds so to be taken into such Road shall be Common or Waste Ground, in which Case no Satisfaction shall be made) and also to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, or any of them, through any Wood or Waste Ground, without making any Satisfaction for the same, and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and it shall be lawful for the said Trustees, or any Seven or more of them, to contract and agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the diverting, turning, or altering, the Course or Path of any Part or Parts of such Roads, or widening the same through such Lands or Hereditaments: And it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Succes-

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

ſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Femes Covert, Infants, or Iſſue unborn, Lunaticks, Ideots, or other Perſon or Perſons whatſoever, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be poſſeſſed of, or intereſted in, any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees, or any Seven or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them, or any Seven or more of them, all or any of ſuch Lands or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid, or any of them; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or other Matter, whatſoever, to the contrary notwithſtanding: And all ſuch Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act: And if any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Husbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments through which any Part of ſuch Roads are intended to be diverted, turned, widened, or altered, ſhall, for the Space of Two Months next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or, by reaſon of Abſence, ſhall be prevented from treating; then, and in every ſuch Caſe, the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Damage and Recompence to be inquired into and aſcertained by a Jury of Twelve indifferent Men of the County wherein ſuch Lands and Hereditaments do lie: 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 require, to ſummon and call before ſuch Jury, and examine upon Oath, all and every ſuch Perſon and Perſons whomſoever, who ſhall be

Perſons, &c. neglecting to treat,

Jury to ſettle the Damage and Recompence.

Witneſſes may be ſummoned, and examined upon Oath.

thought neceſſary or proper to be examined concerning the Premiſſes (which Oath any Two or more of the ſaid Truſtees are hereby impowered to adminiſter) and ſuch Truſtees, or any Seven or more of them, ſhall, by ordering a View, or otherwiſe, uſe all Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes; and after the ſaid Jury ſhall have inquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees, or any Seven or more of them, ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in the ſaid Lands or Hereditaments, according to the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination thereupon, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming, or to claim, in Poſſeſſion, Reverſion, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Coverts, Lunaticks, Ideots, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all other Perſon or Perſons whomſoever: And, for ſummoning and returning ſuch Juries, the ſaid Truſtees, or any Seven or more of them, are hereby impowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands or Hereditaments do lie, commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons qualified to ſerve upon Juries, to appear before ſuch Truſtees, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return ſuch Number of Perſons accordingly: And out of the Perſons ſo ſummoned, impanelled, 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, and they are hereby impowered and required to ſwear, or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid; 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, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when

Verdict of the Jury to be final.

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

Jurors may be challenged.

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

when they come to be ſworn: And the ſaid Truſtees, or any Seven or more of them, acting in the Premiſſes, ſhall have Power, from time to time, to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or refuſe to be ſworn on the ſaid Jury; or, being ſo ſworn, ſhall refuſe to give, or not giving 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, ſhall refuſe or neglect to appear, or, appearing, ſhall refuſe to be examined, or to give Evidence; and which Fine or Fines ſhall be levied and applied in ſuch Manner as the Penalties and Forfeitures are herein after directed to be levied and applied; ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Twenty Shillings, on any One Perſon for One Offence.

Fine not to exceed 10 *l.*

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

And be it further enacted by the Authority aforeſaid, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls ariſing within or upon account of the Road ſo intended to be diverted, turned, widened, or altered, or out of the Monies to be borrowed upon the Credit of ſuch Tolls, to the Parties or Perſons reſpectively intitled to ſuch Monies, or to their Agents; and upon Payment, or in caſe of Refuſal to accept the ſame, upon leaving the ſame in the Hands of the Clerk or Clerks to the ſaid Truſtees, for the Uſe of ſuch Parties or Perſons, it ſhall be lawful for any Perſon or Perſons authorized by Writing under the Hands of the ſaid Truſtees, or any Seven or more of them, to divert, turn, or widen ſuch Road through ſuch Lands or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Lands or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and the ſaid Truſtees, or any Seven or more of them, ſhall cauſe ſuch Parts of the ſaid Roads, as ſhall be diverted, turned, or widened, through any private Grounds, to be ditched and fenced from the adjoining Lands; and all Lands and Hereditaments which ſhall be made a Part or Parts of the ſaid Roads, or any of them, by virtue of this Act, ſhall be for ever thereafter, to all Intents and Purpoſes, a common Highway, and ſhall be repaired and kept in Repair in ſuch Manner as the Roads hereby appointed to be repaired, are

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

and eſteemed a publick Highway.

are by this or any other Law to be amended; and from thenceforth all Parties and Persons whosoever shall be divested of all Right and Title to such Lands and Hereditaments; and after any such new Road shall be completed (when any Part or Parts of the said Roads, or any of them, shall be diverted or turned as aforesaid) the Lands constituting the former Road, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same; and the Money arising by such Sale shall be applied to the Repair of that Part of the said Road so diverted and turned: But this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent of the Owner or Proprietor thereof; any thing herein contained to the contrary notwithstanding.

Old Road may be sold.

Buildings, &c. not to be damaged.

Provided always, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

Provided also, That if any new Road shall be made as aforesaid, instead of any former Road, over any Moor or Waste Ground, the Inhabitants of the Parish or Place shall not be obliged to repair such former Road, unless the same doth lead to some Town or Place with which such new Road doth not communicate.

If a new Road be made over any Moor, &c. Inhabitants not liable to repair the former, except, &c.

And be it further enacted by the Authority aforesaid, That all the Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees, of any Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money which have been given, or are liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge or Bridges therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the making of this Act; and that all the Inhabitants of the Townships, Parishes, and Places in which any Part of the said Roads, or any of them, lie, and all other Persons liable to perform the Work commonly called Statute-work upon the said Roads, shall remain subject to the Performance of such Work; and every Person who shall rent, hold, or occupy any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds or upwards, shall be deemed to keep a Team for every Fifty Pounds per Annum so held and

Persons, &c. chargeable to the Repair of the Roads, to continue so.

Persons renting 50*l.* *per Ann.* deemed Team-holders.

occupied, and shall be liable to perform such Statute-work as Persons keeping Teams are obliged by Law to do: And that the respective Surveyor or Surveyors of the Highways for the respective Townships, Parishes, and Places, in which any Part of the said Roads, or any of them, do lie, or in case no Surveyor is or shall be appointed, the Churchwardens or Overseers of the Poor of such Townships, Parishes, and Places, shall yearly, and every Year, within Seven Days after Demand made to him or them respectively in Writing, by any Surveyor or Surveyors to be appointed by virtue of this Act, deliver to such Turnpike Surveyor or Surveyors an exact Account in Writing, under his or their Hand or Hands, of the Christian and Surname of every Person who, within such respective Townships, Parishes, and Places, are liable to do Statute-work; and shall distinguish in such Lists which of such Persons shall, or by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only, or do not, or by this Act are not deemed to keep a Team or Teams; and the Statute-work shall be done by all such Persons, on such Parts of the said Roads hereby intended to be repaired, as lie within the said respective Townships, Parishes, and Places, in such Manner, and at such Times, as the said Trustees, or any Seven or more of them, or the said Turnpike Surveyor or Surveyors, shall, from time to time, direct and appoint; so that no more than Three Days Work shall be done by any One Person or Team on the said Roads in any One Year; and the said Surveyor or Surveyors of the Highways, Churchwardens, or Overseers of the Poor, for such Townships, Parishes, or Places respectively, within Seven Days after Notice shall be given to him or them, by such Turnpike Surveyor or Surveyors, of the Time or Times when, where, and how many of such Persons are to do such Work upon any Part or Parts of the said Roads, shall give publick Notice thereof to such Persons; and if any Surveyor, or Churchwarden, or Overseer of the Poor, for any such Township, Parish, or Place aforesaid, shall neglect or refuse to do as he is hereby directed and required, every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Five Pounds; and every Person who shall refuse or neglect to do such Work, at such Times and Places, and in such Manner, as shall be appointed by the said Trustees, or any Seven or more of them, or by such Turnpike Surveyor or Surveyors, shall forfeit and pay the respective Sums herein af-

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Inhabitants to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

ter mentioned; that is to say, Every Person who shall keep, or by virtue of this Act shall be deemed to keep, a Team or Teams, for every Day's Default for each Team the Sum of Ten Shillings; and every other Inhabitant or Person not keeping, or being by virtue of this Act not deemed to keep, a Team, for every Day's Default the Sum of One Shilling; and every Person who shall, according to such publick Notice as aforesaid, come as a Labourer, or with a Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors, where the Work is to be done, such Surveyor or Surveyors may, and are hereby required to discharge such Person; and it shall be deemed as if such Person or such Team had not come, or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the said respective Forfeitures before mentioned; and all Persons doing such Days Work on the said Roads, shall not be liable to do any other Statute-work thereon.

Persons found idle to be turned off.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound or agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to, or chargeable with, the Repair of any Part of the said Roads, or with any Person or Persons, for the Performance of his, her, or their, Statute-work therein; and also, that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at a Vestry, or other publick Meeting of such Inhabitants) to compound and agree by the Year or otherwise with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads, or any of them; all which Composition-monies shall be, from time to time, paid in Advance, and shall be applied in the Repair of the said Road or Roads in respect whereof such Composition-monies are paid; and all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now

Trustees with Consent of Inhabitants, may compound for Statute-work.

Surveyors, &c. paying the Composition-money, how to be reimbursed.

now in being, to be reimburſed the Monies by them expended in buying Materials for repairing the Highways.

Penalty on hauling Timber otherwiſe than on Wheel Carriages.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Roads, or any of them, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwiſe than on Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of ſuch Roads, to the Prejudice thereof; or ſhall wilfully drive any loaded Waggon, Wain, or Cart, along any Foot or Horſe Cauſeway, being Part of, or lying near or adjoining to the ſaid Roads, or ſhall ſhovel up, take, or carry away, any Stones, Gravel, Sand, or Soil, from off or on the Sides of the ſaid Roads reſpectively, or ſuch Cauſeway as aforeſaid; or ſhall wilfully lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever, on the ſaid Roads or Cauſeways, or any of them; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Roads to be meaſured, and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in, upon, or near the Sides thereof, at the Diſtance of One Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, as they ſhall think fit: And alſo, to erect Guide or Direction Poſts, with ſuch Inſcriptions thereon as the ſaid Truſtees, or any Seven or more of them, ſhall think proper: And if any Perſon or Perſons ſhall wilfully pull down, break, or damage, any ſuch Stone or Poſt, or obliterate any Inſcription that ſhall have been made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by any One or more credible Witneſs or Witneſſes, or by his or her own Confeſſion, before any Juſtice of the Peace for the County or Place wherein ſuch Offences ſhall be committed, which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward, every ſuch Perſon ſo offending ſhall forfeit the Sum of Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broke, or damaged, or Inſcription ſo obliterated; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Penalties are herein after directed to be applied; and in caſe

Penalty on defacing Mile-ſtones.

ſuch

such Penalty shall not be forthwith paid, such Justice of the Peace shall commit such Person or Persons to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Two Months, nor less than One Month, unless such Forfeitures and all reasonable Charges shall be sooner paid; and every such Offender, in either of the said Cases, shall and may, by the Authority of this Act, and without any other Warrant, be apprehended by any Person or Persons who shall see any such Offence committed, and shall be immediately delivered to a Constable or other Peace Officer, who shall convey such Offender to be dealt with according to the Directions of this Act.

Penalties and Forfeitures, how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed (the Manner of levying and Recovery whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any One Justice of the Peace for the County or Place wherein the Offence shall be committed, or any One Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath any such Justice is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of any such Justice (which Warrant or Warrants such Justice is hereby impowered and required to grant for those Purposes) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid, or levied, shall be (if not otherwise directed to be applied by this Act) from time to time, paid to any Seven or more of the said Trustees, or to their Treasurer or Treasurers, and applied in the Repair of that Part of the Roads, in relation whereunto or in respect whereof such Offence shall be committed; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed

ted to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Two Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Session.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed; such Person may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; and within Four Calendar Months after the Cause of such Complaint shall have arisen; such Appellant first giving, or causing to be given, Ten intire Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of that Part of the said Roads where such Cause of Complaint shall arise; and within Four Days after such Notice, entering into Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Recognizance to be entered into.

Distress not to be deem'd unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Default or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case.

nor the Parties distraining deemed Trespassers *ab initio*.

Provided

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Orders, and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover, if Tender of Amends hath been made.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security for borrowing of Money, or any Nomination, Contract, Bond, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, or under the Hands and Seals, or Hand and Seal of, or only signed by any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever. Writings to be without Stamps.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by the Clerk or Clerks, at any Meeting of Seven or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders: Which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, and Transfers, shall and may be produced and read in Evidence in all Courts whatsoever. Proceedings to be entered in a Book. Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That this Act shall commence and have Continuance from the Day of passing thereof, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament. Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or Proceedings not to be quashed for want of Form,

transacted in or relating to the Execution of this Act, or removeable by *Certiorari.* shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, Chester, or Lancaster; any Law, Custom, or Statute to the contrary notwithstanding.

Limitation of Actions. Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks of the said Trustees; or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, or brought, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his Election plead specially, or the General Issue. neral Issue, Not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, 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, Treble Costs. then the Defendant or Defendants shall recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

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

FINIS.