ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 53.

An Act to continue the Term and enlarge the Powers of an Act for repairing the Road from *Blackburn* to *Burſcough* Bridge in the County of *Lancaſter*.

[12th *May* 1809.]

WHEREAS an Act paſſed in the Thirty-third Year of His preſent Majeſty King *George* the Third, intituled, *An Act for more effectually repairing the Road from* Blackburn *to* Burſcough *Bridge in the County of* Lancaſter: And whereas it would be attended with great Convenience to all Perſons travelling the ſaid Road, if Power was given to change the Courſe thereof from, at, or near the Mile Stone ſituate on the ſaid Road in a Lane called *Knot Lane*, in the Townſhip of *Walton in le Dale*, to paſs on the South Side of *Walton* Church, and join the Turnpike Road from *Wigan* to *Preſton* near *Burſcough* Bridge: And whereas great Progreſs hath been made in the Execution of the ſaid Act, and conſiderable Sums of Money have been borrowed upon the Credit of the Tolls thereby granted, which ſtill remain due and cannot be repaid, and the ſaid Road be effectually amended, widened, turned, altered, improved, and kept in repair, unleſs the Term of the ſaid Act be continued and ſome of thePowers thereof altered and enlarged: 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 Spiritualand Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all the Powers, Proviſions, Matters, and Things therein contained (except ſuch as are hereby 33 G. 3. c. 134.

Term enlarged.

hereby varied, altered, or repealed) shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this present Act, but subject nevertheless to the Amendments and Alterations herein contained, and which shall commence and take Effect upon the passing of this Act (except as herein-after is mentioned) and the additional Term hereby granted shall be and is hereby declared to be subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit or on Account of the said recited Act, and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said recited Act and of this Act, and of all Interest now due and to grow due respectively.

New Trustees.

II. And be it further enacted, That *William Asheton* the younger, *John Addison*, *Thomas Battye Addison*, *William Atherton*, *Thomas Ainsworth*, *Barton Fletcher Allen*, *Edward Alker*, *John Addison* junior, *Joseph Ainsworth* of *Blackburn*, *Thomas Astley*, *Richard Ainsworth*, *Thomas Ainsworth* of *Fenniscowles*, *William Addison*, *John Ashworth*, *Richard Ainsworth* of *Halliwell*, *James Barlow*, *William Boardman*, *Robert Boardman* junior, *James Boardman*, *Giles Bulcock*, *David Blissett*, *Thomas Butler*, *Hugh Birley*, *Joseph Birley*, *John Francis Butler*, *Samuel Bower*, *Samuel Bower* the younger, *Robert Boardman*, *John Bairstow*, *Matthew Barton*, *Thomas Barton*, *William Bashall*, *James Blanchard*, *William Brade*, *Thomas Brade*, *Richard Cardwell* the younger, *John Cardwell*, *John Chippendale*, *William Carr*, *Thomas Carr*, *Roger Cunliffe*, *Thomas Clayton* of *Walton*, *John Clayton* the younger, *George Clayton* the younger, *Edward Clayton*, *Samuel Crane*, *Abraham Chew*, *Roger Cunliffe*, *John Cunliffe*, *Robert Chadwick*, *Robert Cross*, *James Cardwell*, *Richard Denham*, *John Dalton* the younger, *Hugh Dewhurst*, *Robert Dewhurst*, *Richard Ellingthorpe*, *Thomas Eccles*, *Daniel Edleston*, *John Edleston*, *John Edmundson*, *John Fisher*, *Ralph Fletcher*, *Peter Fletcher*, *John Fletcher*, *John Fisher*, *Henry Fisher*, *Robert Friend*, *Thomas Shuttleworth Grimshaw* Clerk, *John Grimshaw* the younger, *William Grimshaw*, *Charles Greenway*, *James Greenway* the younger, *Alexander Gregson*, *John Gregson*, *Thomas Gregson*, *Edward Gorst*, *John Gorst*, *John Gradwell*, *George Gradwell*, *Thomas Cardwell Hodgson*, *Henry Hoghton*, *George Hendrick* Clerk, *Samuel Horrocks*, *Peter Horrocks*, *John Horrocks*, *Samuel Horrocks* the younger, *William Heaton*, *William Harper*, *Roger Haworth* of *Walton*, *Roger Haworth* of *Hoghton*, *William Heatley* of *Brindle*, *John Heatley*, *Robert Holmes*, *George Horrocks*, *James Heald*, *Joseph Harrison*, *George Haworth*, *Christopher Hindle*, *John Holt*, *James Higham*, *Richard Higham*, *Laurence Brock Hollingshead*, *Edmund Haworth* of *Turton*, *George Jackson* of *Preston*, *George Jackson* of *Walton*, *Robert Knowles* of *Little Bolton*, *Ralph Latus*, *George Lonsdale*, *James Lomax*, *John Lister*, *Richard Lomax* of *Hoghton*, *James Lomax* of *Hoghton*, *Donald M'Lean*, *John Lister*, *William Laighton*, *John Daniel Lyon*, *Edmund Lodge*, *Jonathan Lodge*, *John Livesey*, *William Maude*, *William Miller* Manufacturer, *Streynsham Master* Clerk, *John Whalley Master* Clerk, *Thomas Moore* Surgeon, *Alexander Mercer*, *Thomas Mercer*, *James Mounsey*, *John Nicholson*, *James Newsham*, *Robert Newsham*, *Thomas Norcross*, *James Nevill*, *James Orrell*, *John Pickup*, *Banister Pickup*, *William Pickering*, *John Pickup* of *Blackburn*, *James Pilkington*, *Robert Townley Parker*, *Abraham De la Pryme*, *Richard Pilkington*, *William Ormerod Pilkington*, *Edward Pedder* the younger, *James Pedder*,

Pedder, *Petre*, *Richard Palmer*, *John Palmer*, *Edward Stringfellow Radcliffe* Clerk, *Lawrence Rawſtorne*, *William Rawſtorne*, *Robert Atherton Rawſtorne* Clerk, *Robinſon Watſon Robinſon* Doctor of Medicine, *Benjamin Rawſon*, *James Reddiſh*, *Thomas Rycroft*, *Le Gendre Pierre Starkie*, *Thomas Stevenſon* Clerk, *Richard Snell*, *Joſeph Slater*, *Robert Slater* of *Walton*, *William Slater*, *Robert Slater* of *Samleſbury*, *William Saint Clare* Doctor of Medicine, *William Saint Clare* the younger, *Townley Rigby Shawe*, *William Shawe*, *Charles Swainſon*, *John Startifant*, *Richard Saliſbury*, *Daniel Saliſbury*, *Thomas Tomlinſon*, *John Taylor*, *Thomas Tomlinſon* Linen Draper, *Robert Tongue*, *Thomas Turner*, *William Turner*, *William Talbot*, *William Talbot* the younger, *John Troughton*, *Edward Troughton*, *Benjamin Tatterſall*, *Lawrence Wright*, *John Whittaker*, *Henry Wilkinſon*, *Leonard Wilkinſon*, *William Woodcock*, *Timothy Wren*, *Thomas Whitehead* Clerk, *John Walton*, *Jackſon Walton* Surgeon, *Thomas Walmſley*, *Richard Walmſley*, *Thomas Wilſon* Attorney, *Thomas Wilſon* the younger, *John Winſtanley*, *Thomas Woodcock*, *Foſter Whitehead*, *Jonathan Wood*, and *John Wilcock*, ſhall be and they are hereby added to and joined with the Truſtees appointed by or elected in purſuance of the ſaid former Act for putting the ſame and this preſent Act in Execution, and that the ſaid Truſtees hereby appointed and their Succeſſors (being qualified according to the Directions of the ſaid recited Act) ſhall be and are hereby empowered to act in the Execution of the ſaid former Act and this Act, as fully and effectually to all Intents and Purpoſes as if they had been named in or appointed by virtue of the ſaid Act.

Power to alter the Line of Road.

III. And be it enacted, That the ſaid Truſtees ſhall and they are hereby authorized and empowered at any Meeting to be holden under this Act, to order and direct the Deviation herein-before deſcribed to be made and compleated; and that the ſaid Truſtees ſhall from thenceforth be diſcharged from the Care and Management of ſo much of the ſaid Road as extends from the new Branch of Road in *Knot Lane* aforeſaid to *Burſcough* Bridge aforeſaid, and ſhall no longer collect or receive any Tolls upon any Part of ſuch Road, from the Care and Management of which they ſhall be ſo diſcharged.

For reſtraining the Truſtees from deviating beyond certain Diſtances of the Line deſcribed in the Plan, &c.

IV. And whereas a Map or Plan deſcribing the Line of the ſaid new Road, and the Lands through which the ſame leads, together with a Book of Reference containing a Liſt of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Lancaſter*, be it therefore enacted, That the ſaid Map or Plan and Book of Reference ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at all ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Sixpence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Map or Plan and Book of Reference; and that the ſaid Truſtees in making the ſaid new Road ſhall not deviate more than One hundred Yards, of Three Feet each, from the Line deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make Road through Grounds, although the Owners Names are not in the Book of Reference.

V. Provided alſo, and be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to make the ſaid new Piece of Road into, through, acroſs, or over the ſeveral Lands or Grounds of any Perſon or Perſons who is or are or may be Owner or Owners of Land over which the ſame is ſet out and deſcribed as aforeſaid, although the Name or Names of ſuch Perſon or Perſons may happen to be omitted in the ſaid Book of Reference, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid County, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Alternate Meetings of Truſtees.

VI. And be it enacted, That the Firſt Meeting of the ſaid Truſtees under this Act ſhall be holden at the Sign of the *Boar's Head* in *Hoghton*, in the ſaid County on *Friday* the Fifth Day of *May* One thouſand eight hundred and nine, in order to carry the ſame into Execution, and that all future Meetings of the ſaid Truſtees (except the General Meetings herein-after mentioned) ſhall be holden alternately at ſome convenient Inn or Houſe in the Towns of *Preſton* and *Blackburn* aforeſaid, on ſuch Days and at ſuch Times as the ſaid Truſtees ſhall direct, Notice of every ſuch intended Meeting being previouſly affixed on all the Toll Gates then ſtanding upon the ſaid Road, and alſo upon One of the principal Doors of each of the Pariſh Churches of *Preſton* and *Blackburn* aforeſaid, and likewiſe upon the Church Door of *Walton in le Dale* aforeſaid, at leaſt Seven Days previous to ſuch intended Meeting; at which alternate Meetings ſhall be tranſacted all ſuch Buſineſs relating to the ſaid Road as is not herein-after directed to be done at the General Meetings herein-after mentioned.

General Meetings of Truſtees.

VII. And be it enacted, That in Addition to the ſaid alternate Meetings herein-before mentioned, the ſaid Truſtees ſhall on the ſaid *Friday* the Fifth Day of *May* next, and on the Firſt *Friday* in the Month of *May* in every ſucceeding Year, hold a General Meeting at the Sign of the *Boar's Head* abovementioned, or at ſome other more central or convenient Inn or Houſe ſitu te within the ſaid Townſhip of *Hoghton*, for the Purpoſes of ordering the Erection of New Toll Gates or Side Gates if neceſſary, or of altering the Situation of old ones, making Alterations or Deviations in the ſaid Road, fixing or altering the Rates of Tolls, allowing Compoſition for Tolls, electing new Truſtees, appointing Officers and auditing Accounts; which Annual General Meeting may be adjourned from Time to Time as the ſaid Truſtees ſhall think proper, ſo that every ſuch adjourned General Meeting ſhall be holden at ſome central or convenient Inn or Houſe ſituate within *Hoghton* aforeſaid.

For calling Meetings of the Truſtees.

VIII. And be it further enacted, That if after any Adjournment of the Annual General Meeting of the ſaid Truſtees it ſhall at any Time be thought neceſſary that there ſhall be an earlier Day of Meeting than the Day appointed by ſuch Adjournment, in that Caſe the Clerk or Clerks of the ſaid Truſtees, by an Order in Writing, ſigned by Five or more of the acting Truſtees, mentioning the Time, Place, and Purpoſe of ſuch General Meeting, ſhall forthwith give Notice thereof in the Manner herein-before directed, to be given previous to the Alternate Meetings, and ſuch earlier General Meeting ſhall and may be held accordingly; and all Proceedings of the ſaid Truſtees, at all ſuch General Meetings, ſhall be as valid and effectual as if ſuch General Meetings had been held in purſuance of Adjournments.

IX. And

Orders not to be revoked but on Notice.

IX. And be it further enacted, That no Order made by the ſaid Truſtees at any of their Meetings ſhall be revoked or altered unleſs at ſome Meeting to be held for that Purpoſe (of which due Notice ſhall be given as by this Act is required) nor unleſs a greater Number of Truſtees ſhall attend at ſuch Meeting to revoke and alter the ſame, and concur in the Revocation or Alteration thereof than were preſent and made ſuch Order.

Clerk may adjourn General Meetings.

X. And be it further enacted, That in caſe at any General Meeting of the ſaid Truſtees there ſhall not be a ſufficient Number of Truſtees preſent to adjourn the ſame as by this Act is directed, it ſhall be lawful for the Clerk to the ſaid Truſtees to adjourn ſuch General Meeting for any Time he ſhall think fit, not exceeding Fourteen Days, and ſhall give the like Notice thereof as is herein-before directed to be given previous to the Alternate Meetings to be holden under this Act.

Tolls repeale and others granted.

XI. And whereas the Tolls granted by the ſaid recited Act are inſufficient for the Purpoſe of improving, widening, maintaining, and ſupporting the ſaid Road, be it therefore enacted, That from and after the Fifth Day of *May* One thouſand eight hundred and nine, the ſaid Tolls ſhall be and are hereby repealed, and inſtead thereof there ſhall be demanded and taken at every or any Gate or Turnpike now erected or to be erected on the ſaid Road, before any Carriage or Cattle whatſoever ſhall be permitted to paſs through the ſame, (ſubject nevertheleſs to the Proviſo of Apportionment in the ſaid recited Act contained), ſuch Toll as the ſaid Truſtees ſhall from Time to Time appoint, not exceeding the ſeveral and reſpective Sums of Money herein-after mentioned; that is to ſay,

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Caravan, Hearſe, or Litter, drawn by Six or more Horſes or other Beaſts, the Sum of Four Shillings; and drawn by Three, Four, or Five Horſes or other Beaſts, the Sum of Three Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Two Shillings; and drawn by One Horſe or other Beaſt, the Sum of One Shilling:

For every Waggon, Wain, or other ſuch like Four Wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, and drawn by Four Horſes or other Beaſts, the Sum of Ten Shillings; and drawn by Three Horſes or other Beaſts, the Sum of Eight Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Six Shillings; and drawn by One Horſe or other Beaſt, the Sum of Four Shillings:

For every Waggon, Wain, or other ſuch like Four Wheeled Carriage, having the Fellies of the Wheels Six Inches broad, and drawn by Six or more Horſes or other Beaſts, the Sum of Eight Shillings; and drawn by Five Horſes or other Beaſts, the Sum of Seven Shillings; and drawn by Four Horſes or other Beaſts, the Sum of Six Shillings; and drawn by Two or Three Horſes or other Beaſts, the Sum of Five Shillings:

For every Waggon having the Fellies of the Wheels Nine Inches broad and rolling a Surface of Sixteen Inches, drawn by Eight Horſes or other Beaſts, the Sum of Eight Shillings; and drawn by Six Horſes or other Beaſts, the Sum of Six Shillings; and drawn by Five Horſes or other Beaſts, the Sum of Four Shillings; and drawn by Four Horſes or other Beaſts, the Sum of Three Shillings; and drawn by Three Horſes or other Beaſts, the Sum of Two Shillings and Sixpence; and drawn by Two

Horſes or other Beaſts, the Sum of Two Shillings; and drawn by One Horſe or other Beaſt, the Sum of One Shilling:

For every Waggon having the Fellies of the Wheels Nine Inches broad, and rolling a Surface of Nine Inches only, and drawn by Eight Horſes or other Beaſts, the Sum of Eight Shillings; and drawn by Seven Horſes or other Beaſts, the Sum of Seven Shillings and Sixpence; and drawn by Six Horſes or other Beaſts, the Sum of Six Shillings; and drawn by Five Horſes or other Beaſts, the Sum of Five Shillings and Sixpence; and drawn by Four Horſes or other Beaſts, the Sum of Five Shillings; and drawn by Three Horſes or other Beaſts, the Sum of Four Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Three Shillings; and drawn by One Horſe or other Beaſt, the Sum of Two Shillings:

For every Cart having the Fellies of the Wheels of leſs Breadth than Six Inches, and drawn by Three Horſes or other Beaſts, the Sum of Seven Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Four Shillings; and drawn by One Horſe or other Beaſt, the Sum of Two Shillings:

For every Cart having the Fellies of the Wheels of the Breadth of Six Inches, and drawn by Four Horſes or other Beaſts, the Sum of Five Shillings; and drawn by Three Horſes or other Beaſts, the Sum of Four Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Three Shillings; and drawn by One Horſe or other Beaſt, the Sum of Two Shillings:

And for every Cart having the Fellies of the Wheels of the Breadth of Nine Inches, and drawn by Four or any greater Number of Horſes or other Beaſts, the Sum of Four Shillings; and drawn by Three Horſes or other Beaſts, the Sum of Three Shillings; and drawn by Two Horſes or other Beaſts, the Sum of Two Shillings; and drawn by One Horſe or other Beaſt, the Sum of One Shilling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or neat Cattle, the Sum of One Shilling and Three-pence; and ſo in proportion for any greater or leſſer Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Nine-pence; and ſo in proportion for any greater or leſſer Number:

All which Tolls ſhall be Double upon *Sundays*.

Leaſes vacated.

XII. And be it further enacted, That from and after the Fifth Day of *May* One thouſand eight hundred and nine, all Demiſes, Leaſes, or Agreements for Leaſes of the Tolls heretofore granted ſhall ceaſe and be void, and the ſaid Truſtees are hereby required to make a fair and juſt Compenſation and Satisfaction to the preſent Leſſee or Leſſees of the ſaid Tolls for the Loſs or Damage which he, ſhe, or they ſhall and may ſuſtain thereby, in caſe the ſame ſhall be demanded, and ſuch Compenſation or Satisfaction ſhall and may be recovered by ſuch Leſſee or Leſſees from the ſaid Truſtees in caſe of refuſal to make the ſame on Demand, made to their Clerk or Treaſurer by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Situation of Toll Gates.

XIII. And be it enacted, That immediately after the Commencement of this Act one Toll Gate ſhall be erected upon ſome Part of the ſaid Road within the Townſhip of *Blackburn* in the ſaid County of *Lancaſter*; and as

ſoon as conveniently may be after the ſaid intended new Branch of Road ſhall have been made and compleated, one other Toll Gate ſhall be erected upon ſome Part of the ſaid Road within the Townſhip of *Walton-in-le-Dale* aforeſaid, between the Weſtern Extremity of the ſaid intended new Branch of Road, and the Side Toll Bar called the *Kitlingburne Bar* within *Walton-in-le-Dale* aforeſaid, and immediately after the Commencement of this Act one other Toll Gate ſhall be erected within the Townſhip of *Hoghton* in the County of *Lancaſter*, at the North Weſterly End of the Turnpike Road leading from *Hoghton* aforeſaid to *Bolton-in-le-Moors* in the ſaid County, together with ſuch other intermediate Toll Gates and Side Toll Gates as the ſaid Truſtees, at any General Meeting to be holden under this Act, ſhall deem neceſſary; ſuch Toll Gates and Side Toll Gates to be removed and placed elſewhere upon ſuch Part or Parts of the ſaid Road as the ſaid Truſtees ſhall at any ſuch General Meeting direct; but ſuch Power of Removal ſhall not extend to authoriſe the ſaid Truſtees at any Time during the Continuance of this Act or the ſaid recited Act to remove the ſaid Toll Gate ſo to be erected in the Townſhip of *Blackburn* aforeſaid, out of the ſaid Townſhip of *Blackburn*, nor to remove the ſaid other Toll Gate ſo to be erected within *Walton-in-le-Dale* aforeſaid, out of that Diſtrict which lies betwixt the Weſtern Extremity of the intended new Branch of Road and the Side Gate at *Kitlingburne* aforeſaid, any Thing in this or the ſaid recited Act contained to the contrary notwithſtanding.

For erecting Weighing Machines.

XIV. And be it enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting (if they ſhall think proper), to continue the preſent and to order and cauſe to be built upon any Parts of the ſaid Road as to them ſhall ſeem moſt eligible and expedient, a Crane, Machine, or Engine, with ſuitable Buildings thereto proper for the weighing of Carts, Waggons, or Carriages conveying any Goods, Wares, or Merchandize whatſoever, and from Time to Time to alter or remove ſuch Cranes, Machines or Engines to other Situations upon the ſaid Road, and by Writing, ſigned by them, or any Five or more of them, to order all and every or any ſuch Carriage or Carriages which ſhall paſs upon any Part of the ſaid Road (whether the ſame ſhall have paſſed through any Toll Gate or Toll Bar, or not) to be weighed together with the Loading thereof; and that all Clauſes, Powers, Privileges, Exemptions, Reſtrictions, Penalties, and Forfeitures contained in an Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the General Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, or in any other General Act now in force applicable to Weighing Machines, ſhall in all Caſes extend to and operate upon all Cranes, Machines, and Engines whatſoever, now erected, or which hereafter may be erected upon the ſaid Road; any Thing herein contained to the contrary notwithſtanding.

All Clauſes, &c. in General Turnpike Acts reſpecting Weighing Engines, to extend to this Act.

For letting Weighing Engines.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting, whereof Twenty-one Days Notice ſhall have been given in Writing affixed upon all the Toll Gates or Turnpikes then erected by virtue of the ſaid recited Acts and this Act, and by Advertiſements inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road, from Time to Time, by Writing under their Hands, to let and demiſe, or agree to let and demiſe, either with

with or without the Tolls by the said recited Act and this Act, authorized to be taken, the weighing Cranes, Machines and Engines, which may be erected by virtue of the said recited Act, passed in the Thirteenth Year of the Reign of His present Majesty, and this Act, and the additional Tolls or Duties granted and made payable thereat for any Carriage which, with its Loading, shall weigh more than the Weight allowed by Law, provided that the said additional Tolls be let in the same Manner as the Tolls arising at the Toll Gates or Turnpikes, are by the said recited Act directed or prescribed to be let.

Regulating the Toll on Waggons the Wheels whereof shall roll two Surfaces.

XVI. And be it further enacted, That all Waggons and other Four-wheeled Carriages, the Wheels or Axletrees whereof shall be so constructed, as to be capable of rolling Two Surfaces, shall be permitted to carry Weight, according to the Width of the Fellies of the narrowest of the Wheels thereof only; and all Waggons or other Four-wheeled Carriages, which shall have the Fellies of the Wheels thereof of different Breadths shall be liable to pay Toll, and have Allowance of Weight according to the Breadth of the narrowest of such Wheels: Provided always, that the said Regulations and Restrictions, shall not apply to Waggons or other Four-wheeled Carriages, the Wheels whereof shall be of the Breadth of Nine Inches, rolling a Surface of Sixteen Inches.

For supporting Footpaths.

XVII. And be it further enacted, That the said Trustees may order the Foot Paths of the said Roads, or any Part thereof, to be from Time to Time supported and kept in Repair, and others to be made and maintained where necessary and proper; and if any Person or Persons shall ride, or drive any Cart or other Carriage, or wilfully permit or suffer any Horse or other Beast to go upon any Part thereof, every such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; any Thing in the said recited Act to the contrary thereof in anywise notwithstanding.

Trustees may contract for Repairs.

XVIII. And be it further enacted, That the said Trustees may, and they are hereby empowered from Time to Time, to contract or agree with any Person or Persons by the Year, or otherwise, as they shall see proper, for the Repair of the said Road, or any Part thereof, either together or in Lots, in such Manner as they shall deem for the most Advantage of the said Road, and to direct the Payment to such Person or Persons out of the Funds of the said Road of all such Sum and Sums of Money as they shall so agree to pay for such Repairs respectively.

Exemptions from Tolls.

XIX. Provided always, and be it further enacted, That from and after the Fifth Day of *May* One thousand eight hundred and nine, the Exemptions granted by the said Act shall be repealed, and that no Toll shall be demanded or taken for any Carriage, or any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Gravel, Stone, or other Materials, for repairing the said Road, or any of the Roads in the Townships or Parishes in which such Road doth lie, or Hay, Straw, or Corn in the Straw only, not sold and disposed of, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners thereof; nor for any Implements of Husbandry, or any Manure, Mould, or Dung, for

Improvement

Improvement of Land, in any Pariſhes or Townſhips wherein the ſaid Road lies; nor ſhall any Tolls hereby granted be demanded or taken from any Perſon or Perſons, reſiding in any Townſhip or Pariſh, in which the ſaid Road lies, who ſhall paſs through any Toll Gate or Turnpike, to or from their proper Parochial Church, Chapel, or other Place of Religious Worſhip, tolerated by Law within the Pariſh where they ſhall reſpectively reſide, on a *Sunday*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, or who ſhall attend the Funeral of any Perſon who ſhall die and be buried in any of the ſaid Pariſhes; or from any Clergyman going to, or returning from viſiting any Sick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horſes or Cattle going to or returning from Water or Paſture, or going to be, or returning from being ſhoed, or in carrying or conveying, or going for or returning after having carried or conveyed any Corn or Grain to or from any Mill whereat the Owner of ſuch Corn or Grain is bound and obliged to grind; or for any Horſe or Carriage of whatever Deſcription employed, or to be employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for any Horſes belonging to, or attending any Officers or Soldiers upon their March, or upon Duty; or for any Horſes, Cattle or Carriages, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle, drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Mare, or Gelding, furniſhed by, or for any Perſon belonging to any Corps of Yeomanry, or Volunteer Cavalry, and rode by them in going to, or returning from the Place appointed for, and on the Days of Exerciſe: Provided that ſuch Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption as aforeſaid; or for any Cattle or Carriage employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſes or Carriages carrying or conveying any Perſon or Perſons to, or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Lancaſter*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Forty Shillings.

Penalty on claiming Exemption unlawfully.

XX. And be it further enacted, That no Perſon owning, or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majeſty's Forces, on conveying any Ordnance, Barrack, or Commiſſariat, or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by Reaſon of any

Exempting Carriages with Stores.

Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, contained to the contrary notwithſtanding.

Old Mortgages may be called in.

XXI. And be it further enacted, That the ſaid Truſtees or any Five or more of them ſhall and may (if they ſhall think it convenient) call in and cancel all or any of the preſent Mortgages now ſtanding out and made by virtue of the ſaid former Act, and give and execute freſh Mortgage or Mortgages in lieu thereof reſpectively.

Statute Work.

XXII. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Performance of Statute Labour on the ſaid Road, ſhall be and the ſame is hereby repealed, and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore, and it ſhall be lawful for any Two or more Juſtices of the Peace for the County of *Lancaſter*, and they are hereby required and empowered upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or by their Order Yearly, to adjudge and determine what Part or Portion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers, and in order thereunto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubjected and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of, or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done at ſuch Days and at ſuch Times (not being Hay-time or Harveſt) and in ſuch Parts of the ſaid Road as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint, and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of, or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper

proper to the ſaid Truſtees or their Treaſurer at ſuch Time or Times as they the ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act authorized or directed to be recovered, and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe, by any Surveyor of the ſaid Truſtees, ſhall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge the Perſon who ſhall be idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and if any Surveyor of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe, or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Re-inveſting Purchaſe Monies when amounting to 200*l.*

XXIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act and this Act, for the Purpoſe hereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any other Diſability or Incapacity, as in the ſaid recited Act particularly mentioned, ſuch Money ſhall in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which

which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until the same shall be made the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase of Settlement were made.

Less than 200 l. and amounting to 20 l.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall amount to the Sum of Twenty Pounds, then and in such Cases, the same shall at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option and approved of by Five or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Under 20 l.

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Persons who would for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken or used, for the Purposes of the said recited Act, and this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXVI. And

In case of not making out Titles, &c.

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, the Person in Possession to be deemed the Owner.

XXVII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the said Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery to order Expences to be paid by the Truſtees.

XXVIII. Provided alſo, and be it enacted, That, where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Act and this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, and Hereditaments, to be ſettled to the like Uſes in purſuance of the ſaid recited Act and this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act and this Act, or ſo much of the Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of the ſaid Act and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Expences of the Act.

XXIX. And be it further enacted, That all the Charges and Expences of obtaining and paſſing this Act ſhall be paid out of any Monies already raiſed by virtue of the ſaid recited Act, or out of the firſt Monies to ariſe by virtue of the ſaid Act and this Act, in preference to all other Payments whatſoever.

Public Act.

XXX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Continuance.

XXXI. And be it further enacted, That the Term granted by the ſaid recited Act ſhall, on the Fifth Day of *May* One thouſand eight hundred and nine, ceaſe and determine; and the ſaid recited Act, ſubject to the Alterations and Amendments herein contained, ſhall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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