ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 100.

An Act to continue the Term, and alter and enlarge the Powers of an Act of the Thirty-seventh Year of His present Majesty, for amending the Road from *Bolton in the Moors* to *Blackburn*, in the County Palatine of *Lancaster*; and for making a Branch of Road from the said Road to the Road leading from *Blackburn* to *Preston*; and another Branch of Road from *Mather Fold* to *Hardman*'s, both in *Turton* in the said County. [18th *May* 1810.]

WHEREAS an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for amending, widening, altering and keeping in Repair the Road from* Bolton in the Moors *to* Blackburn *in the County Palatine of* Lancaster: And whereas in pursuance and by virtue of the said recited Act Turnpike Gates have been erected, and the full Tolls authorized by the said Act have been taken, the Produce whereof, together with a considerable Sum of Money borrowed on the Credit of the said Tolls, have been laid out and expended in the making, repairing and Improvement of the said Road; which Money, or the Interest due thereon cannot be paid off, nor can the said Road be effectually amended, improved and kept in repair unless the Term of the said Act be continued, and the Powers thereof altered, amended and enlarged; and it is necessary that the Tolls granted by the said Act should be increased: And whereas it would be attended with great Convenience to all Persons travelling the said Road, and to the Neighbourhood and Publick in general, if Power was given to maintain and 37 G. 3. c. 173.

keep in Repair a Branch of Road from and out of the ſaid Road in the ſaid Act mentioned, between a certain Publick Houſe called the *Golden Cup* and the Toll Gates near *Heywood Bridge* in the Townſhip of *Lower Darwen* in the Pariſh of *Blackburn* aforeſaid, to the Turnpike Road leading from *Blackburn* aforeſaid to *Preſton* in the ſaid County Palatine of *Lancaſter*; at or near a certain Smithy in the Townſhip of *Liveſey* in the ſaid Pariſh of *Blackburn* called *Ned Pickup*'s Smithy; and alſo another Branch of Road from and out of the ſaid Road in the ſaid Act mentioned, at or near *Mather Fold* in the Townſhip of *Turton* in the ſaid County, to the old Highway leading from *Bolton* to *Blackburn* aforeſaid, at or near *Hardman*'s in the ſaid Townſhip of *Turton*: But the ſame cannot be effected without the Aid and Authority of Parliament: 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 ſaid recited Act, and all and every the Powers, Penalties, Forfeitures, Proviſions, Clauſes, Regulations, Matters and Things therein contained, (except ſuch as relate to the Exemptions from Stamp Duties, and ſuch as are by this Act varied, altered, or repealed) ſhall be and continue in full Force and Effect, and ſhall be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purpoſes as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, Variations and Additions herein contained, and which ſhall commence and take Effect on the Second *Thurſday* next after the paſſing of this Act.

Act continued.

The Branch of Road from Ned Pickup's Smithy, and the Branch from Mather Fold to Hardman's, made Parts of the Road included in the ſaid Act.

II. And be it further enacted, That the ſaid Branch of Road leading from and out of the ſaid Road in the ſaid Act mentioned, between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* in *Lower Darwen* aforeſaid, to the Turnpike Road leading from *Blackburn* to *Preſton* aforeſaid, at or near the ſaid Smithy in *Liveſey* aforeſaid, called *Ned Pickup*'s Smithy, and alſo the ſaid other Branch of Road leading from and out of the ſaid Road in the ſaid Act mentioned, at or near *Mather Fold* in *Turton* aforeſaid, to the old Highway leading from *Bolton* to *Blackburn* aforeſaid, at or near *Hardman*'s in *Turton* aforeſaid, ſhall be and are hereby declared to be Parts of the Road included in the ſaid recited Act; and that the ſaid Act, and the Powers and Authorities thereby granted (except ſo much thereof as is by this Act repealed) ſhall take Effect, and ſhall continue in Force and be put in Execution for and during the Term hereinafter mentioned, as well for the Purpoſe of repairing, widening, altering, improving and keeping in Repair the Road in the ſaid Act mentioned and directed to be repaired, as alſo for the Purpoſe of making, maintaining, widening, altering and keeping in Repair the ſaid Two ſeveral Branches of Road hereinbefore mentioned.

Truſtees.

III. And be it further enacted, That the Truſtees nominated in or appointed by virtue of the ſaid recited Act, and their Succeſſors, to be elected in Manner mentioned in the ſaid Act, ſhall be and they are hereby appointed Truſtees for putting the ſaid recited Act and this Act into Execution, with reſpect to the ſaid Road in the ſaid recited Act mentioned, and to the ſaid Branch of Road from *Mather Fold* to *Hardman*'s aforeſaid;

aforesaid; and that *Thomas Ainsworth*, Attorney at Law, *Thomas Alston*, *Titus Aspinall*, *Robert Boardman* the Elder, *Richard Cardwell*, *Robert Dugdale*, *Thomas Eccles*, *Daniel Edleston*, *Henry Feilden*, *William Feilden*, *Richard Greenwood*, *John Harper*, *Christopher Hindle*, *Richard Holden*, *Ralph Latus*, *Alexander Mercer*, *George Petre*, *Henry Sudell*, *Thomas Bromiley*, *William Sanderson*, *William Norris Sanderson*, *Samuel Shaw*, and *Henry Wilkinson*, and their Successors, to be elected in Manner aforesaid, shall be and they are hereby appointed Trustees for putting the said recited Act and this Act into Execution, with respect to the said Branch of Road leading from and out of the said Road in the said Act mentioned, between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* in *Lower Darwen* aforesaid, to the said Turnpike Road leading from *Blackburn* to *Preston* aforesaid, at or near *Ned Pickup*'s Smithy in *Livesey* aforesaid.

New Qualification of Trustees.

IV. And be it further enacted, That so much of the said recited Act as relates to the Qualification of the Trustees shall be repealed, and instead thereof, Be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this or the said recited Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment or Receipt of the Rents and Profits of a Real Estate in Law or Equity of the clear Yearly Value of Sixty Pounds above Reprizes; or shall be Heir Apparent of a Person possessed of such an Estate of the clear Yearly Value of One hundred and twenty Pounds; or shall be possessed of or entitled unto a Personal Estate, or Real and Personal Estate of the Value of Two thousand Pounds; and if any Person not being so qualified shall presume to act contrary to the true 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 Essoign, Protection or 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 or the said recited Act.

Penalty on acting if not qualified.

Trustees qualified under the former Act may act again without being qualified according to this Act.

V. Provided always, and be it further enacted, That such of the Trustees hereinbefore appointed, who shall have been qualified and taken the Oath pursuant to the Directions of the said recited Act, may and are hereby authorized and empowered to act in the Execution of the Powers granted by the said recited Act and this Act, or either of them, in the Division in which they are herein named, without being qualified as by this Act is directed; any Thing hereinbefore contained to the contrary thereof notwithstanding.

Meetings of the Trustees,

VI. And be it further enacted, That the Trustees for the said Road in the said Act mentioned, and the said Branch of Road from *Mather Fold* to *Hardman*'s, or any Five or more of them, shall meet together at the *Greenes Arms* Inn in *Turton*, on the *Friday* Three Weeks next after the passing of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution of the said recited Act and this Act, with

with respect to the said last-mentioned Roads; and the Trustees for the said Branch of Road from between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* in *Lower Darwen* aforesaid, to *Ned Pickup*'s Smithy in *Livesey* aforesaid, or any Five or more of them, shall meet together at the *Old Bull* Inn in *Blackburn* on the *Friday* Four Weeks next after the Passing of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution of the said recited Act and this Act, with respect to the said last-mentioned Branch of Road, and they, the said respective Trustees, or any Five or more of them, may then and from Time to Time afterwards adjourn themselves to and appoint such other Time or Times, Place or Places for any subsequent Meeting or Meetings for putting this and the said recited Act into Execution, as they shall think fit.

Power to erect additional Turnpike Gates.

VII. And be it further enacted, That the said Trustees for the said Road in the said recited Act mentioned, and the said Branch of Road from *Mather Fold* to *Hardman*'s aforesaid, or any Five or more of them, shall and may provide, erect and set up, or cause to be provided, erected and set up, in addition to the Gates or Turnpikes in the said recited Act mentioned, and thereby authorized to be erected and set up, One Gate or Turnpike across any Part of the said Road in the said Act mentioned, which lies between One hundred Yards on the Northerly Side of the Guide-post, at *Charter's Moss* and the *Globe* Inn, both in *Turton* aforesaid; One other Gate or Turnpike across any Part of the said last-mentioned Road which lies between the *Golden Cup* aforesaid and the *King's Arms* Inn in *Lower Darwen* aforesaid, and One other Gate or Turnpike across any Part of the said Branch of Road from *Mather Fold* to *Hardman*'s aforesaid; and also as many Side-gates or Turnpikes on the Side or Sides of such Part of the said Road in the said Act mentioned, as lies between the *Heywood Bridge* aforesaid, and *Hill's Gates* in *Sharples*; and also a Toll House and proper and necessary Buildings, Gardens, Conveniences and Fences near to each of the said Gates or Turnpikes, whether across the said Roads or on the Sides thereof, or to such of them as they shall think proper; and also that the said Trustees for the said Branch of Road leading from between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* aforesaid to *Ned Pickup*'s Smithy in *Livesey* aforesaid, or any Five or more of them, shall and may provide, erect and set up, or cause to be provided, erected and set up Two Gates or Turnpikes across the said last-mentioned Branch of Road, that is to say, One between *Ned Pickup*'s Smithy aforesaid and *Broadhough Fold* in *Livesey* aforesaid, and the other between the Road leading to the House and Out-buildings in the Occupation of *Ralph Latus* and the South-westerly End of certain Cottages near there, belonging to the said *Ralph Latus*; and also as many Side-gates or Turnpikes on the Side or Sides of the said last-mentioned Branch of Road where any Highway joins or meets the same; and also such Toll House and Toll Houses, and proper and necessary Buildings, Gardens, Conveniences and Fences thereto, as they the said last-mentioned Trustees, or any Five or more of them, shall think proper; to each of which said Gates or Turnpikes there shall not be any more or greater Quantity of Land appropriated for the Purpose of erecting and making the said Toll House and Toll Houses, and proper and necessary Buildings, Gardens, Conveniences and Fences, than One Quarter of an Acre Statute Measure.

VIII. And

Former Tolls repealed and new ones granted.

VIII. And whereas, the Tolls granted by the said recited Act have been found insufficient for the Purposes thereof, and it is expedient that the same should be repealed, and that other and greater Tolls should be granted instead thereof; Be it therefore further enacted, That from and after the Third *Thursday* next after the passing of this Act, the several Tolls granted by the said recited Act shall be repealed and declared null and void, and that instead thereof, the respective Tolls following shall be demanded and taken at each of the under-mentioned Gates or Turnpikes by such Person or Persons as the said respective Trustees or any Five or more of them shall from Time to Time appoint for that Purpose, or by such Person or Persons to whom the same shall from Time to Time be respectively demised or let, or by such Person or Persons as he, she or they shall from Time to Time respectively appoint, before any Horse or other Cattle or Beast, or any Carriage whatever shall be permitted to pass through the same, (that is to say) at the Gates or Turnpikes erected or to be erected by virtue of the said recited Act across the said Roads in the said Act mentioned, and at the Gate or Turnpike to be erected by virtue of this Act across the said Branch of Road leading from *Mather Fold* to *Hardman*'s aforesaid, and at the Gates or Turnpikes erected or to be erected by virtue of the said recited Act and this Act, or either of them, on the Side or Sides of the said Road in the said Act mentioned; (that is to say)

Tolls at the Old Gates on the Bolton and Blackburn Road, and on the Mather Fold Branch.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricle, Caravan, Calash, Hearse, Litter or other such Carriage, drawn by Six or more Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three, Four or Five Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

For every Waggon, Wain or other such Four-wheeled Carriage with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, and drawn by Four Horses or other Beasts of Draught, 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 of Draught the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling:

For every Waggon, Wain or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid, and drawn by Six or more Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shilings; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Two or Three Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence:

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

and Three-pence; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling; and drawn by Two Horſes or other Beaſts, the Sum of Nine-pence; and drawn by One Horſe or other Beaſt, the Sum of Sixpence:

For every Waggon, Wain, or other ſuch Four-wheeled Carriage 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 Two Shillings and Sixpence; and drawn by Seven Horſes or other Beaſts, the Sum of Two Shillings and Three-pence; and drawn by Six Horſes or other Beaſts, the Sum of Two Shillings; and drawn by Five Horſes or other Beaſts, the Sum of One Shilling and Nine-pence; and drawn by Four Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling; and drawn by One Horſe or other Beaſt, the Sum of Nine-pence:

For every Cart or other Two-wheeled Carriage having the Fellies of the Wheels of leſs Breadth than Six Inches, and drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by one Horſe or other Beaſt the Sum of One Shilling:

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

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforeſaid, and drawn by Four or any greater Number of Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence, and drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence:

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 a greater or leſs Number: And,

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Seven-pence Halfpenny; and ſo in Proportion for a greater or leſs Number.

And at the Gates or Turnpikes to be erected by virtue of this Act, acroſs or on the Side or Sides of the ſaid Branch of Road leading from between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* aforeſaid to *Ned Pickup*'s Smithy aforeſaid, at the Gate or Turnpike to be erected by virtue of this Act acroſs the ſaid Road in the ſaid recited Act mentioned, between One hundred Yards on the Northerly Side of the Guide-Poſt at *Charter's Moſs* and the *Globe* Inn aforeſaid,

and

and at the Gate or Turnpike to be erected by virtue of this Act acroſs the laſt-mentioned Road, between the *Golden Cup* and the *King's Arms* Inn aforeſaid, the following Tolls; (that is to ſay)

Tolls on the Branch to Ned Pickup's Smithy, and at the Two additional Gates on the Old Roads.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Curricle, Caravan, Calaſh, Hearſe, Litter or other ſuch Carriage, drawn by Six or more Horſes or other Beaſts, the Sum of Nine-pence; and drawn by Three, Four or Five Horſes or other Beaſts, the Sum of Six-pence; and drawn by Two Horſes or other Beaſts, the Sum of Four-pence Halfpenny; and drawn by One Horſe or other Beaſt, the Sum of Three-pence:

For every Waggon, Waggon or other ſuch Four-wheeled Carriage, with Wheels of leſs Breadth than Six Inches on the Bottom or Sole thereof, and drawn by Four Horſes or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Three Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Two Horſes or other Beaſts, the Sum of One Shilling; and drawn by One Horſe or other Beaſt, the Sum of Sixpence:

For every Waggon, Wain or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, and drawn by Six or more Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Five Horſes or other Beaſts, the Sum of One Shilling; and drawn by Four Horſes or other Beaſts, the Sum of Ten-pence Halfpenny; and drawn by Two or Three Horſes or other Beaſts, the Sum of Nine-pence:

For every Waggon, Wain or other ſuch Four-wheeled Carriage having the Fellies of the Wheels Nine Inches Broad, and rolling a Surface of Sixteen Inches, and drawn by Eight Horſes or other Beaſts, the Sum of One Shilling and Three-pence; and drawn by Six Horſes or other Beaſts, the Sum of One Shilling; and drawn by Five Horſes or other Beaſts, the Sum of Nine-pence; and drawn by Four Horſes or other Beaſts, the Sum of Seven-pence Halfpenny; and drawn by Three Horſes or other Beaſts, the Sum of Sixpence; and drawn by Two Horſes or other Beaſts, the Sum of Four-pence Halfpenny; and drawn by One Horſe or other Beaſt, the Sum of Three-pence:

For every Waggon, Wain or other ſuch Four wheeled Carriage, 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 One Shilling and Three-pence; and drawn by Seven Horſes or other Beaſts, the Sum of One Shilling and One Penny Halfpenny; and drawn by Six Horſes or other Beaſts, the Sum of One Shilling; and drawn by Five Horſes or other Beaſts, the Sum of Ten-pence Halfpenny; and drawn by Four Horſes or other Beaſts, the Sum of Nine-pence; and drawn by Three Horſes or other Beaſts, the Sum of Seven-pence Halfpenny; and drawn by Two Horſes or other Beaſts, the Sum of Sixpence; and drawn by One Horſe or other Beaſt, the Sum of Four-pence Halfpenny:

For every Cart or other Two-wheeled Carriage, having the Fellies of the Wheels of leſs Breadth than Six Inches, and drawn by Three Horſes or other Beaſts, the Sum of One Shilling; and drawn by Two Horſes or other Beaſts, the Sum of Nine-pence; and drawn by One Horſe or other Beaſt, the Sum of Sixpence:

For

For ever Cart or other Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Six Inches, and drawn by Four Horſes or other Beaſts, the Sum of One Shilling; and drawn by Three Horſes or other Beaſts, the Sum of Nine Pence; and drawn by Two Horſes or other Beaſts, the Sum of Sixpence; and drawn by One Horſe or other Beaſt, the Sum of Three Pence:

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforeſaid, and drawn by Four or any greater Number of Horſes or Beaſts, the Sum of Nine Pence; and drawn by Three Horſes or other Beaſts, the Sum of Seven Pence Halfpenny; and drawn by Two Horſes or other Beaſts, the Sum of Sixpence; and drawn by One Horſe or other Beaſt, the Sum of Three Pence:

For every Horſe, Mare, Gelding, Mule or Aſs laden or unladen and not drawing, the Sum of One Penny:

For every Score of Oxen or neat Cattle, the Sum of Seven Pence Halfpenny, and ſo in proportion for a greater or leſs number: And,

For every ſcore of Calves, Swine, Sheep or Lambs, the Sum of Four Pence; and ſo in Proportion for a greater or leſs Number.

Double Tolls on Sundays.

And that on each and every *Sunday* during the Continuance of this Act, there ſhall be demanded and taken at each of the ſaid Turnpikes or Toll Gates now erected, or hereafter to be erected in purſuance of the ſaid recited Act or this Act, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, before any Horſe, Cattle, or Carriage ſhall be permitted to paſs through the ſame reſpectively, double the ſeveral Tolls hereinbefore directed to be taken on any other Day of the Week (except for Horſes, Cattle and Carriages conveying Milk only); and the ſeveral Tolls by this Act granted, ſhall be demanded and taken in the Name of or as a Toll, and ſhall be and are hereby veſted in the ſaid reſpective Truſtees, and ſhall be levied and recovered in ſuch and the ſame Manner as the ſeveral Tolls granted and made payable by the ſaid recited Act are thereby directed to be levied and recovered; or the ſame may be recovered by Action or Suit in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter*, or in the Court commonly called the County Court, holden in and for the ſaid County of *Lancaſter*, to be brought in the Name of the Clerk to the ſaid reſpective Truſtees, or Collector or Collectors of the ſaid Tolls, and may be aſſigned in ſuch Manner as in the ſaid recited Act is mentioned.

Exemptions from Toll.

IX. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Mare, Gelding or other Cattle drawing any Carriage going for or returning laden or unladen, having been laden only with Stones, Gravel, or other Materials for the repairing of the ſaid Roads, or any of the Highways or Public Roads in the Townſhips or Places in which the Roads hereby intended to be repaired and improved, or any Part thereof do lie, or any Dung, Mould, Soil or Compoſt of any Kind (other than and except Lime) for the manuring of any Garden or other Land or Ground; nor ſhall any Toll be taken, demanded or received for any Carriage or Cattle going for the Purpoſe of or returning from ploughing, ſowing, tilling or cultivating any Land or Ground, or going for or returning unladen or only laden with

with Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of or carrying to be ſold or diſpoſed of, but paſſing to be laid up or placed in the Outhouſes, or on the Lands of the Owners thereof, or for any Plough, Harrow or other Implement of Huſbandry, or for any Horſe or other Beaſt or Cattle drawing or carrying the ſame in order for the repairing thereof or uſing the ſame in Huſbandry; or for any Horſe or other Beaſt or Cattle going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; or for any Horſes, Cattle, or Carriages of whatſoever deſcription employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-Maſter General, either when employed in conveying or guarding the ſame, or returning back from conveying or guarding the ſame; or for the Horſes of Soldiers on their March or on Duty, or Carriages or Horſes or other Beaſts employed in carrying the Arms or Baggage of ſuch Soldiers, or returning back from conveying the ſame; 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 Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons be 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 Exemptions; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or returning from ſo doing; nor ſhall any of the Tolls hereby granted be demanded or taken from any Inhabitants of any Pariſh through which any Part of the ſaid Road doth paſs, who ſhall paſs through any of the ſaid Turnpikes to or from his, her or their reſpective Pariſh Church, Chapel or other Place of Religious Worſhip tolerated by Law, on *Sundays*, on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Autohrity to be celebrated, or who ſhall attend the Funeral of any Perſon dying and to be buried in any of the ſaid Pariſhes; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon any other his parochial or miniſterial Duty, on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor ſhall any Tolls be demanded or taken for or in reſpect of any Horſe, Cattle or Beaſt carrying any Paſſenger, or drawing any Coach, Landau, Landaulet, Chariot, Gig or other Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Lancaſter*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; nor ſhall any Toll be demanded or taken at the Gate or Gates erected or to be erected by virtue of the ſaid recited Act at or near the *Hills Fold* in *Sharples*, or at or near the *Heywood* Bridge aforeſaid, for or in reſpect of any Cattle or Carriage employed in carrying or conveying any Grain or Corn to be ground, or any Oatmeal, Wheat Flour, or any other Flour or Bran ground or made from any Corn or Grain at the Mill or Mills called the *Smithill's*

Mill in *Halliwell*, or at the Mill or Mills called the *Heywood* Mill in *Lower Darwen* aforesaid; nor shall any Toll be demanded or taken at the Gate or Gates to be erected across the said Branch of Road leading to *Ned Pickup*'s Smithy aforesaid, or on the Side or Sides thereof, for or in respect of any Cattle or Carriage employed in carrying or conveying any Grain or Corn to be ground, grown or produced within the Townships of *Livesey* aforesaid and *Tockholes* in the said County, or either of them, or any Oatmeal, Wheat, Flour, or any other Flour or Bran ground or made from any Corn or Grain grown or produced within the Townships of *Levesey* and *Tockholes* aforesaid, or either of them, at the Mill or Mills at or near *Molden Water* in *Livesey* aforesaid; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, or shall make use of any Fraud whatsoever, whereby the Payment of the Tolls granted by this Act, or any Part thereof, shall be evaded, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall be applied towards repairing or amending the said Roads, and the other Moiety thereof shall be paid to the Use of the Informer or Informers, and in all Cases the Proof of Exemption shall lie upon the Person or Persons claiming the same.

Tolls to be paid but once for passing the same Day, except, &c.

X. Provided always, and be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike or Toll Gate to be erected by virtue of this or the said recited Act, shall be subject to any Toll for returning through such Turnpike or Toll Gate the same Day, or before Twelve of the Clock at Night of the same Day, with the same Horse or Horses, Cattle or Carriage, but shall return Toll-free (except such Coach, Chariot, Landau, Berlin, Chaise with Four Wheels, Calash with Four Wheels, Chaise-Marine, Diligence or Caravan, or by what Name soever such Carriage or Carriages now is or are or hereafter may be called or known, which shall be kept or used by or for any Person or Persons as a Public Stage Coach or Stage Coaches or Stage Carriages, employed in carrying Passengers for Hire to and from different Places) on delivering a Ticket to the Collector of the Tolls at such respective Turnpikes or Toll Gates, which Ticket such Collector is hereby required to deliver *gratis* on Receipt of the Tolls.

The two additional Gates on the old Road to be set up and taken down together.

XI. And be it further enacted, That when either of the said Two additional Gates or Turnpikes by this Act authorized to be set up across the said Road in the said recited Act mentioned, shall be so set up or erected, the other of them shall also be set up; and that when either of the said Two last-mentioned Gates or Turnpikes shall be taken down, the other of them shall be taken down also.

Limitation of Toll Gates.

XII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower, or shall be construed, deemed or taken to authorize or empower the said respective Trustees, or any of them, to erect or set up, or cause to be erected or set up across the said Road in the said recited Act mentioned, or the said Branches of Road by this Act authorized to be made, any more or greater Number of Toll Gates or Turnpikes than are hereinafter mentioned, that is to say, Two Toll Gates or Turnpikes across the said

Road

Road in the said recited Act mentioned, within the Limits hereinbefore mentioned, in addition to the Three Toll Gates or Turnpikes which have already been erected and set up across the said last mentioned Road by virtue of the said recited Act; also Two Toll Gates or Turnpikes across the said Branch of Road leading from between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* aforesaid to *Ned Pickup*'s Smithy aforesaid, within the Distance hereinbefore also mentioned, and also One Toll Gate or Turnpike across the said Branch of Road leading from *Mather Fold* to *Hardman's* in *Turton* aforesaid.

Exemption for Coals at Hill's Gate Side-bar repealed.

XIII. And whereas it is by the said recited Act provided, That no Waggon, Wain, Cart or other Carriage solely employed in going empty or unladen down the Brow called *Eagley Brow* for or returning up the said Brow laden with Coal only, and passing and repassing through the said Bar which should be fixed or set up at *Hill's Gate*, or within Two hundred Yards thereof across the Lane leading to the Broad of the Lane, should be subject or liable to the Payment of any of the Tolls payable at the last-mentioned Bar, until the said Brow should, by diverting or otherwise altering the same, be made sufficient for the Passage of Carts and Carriages, and approved by Two Justices of the Peace as therein mentioned; Be it therefore enacted, That the same shall be and is hereby declared to be repealed, and instead thereof be it enacted, that no Horse, Beast, Cattle, Cart or other Carriage, passing or repassing through the Side-Bar at or near *Hill's Gate*, and not travelling farther upon the said Road in the said Act mentioned than between the same Side-Bar and a certain Place called *Ollerton*, in *Sharples* in the said County, shall be subject or liable to more than One-fourth of the respective Tolls hereby imposed at the said last-mentioned Bar, any Thing in the said recited Act, or this Act, contained to the contrary notwithstanding.

Persons travelling between Hill's Gate Side-bar and Ollerton, only to pay One-fourth of the Tolls.

Lord Wilton may make an Occupation Road in lieu of or in addition to the ancient one, and the Use of it not to be deemed an Evasion of the Tolls.

XIV. Provided always, and be it further enacted, That if the Right Honourable *Thomas* Earl of *Wilton*, his Heirs or Assigns, shall at any Time make or cause to be made a Road from his or their Messuages, Tenements and Lands at or near certain Places called *Smith Fold* and *Horrock's Fold* in *Little Bolton* aforesaid, or any of them, to communicate with any Part of the said Turnpike Road between the *Hill's Gate* in *Sharples* aforesaid, and a certain Place in *Turton* aforesaid called the *Dimple*, for the more convenient Occupation of the said Messuages, Tenements and Lands, at or near *Smith Fold* and *Horrock's Fold*, or any of them, either in lieu of or in addition to the ancient private Road now leading to the said Premises, by or near to a certain Messuage or Tenement in *Sharples* aforesaid, called *Sweetlove*'s Tenement, then and in such Case any Person or Persons passing with any Horses, Cattle, Beasts or Carriages whatsoever along such new Occupation Road to and from the said Messuages, Tenements and Lands, or any of them, shall not be construed or deemed to have evaded the said Tolls, or be subject or liable to any Penalty or Forfeiture for passing along the same Road, any Thing in the said recited Act or in this Act contained to the contrary notwithstanding.

No Side-bar to be erected across either of such Occupation Roads.

XV. Provided also, and be it further enacted, That no Side-bar or Turnpike Gate shall be erected or set up by the said Trustees across the same ancient private Road and new Occupation Road respectively, or

or either of them, any Thing in the said recited Act or in this Act contained to the contrary notwithstanding.

Owners or Drivers of Waggons in the Service of His Majesty not subject to Penalties for Overweight, &c.

XVI. 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, or conveying any Ordnance, Barrack or Commissariat, or other publick 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 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 the Highways or Turnpike Roads, or in this Act or the said recited Act contained, to the contrary notwithstanding.

Power to remove Gates within the Limits prescribed.

XVII. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Five or more of them, from Time to Time, to take down and remove any Gate or Gates, Turnpike Building or Turnpike Buildings, and other Conveniencies, erected or provided, or to be erected or provided by virtue of the said recited Act and this Act, or either of them, and to set up the same again in any other Place or Places within the Limits in the said recited Act and this Act respectively for that Purpose specified.

For erecting Weighing Machines.

XVIII. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Five or more of them, at any Meeting (if they shall think proper) to continue the present, and to order and cause to be built upon any Part of the said Roads or the Side or Sides thereof, 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 or on the Side or Sides of the said Roads, or any of them, 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 Roads (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, or on the Sides of the said Roads, or any of them, any Thing herein contained to the contrary notwithstanding.

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

XIX. And

XIX. And be it further enacted, That it shall be lawful for the said respective 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 Act and this Act, and by Advertisement inserted in some Newspaper circulated in the Neighbourhood of the said Roads, from Time to Time by Writing under their Hands, to let and demise, or agree to let and demise, for any Term of Years not exceeding Three Years at a Time, either with or without the Tolls by this Act authorized to be taken, the Weighing Cranes, Machines and Engines which are or 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 Toll Gates or Turnpikes are by the General Turnpike Act directed or prescribed to be let. For letting Weighing Engines.

XX. 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 on a Surface of Sixteen Inches. Regulating the Tolls on Waggons, the Wheels whereof shall roll two Surfaces.

XXI. And be it further enacted, That every Waggon, Wain or Cart, Coach, Berlin, Landau, Chaise, or other Carriage, of whatsoever Description it may be, where more than one such Carriage shall be drawn by the same Horse or Horses, or other Beasts, shall be charged with such and the same Toll as each of such Carriages would be liable to pay if drawn separately by the like Number of Horses or other Beasts. If more than one Cart, &c. be drawn by the same Horses, each to be charged separately.

XXII. And be it further enacted, That if any Person shall take off any Horse or other Beast of Draught from any Waggon or other Carriage, before or after the same shall have come upon the said respective Roads made, or authorized to be made by the said recited Act or this Act, or shall take off, or cause to be taken off, any Part of the Lading of any Waggon or other Carriage, or cause the Distance of the Wheels to be altered before the same shall come to or after the same shall have passed any Turnpike Gate or Weighing Machine erected or to be erected on the said Roads, or any of them, with Intention to avoid the Toll, or any Forfeiture or Penalty, such Person shall for every such Offence forfeit the Sum of Ten Pounds. Taking off Horses, or Lading, or altering the Distance of Wheels.

XXIII. Provided always, and be it further enacted, That, for the Purposes of Exemption from a Reduction of Tolls, or of Allowance of Carriages on Wheels not rolling a flat Surface shall

be considered as Carriages with narrow Wheels, and be liable to be Weighed, or pay Toll as such.

of any additional Number of Horſes, Oxen, or other Beaſts of Draught by virtue of any Law or Statute, the Sole or Bottoms of the Wheels of Waggons, Carts, Wains or other ſuch Carriages, ſubject and liable to the Payment of Tolls by virtue of this Act, ſhall roll a flat or level Surface, or a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface, and all Waggons, Wains, Carts, or other ſuch Carriages paſſing on the ſaid Roads, or any of them, or by any of the Weighing-Engines now or hereafter to be erected thereon, or within Eight hundred Yards thereof, the Wheels whereof ſhall not roll a flat or level Surface, or a Surface ſo flat and level as not to deviate more than half an Inch from a flat or level Surface, ſhall be conſidered and deemed as Carriages on Wheels rolling a Surface of leſs than Six Inches, and be liable to be weighed at any of ſuch Weighing Engines, as any Wain, Waggon, or other Carriages on Wheels rolling a Surface of leſs than Six Inches is now by Law liable to be weighed there, and ſhall pay the ſame Tolls at the ſaid Gates or Turnpikes and Weighing Engines, as ſuch Waggons, Wains or Carriages on Wheels rolling a Surface of leſs than Six Inches are now ſubject and liable to pay.

No Side-gate to be ſet up acroſs any Turnpike Road.

XXIV. Provided always, and be it further enacted, That no Side-gate or Turnpike ſhall be erected or ſet up by the ſaid Truſtees for the ſaid Road in the ſaid recited Act mentioned acroſs any Turnpike Road which now or hereafter ſhall join the ſaid laſt-mentioned Road.

Occupiers of adjoining Lands to carry off the ſcrapings on Notice, except in Harveſt Time.

XXV. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the ſaid ſeveral Roads hereby authorized to be made, amended, widened, turned and varied, ſhall on Seven Days Notice to be given to him or them reſpectively, by the Surveyor or Surveyors of the ſaid reſpective Diſtricts of Roads, or any Perſon or Perſons which he or they ſhall appoint, from Time to Time, haul, remove, and carry away all ſuch Soil, Earth or other Matter as ſhall have been gathered, collected or ſcraped from off the ſaid Roads, or any of them, as far as the Lands and Grounds of ſuch Occupier and Occupiers ſhall reſpectively extend, but not farther; and in caſe any ſuch Occupier or Occupiers ſhall neglect or refuſe to haul, carry off or remove ſuch Soil, Earth or other Matter as aforeſaid, after ſuch Notice as aforeſaid; each and every Perſon ſo neglecting or refuſing ſhall for each and every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered and applied in ſuch Manner and for ſuch Uſes and Purpoſes as other Penalties are herein directed to be recovered and applied: Provided always, that no Perſon ſhall be liable to any ſuch Penalty for neglecting or refuſing to carry away any ſuch Soil, Earth or other Matter during the Time of Hay or Corn Harveſt.

Truſtees may borrow Money.

XXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees for the ſaid Branch of Road leading to *Ned Pickup*'s Smithy aforeſaid, or any Five or more of them, at any Meeting to be held for that Purpoſe, whereof Fourteen Days Notice ſhall be given in Writing, to be affixed upon all the Turnpikes that may be erected upon the ſaid laſt-mentioned Branch of Road, and inſerted in one of the News-papers printed in the ſaid County, and they

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are hereby empowered from Time to Time to borrow and take up at Interest on the Credit of the Tolls arising by virtue of this Act, on the said last-mentioned Branch of Road, such Sum or Sums of Money as they or any Five or more of them shall think fit, and they may and are hereby empowered to demise or mortgage the said Tolls or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, or any of them, or any Part thereof, and the Costs and Charges of such Mortgages to be paid out of such Tolls as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money, by the following Words, under their Hands and Seals, or by any other Words to the like Effect; (that is to say)

Form of Mortgage.

'BY virtue and in pursuance of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, '*An Act* [*here set forth the Title of this Act*] We of the Trustees for the Branch of Road leading to '*Ned Pickup*'s Smithy, in the said County, in consideration of the Sum of to the Treasurer of the said Branch of Road in Hand paid, do grant, bargain, sell and demise unto *A. B.* his Executors, Administrators and Assigns, such Proportion of the Tolls arising upon the said Branch of Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the said Act, unless the Sum of with Interest at the Rate of *per Centum per Annum*, shall be sooner repaid and satisfied.'

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the Trustees for the said last mentioned Branch of Road on which such Money shall be borrowed; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign over or transfer his, her or their Right, Title, Interest or Benefit to the said Mortgage, and all Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on such Security, or by any other Writing or Writings under his, her or their Hand or Hands, before one credible Witness, the following Words or Words to the like Effect; (that is to say)

'I do transfer this Mortgage [*or*, a certain Mortage, *as the case may be*] with all my Right and Title to the Principal thereof [*or* thereby] secured, and to all Interest due upon the same, unto Executors, Administrators and Assigns.

'Dated this Day of

'*A. B.*,

All which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer of the said last-mentioned Branch of Road, within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing

containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk or Treaſurer ſhall be paid ſuch Sum as the ſaid Truſtees, or any Five or more of them, ſhall appoint, not exceeding the Sum of Five Shillings; and ſuch Aſſignment or Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; but in caſe any Sum or Sums of Money ſo to be transferred ſhall not exceed the Sum of Fifty Pounds, it ſhall be lawful for the reſpective Perſons entitled thereto, by an Indorſement of his, her or their Name or Names, to transfer his, her or their Property therein to any other Perſon or Perſons without an Entry being made thereof in Manner aforeſaid, and it ſhall not be in the Power of any Perſon (except ſuch to whom the ſame ſhall be laſt transferred) to make void, releaſe or diſcharge the original Security, or any Monies thereby due, or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made ſhall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls, ariſing on the ſaid laſt-mentioned Branch of Road, in equal Degree one with another, and ſhall have no Preference with reſpect to the Priority of any Monies advanced.

Application of the Money with reſpect to the Branch leading to Ned Pick-up's Smithy.

XXVI. And be it further enacted, That all Money ſubſcribed or to be ſubſcribed towards making the ſaid Branch of Road from between the *Golden Cup* and the Toll Gates near the *Heywood Bridge* aforeſaid to *Ned Pickup*'s Smithy in *Liveſey* aforeſaid, ſhall be accordingly applied in making and maintaining the ſame, and that the Tolls, Penalties and other Monies ariſing from the laſt ſaid mentioned Branch, ſhall be veſted in the ſaid Truſtees for the ſame Branch of Road, and applied in ſuch Manner as they or any Five or more of them ſhall think proper, in making, maintaining, altering, widening and keeping in Repair the ſaid laſt-mentioned Branch of Road, and in defraying all Charges and Expences incident thereto.

Application of the Money with reſpect to Mather Fold Branch.

XXVIII. And be it further enacted, That all Money ſubſcribed, or to be ſubſcribed towards making the ſaid Branch of Road from *Mather Fold* to *Hardman*'s aforeſaid, ſhall be accordingly applied in making and maintaining the ſame, and that the Tolls, Penalties and other Monies ariſing from the ſaid laſt-mentioned Branch of Road ſhall be veſted in the ſaid Truſtees for the ſame Branch of Road, and applied in ſuch Manner as they or any Five or more of them ſhall think proper, in making, maintaining, or altering, widening and keeping in Repair the ſaid laſt-mentioned Branch of Road, and in defraying all Charges and Expences incident thereto.

Application of the Money with reſpect to the Old Road.

XXIX. And be it further enacted, That all Monies and other Effects which the ſaid Truſtees under the ſaid recited Act, or any Treaſurer or other Perſon on their Behalf, are or is poſſeſſed of or entitled to by virtue of the ſaid recited Act, ſhall be and the ſame are hereby veſted in the ſaid Truſtees for the ſaid Road in the ſaid recited Act mentioned; and the ſame and all Monies which ſhall be borrowed, collected, or received under the Powers and Authorities of the ſaid recited Act and this Act, or either of them, in reſpect of the ſaid Road

in

in the said recited Act mentioned, shall be disposed of and applied by the said last-mentioned Trustees, or any Five or more of them, in Manner following: (that is to say) in the first Place in the Payment and Discharge of the Expence of procuring and passing this Act, and all incidental Charges relating thereto and attending the same; and in the next Place in satisfying and defraying the Expences of continuing, erecting and setting up and repairing such Turnpikes, Weighing Machines and Buildings as the said last-mentioned Trustees are, by the said recited Act or this Act empowered to continue, erect, and set up in, upon, across or on the Side or Sides of the said Road in the said Act mentioned, and the Salaries and Compensation to be made to Officers and other Persons assisting in the Execution of this and the said recited Act, in respect of the said Road in the same Act mentioned; and in the next Place in Payment and Discharge of the Principal and Interest of all such Sum and Sums of Money which have been borrowed for the Use of the said Road in the said recited Act mentioned, upon the individual Security of the said Trustees or any of them, or any other Person or Persons, and are now owing; and in the next Place in Payment and Discharge of the Interest and Principal of all such Sums of Money as are now due and owing under the Authority and upon the Credit of the said recited Act, and of any Money to be borrowed by virtue of this and the said recited Act, or either of them, in respect of the said Road mentioned in the said recited Act; and also in Payment and Discharge of the Expences of widening, altering, diverting, repairing, improving and keeping in Repair the said Road in the said recited Act mentioned, and in otherwise putting this and the said recited Act into Execution, as far as respects the said last-mentioned Road, in such Manner as they the said last mentioned Trustees or any Five or more of them shall direct and appoint.

No Gate to be set across Mather Fold Branch after it is made and the Debt paid.

XXX. And be it further enacted, That from and after the said Branch of Road from *Mather Fold* to *Hardman*'s shall be effectually made, amended and widened, and all Money owing on the same Branch of Road fully paid off and discharged, no Toll Gate or Turnpike shall be erected, or set up or stand across the said last-mentioned Branch of Road.

Powers to widen, alter and improve the Roads.

XXXI. And be it further enacted, That it shall be lawful for the said respective Trustees present at any Meeting, or any Five or more of them, at any Time during the Continuance of this Act, and they are hereby authorized and empowered to widen or alter, within the Distance hereinafter mentioned, the Course or Path of any Part or Parts of the Roads hereby directed to be made, amended, varied, altered, widened, improved and kept in Repair, for the Accommodation of Passengers over or through any Private Lands, Grounds or Hereditaments, under such Terms, Satisfactions, and Exceptions as are hereinafter mentioned; and also that it shall be lawful for the said respective Trustees, or any Five or more of them, and their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon any Private Lands, Grounds or Hereditaments through which or whereupon the said Road is intended to pass, and to enter into and upon the Buildings and Gardens hereinafter particularly mentioned, and to stake out and mark the same, in such Manner as the said respective Trustees, or any Five or more of them shall think necessary and proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine or Punishment

for entering or continuing upon any Part or Parts of such Buildings, Gardens, Lands, Grounds and Hereditaments respectively, for any of the Purposes of this Act, first making or tendering Satisfaction to the Owners thereof or Persons interested therein for the Damages they may thereby respectively sustain.

Trustees not to pull down Houses, &c. except, &c.

XXXII. Provided always, and be it further enacted, That no House, Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, shall be taken for the Purposes of this Act, without the Consent in Writing of the Proprietor thereof respectively, other than and except all and so much of the Buildings and Gardens situate in *Liverpool* aforesaid hereinafter mentioned, that is to say, a Cottage or Dwelling-house and Garden in the Occupation of *Alexander Waddington*, a certain Building or Porch and Garden adjoining the Front of the House belonging to *Robert Boardman* the elder, and a Garden in the Occupation of *Ralph Latus*, as shall be necessary for making and improving the said Road to *Ned Pickup*'s Smithy aforesaid; which said excepted Buildings and Gardens, or any Part thereof, shall and may be taken and pulled down, Six Calendar Months' Notice in Writing, previous to taking and pulling down the same, being given to the said respective Occupiers by the Clerk or Surveyor of the said Branch of Road.

Power to purchase Lands, &c. for improving the Roads, &c.

XXXIII. And be it further enacted, That the said respective Trustees shall be, and they are hereby authorized and empowered to treat, contract and agree with the said several hereinbefore named, or any other Person or Persons for the Time being interested in the said Buildings, Gardens, Lands and Hereditaments, for the Purchase thereof respectively, or so much and such Parts thereof as shall be wanted for the Purpose of making, widening, improving, enlarging, diverting, turning and making more commodious the said Roads, or any Part thereof; and it shall and may be lawful to and for the said several Persons, and each of them, and all and every other Person or Persons, interested in such Buildings, Gardens, Lands and Hereditaments, to contract with the said respective Trustees, or any Five or more of them, for the Satisfaction to be made for the Damages which shall be done to the said Hereditaments and Premises, by the making, widening, improving, enlarging, diverting, turning and making more commodious the said Roads; and to sell and convey unto them the said respective Trustees or any Five or more of them, all such Buildings, Gardens, Lands and Hereditaments, or so much and such Parts thereof as shall be wanted and required by them for the Purposes aforesaid; and if the said several Persons hereinbefore named, or the Person or Persons entitled to or interested in the said Buildings, Gardens, Lands and Hereditaments respectively, on Notice to him, her, or them given by the Clerk or Treasurer to the said respective Trustees, or left in Writing at his, her or their Dwelling-house or Houses or other Places of Abode, or at the House of the Tenant in Possession of the said Hereditaments and Premises respectively, purporting that the said Trustees are willing and desirous to treat, shall, for the Space of Twenty-one Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Incapacity shall be prevented from treating; then and in every such Case the said respective Trustees or any Five or more of them shall cause such Value, Damages,

and

and Recompence to be inquired into and ascertained, and otherwise proceed in such Manner as is or are directed by the said recited Act with regard to Lands and Premises thereby authorized and directed to be taken for widening and diverting the said Road in the said recited Act mentioned.

Misnomers or wrong Descriptions not to prevent the Execution of this Act.

XXXIV. Provided always, and be it further enacted, That if any of the Buildings, Gardens or Premises hereinbefore mentioned, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of and applied for and to the Purposes of this Act, as fully and effectually as if the same were more properly named.

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

XXXV. And whereas a Map or Plan describing the Lines of the said new Branches of Road, and the Lands through which the same lead, 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 respective Trustees in making the said new Branches of Road shall not deviate more than Three hundred Yards of Three Feet each from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through whose Lands or Grounds such Branches of Road shall be made; but with such Consent as last aforesaid, it shall and may be lawful to and for the said respective Trustees, or any Five or more of them, to deviate from the Lines described in the said Map or Plan as much as they shall think proper.

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

XXXVI. Provided also, and be it further enacted, That it shall be lawful for the said respective Trustees to make the said new Branches of Roads 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 should 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.

Treasurers' Accounts to be audited.

XXXVII. And be it further enacted, That the Treasurer's Accounts for the said Road in the said Act mentioned shall on the First *Thursday* in the Month of *July* in every Year be audited by a Committee to be from Time to Time appointed by the said Trustees or any Five or more

more of them for that Purpoſe, at ſuch Place as they ſhall direct, and afterwards printed and ſent to each Truſtee and Subſcriber, and in default thereof the ſaid Accounts ſhall be audited as ſoon afterwards and at ſuch Place as the ſaid Truſtees or any Five or more of them ſhall appoint.

Statute Work.

XXXVIII. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Performance of Statute Labour ſhall be and the ſame is hereby repealed, and that the ſaid Road in the ſaid recited Act mentioned, and the ſaid Branches of Road hereby authorized to be made and amended, ſhall be deemed and taken to be, and ſhall be common Highways for ever, to all Intents and Purpoſes whatſoever; and that the Inhabitants of the ſeveral Townſhips, Diſtricts or Places through which the ſaid Roads or any of them ſhall lead, paſs or extend, ſhall reſpectively be and for ever continue ſubject and liable to the Repair thereof (except as in the ſaid recited Act is mentioned); and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Lancaſter*, and they are hereby required and empowered, upon Application made to them by the ſaid reſpective Truſtees, or any Five or more of them, or by their Treaſurer, Clerk or Surveyor, or by their Order yearly to adjudge and determine what Part or Portion of the Statute Work ſhall every Year be done upon the ſaid Roads by the ſaid recited Act or this Act authorized to be made, by the Inhabitants of the reſpective Townſhips, Diſtricts or Places in which the ſame do or ſhall lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip, Diſtrict 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 to 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 Townſhip, Diſtrict or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the Service of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Townſhip, Diſtrict or Place are by Law ſubject 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 or Effect for the Repairs of the Publick 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 ſubject and liable to Statute Work as aforeſaid, upon the ſaid Roads, 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 Roads as the ſaid Juſtices 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 to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as 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 Act authorized

or

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 to or left for him, her or them at his, her or their usual Place or Places of Abode for that Purpose by any Surveyor to 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 Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or 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 dismiss the Person who shall be found idle and negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Application of Compensation Money exceeding 200*l.*

XXXIX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements or Hereditaments purchased taken or used by virtue of the Powers of this or the said Act for the Purposes thereof, which shall belong to any Bodies Politick, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of any Infant, Lunatic, Feme-Covert or other Cestuique Trust, or to any Person whose Lands Tenements or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever 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 there *ex parte* the Trustees for executing 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 or Redemption 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 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 or 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 ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, 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 ſaid Lands, Tenements and Hereditaments ſo directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement was made.

Appliaction of Compenſation Money if leſs than 200l.

XL. Provided always, and be it 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 any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall (at the Option of the Perſon or Perſon 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, Idiotcy 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 hereinbefore 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 for executing the ſaid Act and this Act (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 hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation Money if leſs than 20l.

XLI. Povided 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 all ſuch Caſes, 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 this Act, in ſuch manner as the ſaid Truſtees ſhall think fit; or in caſe of Idiotcy or Lunacy then ſuch Money ſhall be paid 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.

In caſe of Refuſal to accept or of not

XLII. 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

Purchaſe of any Lands, Tenements or Hereditaments to be purchaſed by virtue of the ſaid Act or 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 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 be lawful 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, Control 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 ſame 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 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,

making out Titles, Money to be paid into the Bank.

XLIII. Provided always, and be it further 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 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 and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch 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.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſons who may be in Poſſeſſion ſhall be entitled thereto.

XLIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation

Court of Chancery may order

Expences of Purchases to be paid by Trustees.

poration entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of the said Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of 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 Act or this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Persons deviating from the left Side of the Road subject to a Penalty.

XLV. And be it further enacted, That if any Driver of any Waggon, Cart or other Carriage of Burthen, or any other Carriage whatsoever, shall wilfully and without any adequate Cause, to be allowed of by the Justice, deviate from the left Hand or near Side of the said Roads (other than for the Purpose of passing any Carriage which may be proceeding before him in the same Track, or that may be placed therein) whereby the Passage of any Travellers or Carriages upon the said Roads may be impeded or obstructed, and who shall be convicted thereof before any Justice of the Peace for the County of *Lancaster*, either by the Confession of any such Driver, or the Oath of One or more credible Witness or Witnesses; then and in every such Case, the Owner of such Waggon, Cart or other Carriage shall forfeit and pay any Sum not exceeding Forty Shillings, with the Costs and Charges attending the Prosecution and Conviction, over and besides such Damages and Punishments as such Owner or Driver shall otherwise be liable to by Law for any Injury or Damage done that may be sustained by reason of such Deviation, which said Penalty and Costs shall be recovered and applied in the same Manner as other Penalties and Forfeitures are herein directed to be recovered and applied.

For Recovery of Penalties.

XLVI. And be it further enacted, That all the Penalties and Forfeitures hereby inflicted and imposed, shall be recovered and levied in such and the same Manner as the Forfeitures and Penalties for Offences against the said recited Act are thereby directed to be recovered and levied.

Publick Act.

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

Term of the Act.

XLVIII. And be it further enacted, That the Term granted by the said recited Act shall on the said Second *Thursday* next after the passing of this Act be and is hereby declared to be repealed; and that the said recited Act (except so much thereof as is hereby varied, altered or pealed), and this Act, shall then commence, and shall continue and be in full Force and Effect 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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