ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 96.

An Act to continue the Term and enlarge the Powers of an Act of the Thirty-seventh Year of His present Majesty, for amending the Road from or near *Edenfield Chapel* to the Townſhip of *Little Bolton*; and for making and maintaining a Road from the ſaid Road at or near *Booth Pits*, to or near *Bury Bridge*, in the County Palatine of *Lancaſter*.

[20th *May* 1809.]

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 or from near* Edenfield Chapel, *in the Townſhip of* Tottington Higher End, *in the Pariſh of* Bury, *to the Townſhip of* Little Bolton, *in the Pariſh of* Bolton-in-le-Moors; *and alſo for making and maintaining a Road from the ſaid Road at or near a Place called* Booth Pits, *in the Townſhip of* Tottington Lower End, *to or near* Bury Bridge, *in the Townſhip of* Elton, *in the ſaid Pariſh of* Bury, *all 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 37 G. 3. c. 145.

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 Roads; which Money, or the Interest due thereon, cannot be paid off, nor can the said Roads 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 the Road leading from the North-East End of a certain Bridge called *Turner Bridge*, in the Township of *Tonge* (in the said Parish of *Bolton*), and *Little Bolton* aforesaid (being the Westerly End of the said Turnpike Road), to the Easterly Side of a certain Street in the same Township of *Little Bolton*, called *Manor Street*, at a Place called *Heelis's Fold*, is out of Repair, narrow, circuitous, and incommodious, and cannot be properly and effectually varied, made, and repaired, by the ordinary Course of Law: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the 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 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 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; which said additional Term, and the Tolls by this Act granted, shall be and are hereby made subject and liable to the Payment of all Sums of Money now due and owing, as well on the Credit of the Tolls granted by the said recited Act, as on any other Security given on account of and for the Use of the said Roads, and all other Money owing on account of the said Roads, and also of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said Act or this Act, and the Interest due and to grow due for the same.

Act continued.

The Road from Turner Bridge, made a Part of and declared to be included in the said Act.

II. And be it further enacted, That the Road leading from the North-East End of the said Bridge called *Turner Bridge*, in the Townships of *Tonge* and *Little Bolton*, to the Easterly Side of the said Street in the same Township of *Little Bolton*, called *Manor Street*, at a Place called *Heelis's Fold*, shall be and is hereby declared to be Part of the Road included in the said 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 herein-after mentioned, as well for the Purpose of repairing, widening, altering, improving, and keeping in Repair all and every the Roads in the said Act mentioned and directed to be repaired, as also for the Purpose of varying, amending, and keeping in Repair the additional Road herein-before mentioned.

First and other Meetings of the Trustees.

III. And be it further enacted, That the Trustees nominated in or appointed by virtue of the said recited Act (and who are hereby declared to

be Truſtees for executing the ſame and this Act), or any Five or more of them, ſhall meet together at the Houſe of *Thomas Eanſhaw*, at *Nuttall Lane* in *Tottington Lower End* aforeſaid, on the Third *Thurſday* next after the paſſing of this Act, between the Hours of Ten and Twelve of the Clock in the Forenoon, and proceed to the Execution of the ſaid recited Act and this Act, notwithſtanding any Adjournment may then have been made by the ſaid Truſtees; and that the ſaid Truſtees, or any Three or more of them, ſhall from ſuch Meeting or any other Meeting adjourn themſelves from Time to Time, and meet at the ſame Place or ſuch other Place or Places upon or near the ſaid Road as the ſaid Truſtees, or any Three or more of them, ſhall think proper: Provided nevertheleſs, that no Meeting ſhall be adjourned to a later Hour than Two of the Clock in the Afternoon; and that no Order or Determination of the ſaid Truſtees in the Execution of the ſaid recited Act and this Act, ſhall be made at any Meeting to be held in purſuance thereof, unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all Acts, Orders, and Proceedings relative to this Act or the ſaid recited Act, which are directed to be done, made, or had by or before the ſaid Truſtees, ſhall and may be done, made, or had, by or before any Five or more of the ſaid Truſtees, except where any other Number is in the ſaid Act or this Act named; and all Acts, Orders, and Proceedings done, made, or had by or before ſuch Five Truſtees, ſhall have the ſame Force and Effect as if the ſame were done, made, or had, by or before the whole Number of the Truſtees; and in all Caſes where any of the ſaid Truſtees, or any Juſtice or Juſtices of the Peace are authorized to examine any Perſon or Perſons upon Oath, it ſhall be lawful for ſuch Truſtees, or Juſtice or Juſtices of the Peace to adminiſter ſuch Oath.

Majority to concur.

May adminiſter Oaths.

IV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may provide, erect, 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 and Turnpike acroſs that Part of the ſaid new Extenſion of the ſaid Road in the Townſhip of *Little Bolton* aforeſaid, which lies betwixt a certain Place where the ſame new Extenſion will meet a certain Road or Way leading from *Manor Street* aforeſaid, to a Place called *The Folds*, near a Houſe late in the Occupation of *Martha Dean*, deceaſed, and a certain ſmall Rivulet or Brook croſſing the Line of the ſaid Extenſion, near and running through a certain Garden in *Little Bolton* aforeſaid, now in the Occupation of *Robert Darbiſhire*; and ſhall and may erect and provide, or cauſe to be erected and provided, a Toll Houſe, with convenient, proper, and neceſſary Outbuildings and Fences at ſuch Turnpike or Gate, and may cauſe the ſaid Gate or Turnpike, together with the Toll Houſes and other Buildings, from Time to Time to be taken down, altered, or removed, and ſet up within the Limit before mentioned, but not elſewhere, or ſo as to take in or interfere with the preſent Highway or Road leading from *Turner Bridge* aforeſaid through *Little Bolton* to *Great Bolton*, as the ſaid Truſtees, or any Five or more of them, ſhall judge proper.

Power to erect Turnpike Gates.

V. 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

Former Tolls repealed, and new ones granted.

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 following Tolls ſhall be demanded and taken at each of the ſaid Gates or Turnpikes erected and ſet up, or to be erected and ſet up by virtue of the ſaid recited Act and this Act, or either of them (under and ſubject nevertheleſs to the Proviſions and Regulations in the ſaid recited Act mentioned), by ſuch Perſon or Perſons as the ſaid 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,

Tolls. 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 Two Shillings and Sixpence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Two Shillings; 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 Eight-pence:

For every Waggon, Wain, or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, drawn by Seven or Eight Horſes or other Beaſts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Five or Six Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four or a leſs Number of Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence:

For every Waggon, Wain, or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid or upwards, and not ſo broad as Nine Inches, drawn by Six Horſes or other Beaſts of Draught, the Sum of Three Shillings and Two-pence; and drawn by Four or Five Horſes or other Beaſts of Draught, the Sum of Two Shillings and Six-pence; and drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings:

For every Waggon, Wain, or other ſuch Four-wheeled Carriage, with any of the Wheels of leſs Breadth than Six Inches, the Sum of Three Shillings and Nine-pence:

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

For every Cart or other Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One or Two Horſes or other Beaſts of Draught, the Sum of Eight-pence:

For

For every Cart or other Two-wheeled Carriage, with Wheels of leſs Breadth than Six Inches as aforeſaid, drawn by Three Horſes or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling and Three-pence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Eight-pence:

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

For every Score of Oxen or Neat Cattle, the Sum of One Shilling, and ſo in Proportion for a greater or leſs Number: And,

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Six-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 herein-before directed to be taken on any other Day of the Week; 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 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, and may be aſſigned in ſuch Manner as in the ſaid recited Act is mentioned.

General Exemptions from Toll.

VI. 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 publick 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 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 Poſtmaſter General, either when employed in conveying or guarding the ſame, or in 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 publick 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 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 Inhabitant of any Pariſh through which any Part of the ſaid Roads 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*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority 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 Toll 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; 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 Forty Shillings, 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.

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

VII. 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 Highways or Turnpike Roads, or in this or the ſaid recited Act contained to the contrary notwithſtanding.

VIII. And

For erecting Weighing Machines.

VIII. And be it enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting (if they ſhall think proper), to order and cauſe to be built upon any Parts of the ſaid Roads, 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, Merchandizes, or other Things whatſoever, to order all and every or any ſuch Carriage or Carriages, ſubject and liable to the Payment of Tolls by virtue of this Act, which ſhall come 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, which may hereafter be erected upon the ſaid Roads; 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.

IX. 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 Act and this Act, and by Advertiſement inſerted in ſome Newſpaper circulated in the ſaid County of *Lancaſter*, from Time to Time to let and demiſe, or agree to let and demiſe, either with or without the Tolls by this Act authorized to be taken, or any Part thereof, the Weighing-Cranes, Machines, and Engines which may by 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 Acts directed or preſcribed to be let.

Regulating the Toll on Waggons, the Wheels whereof ſhall roll Two Surfaces.

X. 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 ſubject and liable to the Payment of Tolls by virtue of this Act, 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.

Carriages on Wheels not rolling a flat Surface, ſhall be conſidered

XI. Provided always, and be it further enacted, That for the Purpoſes of Exemption from a Reduction of Tolls, or of Allowance of any additional Number of Horſes, Oxen, or other Beaſts of Draught, by virtue of

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

of any Law or Statute, the Sole or Bottom 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 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 or 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 Carriage 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.

Side Gates not to be erected at certain Places.

XII. Provided always, and be it further enacted, That no Side Gate shall be erected or set up across, or Toll taken upon any Highway or Road leading into that Part of the *Bury* Branch of Road aforesaid, as lies between the said House now or late in the Possession of *Robert Wallwork* and *Bury Bridge* aforesaid, nor across the present Highway or Road between *Turner Bridge* and the Easterly Side of *Manor Street* aforesaid.

Half Toll to be taken for Horses, &c. only between the Townships of Turton and Little Bolton.

XIII. And whereas by the said recited Act the full Tolls are payable at the Turnpike situate near *Tonge Moor Gate* for Horses, Cattle, and Carriages, though travelling only to or from that Part of the Township of *Tonge* aforesaid, lying on the Northerly Side of the said Turnpike or Gate, and the Township of *Little Bolton* aforesaid, be it enacted, That, from and after the passing of this Act, no more than One Half of the respective full Tolls hereby imposed shall be demanded or taken at such Gate or Turnpike for any Horses, Cattle, or Carriages, when only passing on the said Road betwixt the Township of *Turton* aforesaid and *Little Bolton*.

No Toll to be taken for Horses, &c. crossing the Road near the Walves.

XIV. And whereas Doubts have arisen whether it was not lawful to demand and take Toll for Horses, Cattle, and Carriages travelling the Highway from *Bury* over *Affetside* towards *Blackburn*, on crossing the Roads by this Act and the said recited Act directed to be amended and repaired, at a Place called *The Walves*, be it enacted, That nothing in the said recited Act or this Act contained shall authorize or empower the said Trustees, or any Number of them, to demand or take any Toll for any Horses, Cattle, or Carriages, for only crossing the said Turnpike Road at any Bar now erected, or hereafter to be erected, across the said Highway at or near the *Walves* aforesaid.

Enabling Trustees to take Possession of Toll Houses, &c. when let,

XV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, either by taking greater or less Tolls, or in any other Way or Manner; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers,

shall

ſhall be in Arrear by the Space of Ten Days next after any One of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof; and in caſe the Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or Collector or Collectors who ſhall be diſcharged or removed from his or their Office of Collector, or ſhall happen to die, then and in any of thoſe Caſes the ſaid Truſtees, or their Clerk or Treaſurer, or any other Perſon authorized by Writing under their Hands, ſhall be at Liberty and they are hereby authorized to enter upon and take Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging; and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or any Collector or Collectors, or other Officer or Officers having the Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Gates, and Premiſes, from the Poſſeſſion thereof, and from the Collection of the Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit), to vacate and determine the Contract or Agreement (if any) for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or Farmers, and the ſame ſhall be from that Time utterly void, to all Intents and Purpoſes (ſave as to the Covenants or Agreements for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants or Agreements on the Leſſees Part which ſhall have been broken), as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, in every ſuch Caſe, to demiſe or let to farm the ſaid Tolls again to any Perſon or Perſons, or cauſe them to be collected, as if no former Demiſe, Contract, or Agreement had been made relative thereto; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Truſtees may leſſen the Tolls, and advance them again.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, from Time to Time aſſembled at any Meeting or Meetings to be held for that Purpoſe, and they are hereby empowered, by and with the Conſent of the Perſon or Perſons who is, are, or ſhall be entitled to Three Fourth Parts of the Money which is now owing upon the Credit of the Tolls granted by the ſaid recited Act, or which ſhall be owing on the Credit of the ſaid Tolls granted by this Act, to leſſen or reduce all or any of the Tolls by this Act granted, or to be paid by any Perſon or Perſons, at all or any of the Toll Gates erected or to be erected by virtue of the ſaid recited Act or this Act, and for ſuch Time and Times, as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper; and from Time to Time afterwards to advance all or any of the Tolls ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the reſpective Rates herein-before mentioned; and alſo from Time to Time to direct the Tolls hereby granted or ſo reduced as aforeſaid, to be collected in ſuch Parts or Proportions at the ſaid Turnpikes or Toll Gates upon the ſaid Roads, as they ſhall think proper; and that ſuch reduced Tolls, and alſo ſuch Parts and Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the ſaid Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting ſhall be held for the Purpoſe of leſſening, reducing, or advancing all or any of the ſaid Tolls after the Firſt Meeting, unleſs Twenty-one Days previous Notice at the leaſt ſhall have been given thereof in Writing, to be affixed upon all the Turnpikes

which shall be then erected upon the said Roads, and also inserted in some Newspaper published or circulated in the said County.

No Exemption to be taken for narrow-wheeled Waggons and Carts.

XVII. Provided nevertheless, and be it further enacted, That no Person shall have or take the Benefit of any Part or Parts of the Exemptions from Toll, or from any Part or Parts of Toll in the said in Part recited Act or in this Act mentioned or contained, at any of the said Gates or Turnpikes erected or to be erected by Authority of this or the said recited Act, for or in respect of any Waggon, Cart, or other such Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches on the Sole or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or so as not to deviate more than Half an Inch from a flat Surface, or shall not have the Nails countersunk so as not to rise above the Surface, or for or in respect of any Cart or other Carriage which, together with the Loading thereof, shall be of greater Weight than is allowed by the Act made in the Thirteenth Year of His present Majesty's Reign, 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*, to Waggons, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the additional Tolls hereby imposed; and it shall and may be lawful for the said Trustees, or any Five or more of them, to order all such Waggons, Carts, or other Carriages to be weighed, in like Manner, and with the same Powers and Authorities, as are directed for the weighing of Carriages by the said Act made in the Thirteenth Year of His present Majesty's Reign.

Application of the Money.

XVIII. And be it further enacted, That all Money subscribed or to be subscribed towards diverting and making the said Road between *Turner Bridge* and *Manor Street* aforesaid, shall be accordingly applied in diverting and making the same; and that no Monies arising from the said Tolls shall be applied in making the said Road between *Turner Bridge* and *Manor Street* aforesaid, or any other Diversion on the said Turnpike Roads, until all Interest due upon the Money borrowed upon the Credit of the said Tolls, shall have been first fully paid; and that all Monies and other Effects which the Trustees under the said Act of the Thirty-seventh Year of His present Majesty, 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; and the same, and all Monies which shall be borrowed, collected, or received under the Powers and Authorities of this Act, shall be disposed of and applied by the said Trustees, or any Five or more of them, in Manner following; that is to say, that out of the Monies arising or to arise by virtue of the said former Act or this Act, in Manner aforesaid, the Expences of procuring and passing this Act, and all incidental Charges relating thereto, and attending the same, shall be first paid and discharged; and in the next Place the Expences of continuing, erecting, and setting up, and repairing such Turnpikes, Weighing-Machines, and Buildings, as the said Trustees are by the said recited Act or this Act empowered to continue, erect, and set up; and the Salaries and Compensation to be made to Officers and other Persons assisting in the Execution of the said recited Act and this Act, shall be satisfied and defrayed; and in the next Place the Interest and Principal of all such Sum and Sums of Money which have been

been borrowed for the Uſe of the ſaid Roads, upon the individual Security of the ſaid Truſtees, or any of them, or any other Perſon or Perſons, and are now owing, ſhall be paid and diſcharged; and after Payment thereof the Remainder of ſuch Monies and Effects, and all Tolls collected or to be collected at the ſeveral Turnpikes continued or erected, or to be erected in purſuance of the ſaid recited Act and this Act, and all Penalties to be levied, and Money to be received in purſuance thereof, ſhall be chargeable with and applied to the Payment 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 former Act, and of any Money to be borrowed by virtue of this Act; and after Payment thereof the Remainder of ſuch Monies and Effects which ſhall be collected or received under the Powers and Authorities of this Act, ſhall be applied in making, diverting, repairing, improving, and keeping in Repair the ſaid Roads, and otherwiſe putting this Act in Execution, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct and appoint.

Power to widen, alter, and improve the Road.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid 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 herein-after mentioned, the Courſe or Path of any Part or Parts of the Road hereby directed to be 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 herein-after mentioned; and alſo that it ſhall be lawful for the ſaid 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 Meſſuage, Cottages, or Dwelling Houſes, Buildings, Courts, Folds, Gardens, and Yards herein-after particularly mentioned; and to ſtake out and mark the ſame in ſuch Manner as the ſaid 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 Meſſuage, Cottages, or Dwelling Houſes, Buildings, Courts, Folds, Gardens, Yards, 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.

XX. 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 or ſo much of the Meſſuage, Cottages, Buildings, Courts, Yards, Gardens, and Hereditaments ſituate in *Little Bolton* aforeſaid herein-after mentioned; that is to ſay, a ſmall Loomſhop, or Building and Fold, in the Occupation of *John Moſcrop*; a Loomſhip, Cottage or Building, and Fold, Yard, and Garden, in the Occupation of *Sarah Walkden*; a Meſſuage or Dwelling Houſe, and Two Out-

Out-buildings, and the Yards thereto belonging, late in the Occupation of *Thomas Ruſhton*, and now unoccupied; a Cabin and another ſmall Building, and Coal Pit Road, late in the Occupation of *John Craddock* and Company, and now of *John Gartſide* and Company; Four Gardens and a ſmall Building, in the Occupation of *Samuel Holt*; Two ſmall Buildings and a Garden, in the Occupation of *Peggy Rider*; Six Cottages and Six Gardens, in the Occupation of *George Holden*, *Samuel Hayworth*, *David Crompton*, *James Whittle*, *Betty Tonge*, and *Thomas Beſwick*; alſo the Gardens, Courts, Folds, Yards, Lanes, and Lands, now in the ſeveral and reſpective Occupations of *Robert Darbiſhire*, *Thomas Burton*, *John Roſtron*, *Thomas Dutton*, *Abraham Fletcher*, *Thomas Harriſon*, *Mary Greenhaugh*, *William Hardman*, *John Mayoh*, *Thomas Booth*, *James Hobſon*, *James Diggles*, *Robert Knowles*, *Richard Sephton*, *John Bowcock*, *John Brotherton*, *John Bateman*, and *William Nightingale*, as ſhall be neceſſary for making and improving the ſaid Road from *Turner Bridge* aforeſaid, to the Eaſterly Side of *Manor Street* aforeſaid.

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

XXI. And be it further enacted, That the ſaid Truſtees ſhall be, and they are hereby authorized and empowered to treat, contract, and agree with the ſaid ſeveral herein-before named, or any other Perſon or Perſons for the Time being intereſted in the ſaid Meſſuage, Cottages, Buildings, Gardens, and Hereditaments, for the Purchaſe thereof reſpectively, or ſo much and ſuch Parts thereof as ſhall be wanted for the Purpoſe of widening, improving, enlarging, diverting, turning, and making more commodious the ſaid Road, 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 Meſſuage, Cottages, Buildings, Gardens, Lands, and Hereditaments, to contract with the ſaid 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 widening, improving, enlarging, diverting, turning, and making more commodious the ſaid Road; and to ſell and convey unto them the ſaid Truſtees, or any Five or more of them, all ſuch Meſſuage, Cottages, 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 herein-before named, or the Perſon or Perſons entitled to or intereſted in the ſaid Meſſuage, Cottages, Buildings, Gardens, Lands, and Hereditaments reſpectively, on Notice to him, her, or them given by the Clerk or Treaſurer to the ſaid 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 Truſtees, or any Five or more of them, ſhall cauſe ſuch Value, Damage, and Recompence to be enquired 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 Roads.

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

XXII. Provided always, and be it further enacted, That if any of the Houses, Buildings, Gardens, Courts, Yards, or Premises herein-before 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 a certain Distance of the Line described in the Plan, &c.

XXIII. And whereas a Map or Plan describing the Line of the said Diversion and new Branch of Road, and the Lands through which the same are to be carried, 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 further 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 any reasonable 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 Eight-pence for every One hundred 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 Diversion and new Branch of Road, shall not deviate more than One hundred Yards from the Line 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 Deviation shall be made.

Trustees may make the Road through Ground, although the Owners Names are omitted in the Book of Reference.

XXIV. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and new Branch 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 in the said Map or Plan as last 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.

Application where the Compensation Money amounts to 200l.

XXV. 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, Idiot, Lunatick, 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

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 ſumma y 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 Incumbrance 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, or Hereditaments, ſo directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application where the Money is leſs than 200 l. and more than 20 l.

XXVI. 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 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, 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 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 for executing the ſaid Act and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating

and

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 may be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application, where less than 20l.

XXVII. 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 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 not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXVIII. 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 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, 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 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.

Respecting disputed Titles.

XXIX. 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.

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

XXX. Provided alſo, and be it further 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 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.

Statute Labour.

XXXI. And be it further enacted, 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 Roads, or any Part thereof, ſhall ſtill remain liable thereto; 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 Truſtees, 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 Inhabitants of the reſpective Pariſhes, Townſhips, or Places in which the ſame do lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, 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 Pariſh, Townſhip, 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, Townſhip, 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

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 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 subject and liable to Statute Work as aforesaid, to do such Number of Days 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 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, 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 Chatrels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts 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 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 the Repair of the public 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 or 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 Ten Pounds.

Penalty on Persons drawing Timber on the Roads.

XXXII. And be it further enacted, That if any Person shall hale or draw, or shall cause to be haled or drawn upon any Part of the Roads included in the said recited Act or this Act, any Tree or Piece of Timber, or any Stone (Millstones excepted) otherwise than upon Wheel Carriages; or shall suffer any Part of any Tree or Piece of Timber, Stone, or Flag, which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may contract for repairing the Roads.

XXXIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered to contract with any Perſon or Perſons for repairing, widening, or altering the ſaid Roads, or any Part thereof, and for erecting Mileſtones or Poſts thereon, or for doing any other Work authorized to be done by the ſaid recited Act or this Act, in ſuch Manner and for ſuch Sum or Sums of Money as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time think fit.

Contracts binding on the Parties.

XXXIV. And be it further enacted, That all Contracts in Writing, entered into purſuant to any Order made at any Meeting by the ſaid Truſtees, or any Five or more of them, ſhall be binding on all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators, and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing in the Execution thereof; and that the Sum or Sums of Money ſtipulated to be paid to ſuch Contractor or Contractors, ſhall be the Meaſure of the Damages to be recovered againſt ſuch Contractor making Default in fulfilling his Contract; any Law or Uſage to the contrary notwithſtanding.

Penalty on aſſaulting Perſons in the Execution of this and the ſaid recited Act.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, hinder, or diſturb, or cauſe, promote, or encourage to be aſſaulted, interrupted, hindered, or diſturbed, the Collectors of the Tolls or any of them, or the Turnpike Surveyor or Surveyors, or Perſon or Perſons employed by him or them, or by the ſaid Truſtees, in the Execution of any Part of this and the ſaid recited Act, every Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds.

XXXVI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this and the ſaid recited Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this or the ſaid recited Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the ſame Effect, as the Caſe ſhall happen; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* one of His Majeſty's Juſtices of the Peace for the County or Liberty of [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal, the Day and Year firſt above written.'

Proceedings not to be quaſhed for Want of Form.

XXXVII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this or the ſaid recited Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Trefpaſſer or Trefpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or any other Proceeding relating thereto; and if any Irregularity ſhall be afterwards committed by any Perſon or Perſons diſtraining, he or they ſhall not on that Account be

deemed a Treſpaſſer or Treſpaſſers *ab initio*, but the Party or Parties aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage ſuſtained thereby in an Action upon the Caſe.

Publick Act.

XXXVIII. 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.

XXXIX. 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 repealed), 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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