ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

****

Cap. 1.

An Act to continue the Term, and alter and enlarge the Powers, of an Act of His preſent Majeſty, for keeping in Repair the Road leading from the Town of *Rochdale*, in the County Palatine of *Lancaſter*, to the Town of *Burnley*, in the ſaid County; and for making Two new Branches of Road to communicate therewith. [16th *June* 1817.]

WHEREAS by an Act paſſed in the Thirty-eighth Year of the Reign of His preſent Majeſty King *George* the Third, intituled *An Act for more effectually amending, widening, altering, im-* 38 G.3.c.51.
proving, and keeping in Repair the Road leading from the Town of Rochdale, *in the County Palatine of* Lancaſter, *to the Town of* Burnley, *in the ſaid County*, reciting, amongſt other Things, that the Part of the ſaid Road which was ſituate between the South-eaſt Side of a certain Common called *Derpley Moor*, and the Town of *Burnley*, was very circuitous and hilly, and it would be more convenient and commodious to the Public, if that Part of the Road was diverted, and a new Road made from or near a certain Houſe uſed as an Inn, ſituate on the South Side of the ſaid Common called *Derpley*, over the ſaid Common, and through certain Lands then the Property of *Charles Townley* Eſquire, and through certain other Lands and Grounds therein deſcribed, to a certain Dwelling Houſe ſituate in the Town of *Burnley* aforeſaid, then in the Poſſeſſion of *Nicholas Halſtead*, certain Powers and Authorities were granted to the Truſtees therein

named, and their Succeſſors, for the Purpoſes therein mentioned: And whereas in purſuance of ſuch Act, the ſaid Diverſion or Alteration in the Road from *Derpley* to *Burnley* aforeſaid, and ſeveral other Diverſions and Improvements, have been made in the ſaid Road at a very heavy Expence, and conſiderable Sums of Money have been borrowed and now remain due and owing; which Money cannot be paid off, nor can the ſaid Road be effectually amended, widened, improved, and kept in Repair, unleſs the Term granted by the ſaid Act be continued, and an Increaſe of Tolls granted, and further and other Powers given for thoſe Purpoſes: And whereas the making and maintaining Two Roads or Branches from and out of the ſaid Road, the one commencing at or near a certain Place called *Coppy Clough*, within the Townſhip of *Cliviger*, in the Pariſh of *Whalley*, in the ſaid County Palatine of *Lancaſter*, to join a certain other Turnpike Road leading from *Burnley* aforeſaid to *Halifax*, in the County of *York*, at or near a certain Place called *Jack Hey Lane*, alſo ſituate in the ſaid Townſhip of *Cliviger*; and the other of them commencing at or near another certain Place alſo ſituate, in the Townſhip of *Cliviger*, on a certain Piece of Land heretofore called *Derpley Moor*, to or near a certain Place commonly called *Shermeyfold Gate*, ſituate in the Townſhip of *Hundersfield*, in the Pariſh of *Rochdale* aforeſaid, there to unite with a certain other Turnpike Road leading from the Village of *Bacup* to the Village of *Todmorden*, both in the ſaid County of *Lancaſter*, would be productive of great public Utility, and very advantageous to the Country adjacent; but ſuch beneficial Purpoſes 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 Tolls, Duties, Powers, Proviſions, and Clauſes therein contained (except ſuch as are 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 Alterations and Variations herein contained, and which ſhall commence and take Effect on the paſſing of this Act; which ſaid Term, and the Tolls or Duties, Powers and Clauſes hereby continued, granted, and enacted, are hereby made ſubject and liable to the Payment of all Sum and Sums of Money now due and owing, as well upon the Credit of the ſaid Road as on any other Security given or entered into on account of and for the Uſe of the ſaid Road, and all other Money owing on account of the ſaid Road, and alſo of ſuch other Sum or Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid recited Act or this Act, and the Intereſt due and to grow due for the ſame.

The ſaid Act continued.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the Truſtees named in or appointed under or by virtue of the ſaid recited Act, or any Five or more of them, at their firſt Meeting, to be held as herein-after mentioned, to elect, nominate, and appoint any Number of fit and proper Perſons not exceeding Five, to be Truſtees for the Purpoſes of the ſaid Act and this Act, in addition to the Truſtees by the ſaid Act nominated and appointed; and ſuch Truſtees ſo to be appointed ſhall have the

same Powers as if they had been nominated and appointed in and by this or the said recited Act.

First Meeting of the Trustees.

III. And be it further enacted, That the said Trustees or any Five or more of them shall meet at the *Roebuck* Inn if then open, and if not, then at some other Inn, in the Town of *Rochdale*, on the Second *Thursday* next after the passing of this Act, between the Hours of Eleven and Twelve, and proceed to the Execution of the said recited Act and this Act, notwithstanding any Adjournment may then have been made by the Trustees by virtue of the said recited Act; and that the said Trustees shall hold their future Meetings in Manner following; (that is to say), for every Two Meetings to be held at *Rochdale* aforesaid, there shall be One Meeting held at the Village of *Bacup*; and that the said Trustees shall and may adjourn themselves from Time to Time (subject to the foregoing Regulations), to and at such Time and Place near the said Road as they shall think proper; provided, that if at any Meeting there shall not appear a sufficient Number of Trustees to act, or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall not adjourn themselves, then and in every such Case the Clerk to the said Trustees shall, by Notice in Writing to be affixed on all the Turnpikes which shall be then erected on the said Road, at least Seven Days before the then proposed Meeting, appoint the Trustees to meet at the House where their then last Meeting was held or was appointed to have been held, or at the Place next in Rotation to the Place where such Adjournment should have been made, on that Day Three Weeks next after the Day for which such last Meeting was appointed or was held; and in case the said Clerk shall by any Means omit giving Notice as aforesaid, then it shall be lawful for any Three or more of the Trustees (although not assembled at a Meeting), at any Time or Times after the Space of Seven Days from such Omission, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the said Trustees to meet at the Place next in Rotation to the Place where the last Meeting was held, or was appointed to have been held, upon that Day Week next after the Date of their said Notice; and that the said Trustees shall at all their Meetings defray their own Expences; and all Orders and Determinations of the Trustees in the Execution of this and the said recited Act shall be made at Meetings to be held in pursuance thereof, and not otherwise, (except in Cases hereby or by the said recited Act particularly provided for); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders and Proceedings relative to this 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 herein or by the said recited Act directed; and that 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 Trustees; and in all Cases where the 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 any Five of them, or such Justice or Justices of the Peace, to administer such Oath.

Trustees to defray their own Expences.

Orders to be made at Meetings, and a Majority to concur.

Five Trustees to form a Quorum.

May administer Oaths.

IV. And

Orders not to be revoked but in Manner directed.

IV. And be it further enacted, That no Order made by any Five or more of the ſaid Truſtees ſhall be revoked or altered unleſs at a Meeting to be held for that Purpoſe, of which intended Alteration Twenty-one Days Notice at the leaſt ſhall be given at a previous Meeting of the ſaid Truſtees, and entered in their Book of Proceedings; and ſuch Notice ſhall ſpecify the Revocation or Alteration intended to be made, and ſhall be affixed on all the Turnpikes then erected on the ſaid Road, Fourteen Days at leaſt previous to ſuch Meeting; nor ſhall any ſuch Order be revoked or altered, unleſs a Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority to conſiſt of Nine at the leaſt.

Power to continue and erect Turnpike Gates.

V. And be it further enacted, That the ſaid Truſtees or any Seven or more of them, ſhall and may continue, provide, erect, and ſet up, or cauſe to be continued, provided, erected, and ſet up, Three Gates or Turnpikes in or acroſs that Part of the ſaid Road which lies between the Town of *Rochdale* aforeſaid and the Village of *Bacup*; and alſo Three Gates or Turnpikes in or acroſs that Part of the ſaid Road which is ſituate betwixt the Village of *Bacup* and the Town of *Burnley* aforeſaid, at or within the reſpective Places or Limits following; that is to ſay, One Gate or Turnpike in that Part of the ſaid Road lying within the Hamlet of *Healey*, in the Townſhip of *Spotland* in the Pariſh of *Rochdale* aforeſaid, but not nearer to the Town of *Rochdale* aforeſaid than a Place commonly called *Swine Rootings*, where a Turnpike Gate at preſent ſtands; One other Gate or Turnpike on that Part of the ſaid Road lying in the Hamlet or Diviſion of *Whitworth Lower End*, in the ſaid Townſhip of *Spotland*, betwixt the End of a certain Road leading out of the ſaid Turnpike Road to a Mill commonly called *Maſſey Croft Mill*, and the Limit of Two hundred Yards on the Northerly or that Side thereof neareſt to the Village of *Whitworth*; One other Gate or Turnpike on that Part of the ſaid Road ſituate in the Hamlet or Diviſion of *Whitworth Upper End*, in the ſaid Townſhip of *Spotland*, where a Turnpike now ſtands, commonly called *Trough Yate Lane*, or within the Limit of Two hundred Yards on either Side of that Situation; One other Gate or Turnpike on that Part of the ſaid Road ſituate in the Foreſt of *Roſſendale*, in the Pariſh of *Whalley* aforeſaid, betwixt a certain Meſſuage or Dwelling Houſe commonly called the *Lower Broad Clough*, and another Meſſuage or Dwelling Houſe commonly called the *Higher Broad Clough*, and near the Midway or Centre of ſuch Limit; One other Gate or Turnpike on that Part of the ſaid Road ſituate in the Townſhip of *Cliviger*, in the ſaid Pariſh of *Whalley*; and One other Gate or Turnpike in that Part of the ſaid Road which is ſituate in the Townſhip of *Habergham Eaves*, in the ſaid Pariſh of *Whalley*; and alſo ſhall and may provide, erect, and ſet up, or cauſe to be provided, erected, and ſet up, Two Gates or Turnpikes on each of the ſaid Two Roads or Branches, and ſhall and may continue, erect, and provide, or cauſe to be continued, erected, and provided, a Toll Houſe, with convenient Out-buildings, at each Gate or Turnpike, and take in and incloſe on the Side of the ſaid Road and Branches, at each ſuch Toll Houſe, a ſuitable Garden Spot for the ſame; and may cauſe the ſaid Gates or Turnpikes, or any of them, together with the Toll Houſes and other Buildings, from Time to Time to be taken down, altered, or removed, and ſet up again within the reſpective Limits before mentioned, but not elſewhere, as the ſaid Truſtees or any Seven or more of them ſhall think proper; and alſo ſhall and may provide, erect, ſet up, and build, or cauſe to be provided, erected, ſet up, and

and built, acroſs any Lane or Way leading into the ſaid Road or Branches, ſuch and ſo many Gates and Turnpikes, and a Toll Houſe to each Gate or Turnpike, with ſuch Buildings ſuitable thereto, and a convenient Garden Spot for each Toll Houſe, as the ſaid Truſtees or any Seven or more of them ſhall judge proper; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Power to take Tolls.

VI. And whereas the Tolls granted by the ſaid recited Act have been found inſufficient for the Purpoſes thereby intended, and it is expedient that the ſaid Tolls ſhould be repealed, and further and other Tolls granted inſtead thereof; be it therefore further enacted, That upon, from, and after the paſſing of this Act the ſaid Tolls ſhall be and are hereby declared to be repealed, and null and void to all Intents and Purpoſes, and that inſtead thereof, the following Tolls ſhall be demanded and taken at each of the ſaid Gates or Turnpikes, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint for that Purpoſe, before any Horſe or other Cattle or Beaſt, or any Carriage whatſoever, ſhall be permitted to paſs through the ſame, (except as herein-after is excepted and provided); that is to ſay,

Tolls.

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

For every Waggon 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 Beaſts of Draught, the Sum of Three Shillings; and drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four or a leſs Number of Horſes or Beaſts of Draught, the Sum of Two Shillings:

For every Waggon or other ſuch Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforeſaid, and upwards, and under Nine Inches, drawn by Five or Six Horſes or Beaſts of Draught, the Sum of Four Shillings; and drawn by Four or a leſs Number of Horſes or Beaſts of Draught, the Sum of Three Shillings:

For every Waggon or other ſuch Four-wheeled Carriage, with Wheels of leſs Breadth than Six Inches, the Sum of Four Shillings:

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

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

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

of Draught, the Sum of Two Shillings; and drawn by One Horſe or Beaſt of Braught, the Sum of One Shilling:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-pence per Score; and ſo in proportion for a greater or leſs Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence per Score; and ſo in proportion for a greater or leſs Number:

Tolls veſted in Truſtees.

Which ſaid reſpective Tolls 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 applied in ſuch Manner as herein-after is mentioned.

Tolls to be paid Once for paſſing and repaſſing.

VII. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Toll for paſſing through any Turnpike or Gate to be continued or erected by virtue of this Act, ſhall be ſubject or liable to pay any Toll for returning through ſuch Turnpike or Gate before Twelve of the Clock of the Night of the ſame Day with the ſame Carriage, Horſes, or Beaſts in reſpect of which ſuch Toll ſhall have been paid at ſuch Gate that Day, or with the ſame Horſes or Cattle which ſhall have drawn any Carriage for which the Toll hath been paid at ſuch Gate that Day, if returning with another Carriage of the ſame Deſcription as that for which the Toll hath been paid, but ſhall return Toll-free, on producing a Note or Ticket to the Collector of the Tolls at ſuch reſpective Turnpike, denoting Payment of ſuch Toll, which Note or Ticket the Collector of the ſaid Tolls is hereby required to deliver *gratis* on Receipt of ſuch Toll; and

Payment at a Side Gate to clear the next Gate.

that no Perſon who ſhall have paid the Toll for paſſing through any Gate or Turnpike to be continued or erected on the Side of the ſaid Road acroſs any Lane or Way leading into the ſame, or to be erected upon or acroſs either of the ſaid Two Branches of Road, ſhall be liable to the Payment of another Toll for afterwards paſſing the ſame Day with the ſame Horſes, Cattle, or Carriage, through the next Gate or Turnpike to be continued or erected acroſs or on the Side of the ſaid Road, on producing a Note or Ticket denoting Payment of the Tolls at ſuch Side Gate or Gate to be erected on either of the ſaid Branches of Road, which Note or Ticket the Collector of the Tolls at ſuch Gate is hereby required to deliver *gratis* on Payment of the Toll demanded; but nothing in the ſaid recited Act or this Act contained, ſhall extend or be conſtrued to extend to exempt any Horſe, Cattle, or Carriage from Payment of the reſpective Tolls for paſſing a Third Time through ſuch Turnpike the ſame Day, but the Toll ſhall be demanded and paid for ſuch Third and every ſubſequent Time of paſſing through ſuch Gate or Turnpike in the ſame Direction which ſuch Horſe, Cattle, or Carriage went the firſt Time that Day.

One Toll only to be paid on each Branch of Road.

VIII. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Toll for paſſing through any Gate or Turnpike to be erected on either of the ſaid Two Branches of Road, ſhall be liable to the Payment of another Toll for afterwards paſſing the ſame Day with the ſame Horſes, Cattle, or Carriage, through the other of the Gates or Turnpikes to be erected on the ſaid Branches of Road; but ſuch Perſon ſhall be

exempt from Toll there on producing a Note or Ticket denoting Payment of the Toll at such other Gate, which Note or Ticket the Collector of the Tolls at such Gate is hereby authorized and required to deliver *gratis* on Receipt of the Toll, if demanded.

Tickets to be provided denoting Payment of Toll.

IX. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment; and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Exemptions.

X. Provided always, and be it further enacted and declared, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for repairing of the said Roads or Branches, or any of the Roads in the Townships or Booths in which any Part of the said Road and Branches are situate; or Hay, Grass, Turnips, Potatoes, or other Fodder, Straw or Corn in the Straw, not sold or disposed of, or passing for that Purpose, but passing to be placed or laid up in the Buildings or on the Premises of the Owners thereof; or for or in respect of any Carriage, Horse, Cattle, or Beast employed only in carrying or conveying, or going empty or unladen to carry or convey, or returning empty or unladen from carrying or conveying, having been employed only in conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or other Manures, to be employed only in Husbandry for manuring or improving Lands (and not for printing, dyeing, or other Purposes of Trade), or for any other Thing employed in the managing of any Farms or Lands; or for any Horses or Cattle going to or returning from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Hearse or Carriage conveying the Corpse or attending the Funeral of any Person who shall die and be buried in either of the Parishes of *Rochdale* or *Whalley* aforesaid; or for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or 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, Commissariat, or other Public Stores of, for, or belonging to His Majesty, for the Use of His Majesty's Forces, or returning from attending them on such Occasions; 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 or Review,

Review, provided that such Persons are in the Uniforms 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 as aforesaid; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to or returning from any Election for a Knight or Knights of the Shire to serve in Parliament for the said County Palatine 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 or Persons shall in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this and the said recited Act.

Owners or Drivers of Waggons in the King's Service not subject to Penalties for Overweight.

XI. 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 Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

Tolls may be varied.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them from Time to Time assembled at any Meeting to be held for that Purpose, to lessen or reduce all or any of the Tolls hereby granted, and to take and collect such Tolls so lessened or reduced, for such Time or Times as the said Trustees or any Seven or more of them shall think proper; and afterwards from Time to Time to advance all or any of the Tolls so reduced, to any Sum or Sums of Money not exceeding the respective Rates herein-before granted, and to order and direct such Tolls, so lessened and reduced or advanced, to be collected, received, taken, laid out, and applied for the Purposes of the said recited Act and this Act, in such Manner as the Tolls are by this Act directed to be collected, levied, and applied; but no such Reduction shall be made (except at the First Meeting of the said Trustees), unless the Person or Persons who shall be entitled to Two Third Parts of the Money which shall be then owing on the Credit of the Tolls intended to be reduced shall be consenting thereto; nor shall any such Reduction or Advancement be made, unless Twenty Days Notice at the least shall be given in Writing, to be affixed on all the Turnpikes or Toll Gates then erected on the said Road, expressing the Intention, Time, and Place of the Meeting for making such Reduction or Advancement: Provided always, that when and as often as any Reduction or Advancement shall take place or be made in the Tolls to be collected or received at any one of the said Gates or Turnpikes

pikes upon the ſaid Road (except upon the ſaid Branches of Road), the ſame Reduction or Advancement ſhall be made and take place at the ſame Time, in the ſaid Tolls to be collected and received at every other Gate on the ſaid Road, ſo that ſimilar Tolls ſhall be collected at each Gate thereon.

Toll Collectors to put up their Names.

XIII. And be it further enacted, That all and every Toll Collector appointed either by the ſaid Truſtees, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of the ſaid recited Act and this Act, or either of them, upon the ſaid Roads, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon coming on Duty, each of the Letters of ſuch Name to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſaid Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon or Perſons than he ſhall be authorized to do by virtue of the Powers of the ſaid recited Act and this Act, or any or either of them, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or ſhall refuſe to permit or ſuffer, or ſhall in anywiſe hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having been paid the ſaid Tolls or any of them, or ſhall give a falſe Name or Names on ſuch Demand, or ſhall refuſe or neglect to deliver a Ticket *gratis* denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates freed by ſuch Payment, or ſhall make uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Roads, or ſhall without ſufficient Cauſe, detain or delay any Perſon or Perſons travelling thereon; then and in every ſuch Caſe every ſuch Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be levied, recovered, and applied in ſuch and the ſame Manner as other Penalties are by the ſaid recited Act or this Act, or either of them, directed to be levied, recovered, and applied.

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

XIV. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Road, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors, or any of them, ſhall or may take Copies of or Extracts from the ſaid Book

Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees or ſuch Creditors to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Clerk reſtrained from acting as Treaſurer.

XV. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act and the ſaid recited Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid Act and this Act; or to continue or appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing the ſaid Act and this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of the ſaid Act and this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer ſhall act as Clerk in the Execution of the ſaid Act and this Act, every Perſon ſo offending 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 at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

To enable Truſtees to take Poſſeſſion of Toll Houſes.

XVI. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act at the ſaid Turnpike Gates, or any of them, ſhall be demiſed or let to farm to any Perſon or Perſons in purſuance of the ſaid recited Act or this Act, and ſuch Perſon or Perſons ſhall neglect or refuſe to perform the Terms and Conditions of the Demiſe or Contract by which the ſame are let to him, her, or them, either by taking a greater or leſs Toll in reſpect of any Kind of Carriage, Waggon, Cart, Horſe, Beaſt, or Cattle, than thoſe demiſed or let to him, her, or them, or in any other Way or Manner; or in caſe the Rent for which ſuch Tolls ſhall be demiſed or let, or any Inſtalment thereof ſhall be in arrear and unpaid for the Space of Fourteen Days next after any of the Days or Times whereon the ſame ſhall become due and ought to be paid purſuant to ſuch Demiſe or Contract, and the Toll Houſe or Toll Houſes appertaining to ſuch Turnpike Gate or Gates ſhall be in Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons by him, her, or them appointed to collect the Tolls thereat; then and in any of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees or any Five or more of them (if they ſhall think proper) to vacate and determine ſuch Demiſe and Contract, giving a Notice in Writing of ſuch their Determination to ſuch Leſſee or Leſſees, Farmer or Farmers, by leaving the ſame at the Toll Houſe or Toll Houſes at ſuch reſpective Turnpike or Turnpikes; and ſuch Leaſe or Contract ſhall from that Time be utterly void to all Intents and Purpoſes (ſave as to the Covenants for Payment of the Rent to the Day of ſuch Notice being delivered), as if the ſame had not been made; and in caſe any ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall not on Service of ſuch Notice as aforeſaid deliver the Poſſeſſion of the Toll Houſe or Toll Houſes, and the Turnpike Gate or Gates, with the Appurtenances, ſo demiſed or let to him, her, or them, it ſhall be lawful for any Juſtice

of the Peace for the County in which ſuch Toll Houſe or Toll Houſes, Turnpike Gate or Gates, with the Appurtenances, ſhall be ſituate, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Toll Houſe or Toll Houſes and Premiſes in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe or Houſes, and to put ſuch Perſon or Perſons into the Poſſeſſion thereof as the ſaid Truſtees or any Five or more of them ſhall appoint.

Turnpikes, &c. veſted in the Truſtees.

XVII. And be it further enacted, That the Right and Property of the ſeveral Toll Houſes and Turnpikes or Toll Gates, Weighing Engine or Weighing Engines, and other Erections and Buildings to be erected and provided by virtue of this Act, with the Materials, Grounds, Fences, and Appurtenances thereto belonging, and of all Arches, Bridges, Walls, and other Erections, Buildings, and Premiſes, and of all Mileſtones and Poſts to be erected, and alſo of all Materials, Tools, and Implements which ſhall be provided for the Uſe of or for repairing the Roads to be made by virtue hereof, ſhall be and the ſame reſpectively are and is hereby veſted in the ſaid Truſtees, and they or any Five or more of them are hereby empowered to cauſe any Action to be brought in the Name of their Clerk or Treaſurer for the Time being, and any Bill or Bills of Indictment to be preferred againſt any Perſon or Perſons who ſhall ſteal, break down, take away, injure, ſpoil, or deface any ſuch Toll Houſes, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Mileſtones, Poſts, or any of them, or any ſuch Materials, Tools, or Implements as aforeſaid; in which Bill or Bills of Indictment it ſhall be ſufficient to ſtate generally that any ſuch Toll Houſes, Turnpikes, or Toll Gates, or other Buildings or Erections, Fences, Mileſtones, Poſts, or any ſuch Materials, Tools, or Implements, or other Matters or Things, to be the Property of the Treaſurer or Clerk for the Time being to the ſaid Truſtees.

Application of Money raiſed.

XVIII. And be it further enacted, That out of the Tolls to be collected and levied by virtue of this Act, or out of the firſt Monies to be borrowed on the Credit thereof, the ſaid Truſtees or any Five or more of them ſhall and they are hereby required in the firſt Place to pay Intereſt after the Rate of Five Pounds *per Centum per Annum* for the Sum of Money borrowed for the Purpoſe of defraying the Expence of obtaining this Act; and afterwards all the ſaid Tolls and Monies ſhall be applied in defraying the Coſts and Expences relating to the obtaining and paſſing of this Act, and in paying the Principal Money and Intereſt borrowed for the Purpoſes of the ſaid recited Act on the Bonds of any of the ſaid Truſtees, and now due and owing, and in defraying the Coſts of continuing, erecting, and providing Turnpikes, Toll Houſes, and other Buildings, and making, repairing, widening, turning, and altering the ſaid Road, and in making and repairing the ſaid Two Branches of Road; and in the next Place in paying the Intereſt and Principal of the Money due and owing on the Credit of the ſaid former Tolls, or to be borrowed for the Purpoſes of the ſaid recited Act or this Act, and defraying all other neceſſary Coſts, Charges, and Expences attending the ſame, and carrying the Purpoſes of the ſaid recited Act and this Act into Execution, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall from Time to Time appoint.

XIX. And

Restraining the Trustees from deviating more than 100 Yards from the Line of the old Road, without Consent, &c.

XIX. And be it further enacted, That it shall not be lawful for the said Trustees, in diverting, turning, varying, or altering the Course or Path of any Part of the Road comprized in the said recited Act, to deviate more than One hundred Yards from the present Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Plan to be deposited at the Office of the Clerk of the Peace.

XX. And whereas Maps or Plans, describing the Lines of the said intended Branches of Road, and the Lands, Hereditaments, and Premises through which the same are to be made or carried, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the said Maps or Plans 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 a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making the said Branches of Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make the Road conformably to such Plan, &c. notwithstanding Errors.

XXI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Branches of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises, over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans or List, in case it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses not to be injured.

XXII. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Branches of Road, to take or pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked or described in the said Maps or Plans, or are expressly mentioned in the said recited Act; any Thing in this Act contained to the contrary in anywise notwithstanding.

Notice to be given to Oc-

XXIII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority

thority of the ſaid recited Act or this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Roads, out of or from any incloſed Lands or Grounds, until Ten Days Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his or her uſual Place of Reſidence, to appear before any One or more Juſtice or Juſtices of the Peace acting for the County or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or his or her Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for the ſaid Juſtice or Juſtices, by his or their Order or Orders, to authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall refuſe or neglect to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtice or Juſtices ſhall and may make ſuch Order therein as he or they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Owner or Occupier, or his or her Agent, had attended, any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Occupiers of incloſed Lands before Materials are taken therefrom.

XXIV. Provided always, and be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall have been dug or gathered for the Purpoſe of repairing or improving the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made, dug, or opened for the Purpoſe of getting the ſaid Materials, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Perſon or Perſons authorized by ſuch Owner or Occupier to get Materials), every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, the ſame to be recovered, levied, and applied in Manner by the ſaid recited Act mentioned.

Penalty on taking away Materials got by the Surveyor.

XXV. And be it further enacted, That all Gates to be hereafter placed in any Field or Ground adjoining any Part of the ſaid Roads, ſhall be made and hung to open and ſwing inwards towards ſuch Field or Ground, and not towards the ſaid Roads; and it ſhall be lawful for the ſaid Truſtees or any Three or more of them to order all ſuch Gates as are now erected, or may hereafter be erected, and open and ſwing outwards towards the ſaid Roads, to be altered and made to open and ſwing inwards, as they the ſaid Truſtees ſhall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or ſhall be conſtructed ſo as to open and ſwing outwards towards the ſaid Roads, ſhall (after Ten Days Notice from the Surveyor of the ſaid Roads, requiring him, her, or them to alter any ſuch Gate or Gates, and make the ſame to open and ſwing inwards) refuſe or neglect to make ſuch Alteration, or, after ſuch Alteration ſhall have been once made, ſhall again alter the ſame, every ſuch Occupier or Occupiers ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates not to open or ſwing into the Roads.

Application of Compensation Money when amounting to or exceeding 200l.

XXVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid former Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Parts 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 to the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the 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 or Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, 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 the Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Settlement or Purchaſe were made.

Application when the Compenſation is leſs than 200l. and not leſs than 20l.

XXVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed 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 or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, 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 Three or more of the said Trustees for executing the said recited 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 and Interest arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 the said recited Act and this Act, in such Manner as the said Trustees or any Three or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to or for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act 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 any Three or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees or any Three 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 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or

or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion to be deemed preſumptively entitled, &c.

XXX. 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 the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Act or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be 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 to direct Payment of Expences.

XXXI. Provided always, 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 recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of any other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of the ſaid Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Three or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons liable to the Repair of the Road to continue ſo.

XXXII. And be it further enacted, That where any particular Part or Parts of the ſaid Road hath or have been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Body or Bodies Politic or Corporate, by reaſon of the Tenure of any Lands, Tenements or Hereditaments, or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon or Perſons, Body or Bodies Politic and Corporate, in ſuch and the like Manner as the ſame reſpectively were or ought to have been maintained and kept in Repair before the paſſing of this Act.

Statute Labour.

XXXIII. 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

wards repairing and amending the ſaid Roads or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful to and for any Two or more Juſtices of the Peace for the ſaid County Palatine of *Lancaſter*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees or any Five or more of them, or by their Treaſurer, Clerk, or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Diſtrict or Diviſion of the ſaid Roads, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place in lieu of, or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or 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 or Place to bring Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh 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 Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work in every Year upon the ſaid Roads, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days, and at ſuch Times (not being Hay-time or Harveſt), and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, or appoint; and the ſaid Juſtices ſhall and may order and direct the Perſons who by ſuch Liſts ſhall be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for the 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 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 laſt or 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 Fines, Penalties and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute now 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 Truſ-

tees, 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 of the ſaid Truſtees, and applied towards amending the ſaid Roads; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give any ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe and imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute Work.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Three of them, to compound and agree with any Perſon or Perſons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the ſaid Roads or any Part thereof, and alſo with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Townſhips or Places in which the ſaid Roads ſhall lie and be ſituate, for a certain Sum of Money, by the Year or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the whole or any Part of the Statute or other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Townſhip, or by the Perſon or Perſons ſo compounding, to the Treaſurer of the ſaid Truſtees in advance, on or before the Firſt Day of *May* in each and every Year; or otherwiſe ſuch Perſon or Perſons, Bodies Politic or Corporate, and the Inhabitants and Occupiers within ſuch Townſhip or Place, ſhall not be permitted to compound for that Year.

Public Act.

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

Continuance and Term of the Act.

XXXVI. And be it further enacted, That the Term granted by the ſaid recited Act ſhall, upon the paſſing of this Act, ceaſe and determine; and the ſaid recited Act (ſubject to the Alterations, Additions, and Amendments in this Act contained) and this Act, ſhall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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