ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 1.

An Act to enlarge the Term and Powers of an Act of His present Majesty, for repairing the Road from the Guide Post near *Sudden Bridge*, in the Parish of *Rochdale*, to *Bury*, and a Branch therefrom, all in the County Palatine of *Lancaster*.

[23d *March* 1813.]

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, turning, altering, improving, and keeping in Repair, the Road from or near the Guide Post at or near a Place called* Sudden Bridge, *in the Township of* Castleton, *within the Parish of* Rochdale, *in the County Palatine of* Lancaster, *to the North-easterly End of a certain Street or Place in the Town of* Bury, *within the Parish of* Bury, *in the said County, called* Clerke Street, *and for making a new Road from and out of the said Road at or near a Place called* Captain Fold, *in the Township of* Castleton *aforesaid; to communicate as well with the Turnpike Road leading from the Town of* Rochdale *to the Town of* Manchester, *in the said County, as also with the* Rochdale *Canal, at or near a Place called the* Blue Pitts, *in the said Township of* Castleton: And whereas the Trustees for executing the said recited Act have proceeded in the Execution thereof, and for that Purpose have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted, which Monies still remain due and owing, and cannot be paid off, nor can the said Roads 37 G. 3.

be effectually amended, improved, and kept in Repair, or the ſaid Branch of Road from *Captain Fold* to the *Blue Pitts*, be made and kept in Repair, unleſs the Term of the ſaid Act is continued, and the Powers thereof altered, amended, and enlarged, and the Tolls increaſed: 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all and every the Powers, Proviſoes, and Clauſes therein contained (except ſuch as are by this Act varied, altered, or repealed, and ſuch as relate to Exemption from Stamp Duties) ſhall be and continue in force, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Alterations and Variations herein contained, and which ſhall commence on the *Thurſday* next after the paſſing of this Act; which ſaid further 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 ſame Roads; and alſo of ſuch other Sum or Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid Act or of this Act, and the Intereſt due and to grow due for the ſame reſpectively.

recited Act further continued.

Truſtees.

II. And be it further enacted, That the Right Honourable *Edward Smith Stanley* commonly called *Lord Stanley*, the Right Honourable *Robert Groſvenor* commonly called *Lord Belgrave*, the Honourable *Thomas Groſvenor*, the Honourable *Edward Harbord*, the Reverend Sir *William Henry Cleeke* Baronet, Sir *Robert Peel* Baronet, *Ralph Aſhton*, *Thomas Aſhton*, *John Blackburne*, *John Chadwick* of Captain Fold, *John Chadwick* of Heys, *James Chadwick*, *Ellis Cunliffe*, *James Clegg*, *Thomas Drake* Clerk, Doctor of Divinity, *John Dawſon*, *John Dawſon* the Younger, *James Dearden*, *John Entwiſtle*, *John Entwiſtle* the Younger, *John Elliott*, *Thomas Ferrand*, *John Fildes*, *Jonathan Fildes* the Younger, *Joſeph Fenton*, *John Fenton*, *James Fenton* the Younger, *Richard Gould*, *Ralph Gee*, *Adam Gee*, *Robert Bamford Heſketh*, *Lloyd Bamford Heſketh*, *William Horton* Clerk, *Robert Gregge Hopwood*, *James Holland*, *William Holland*, *William Holland* the Younger, *John Holland*, *Robert Holt* of Croſsfield, *Francis Holt*, *Robert Holt* of Chamber Houſe, *William Holt*, *John Holt*, *Thomas Hutchinſon*, *John Hutchinſon*, *Samuel Holker*, *Lawrence Hardman*, *Alexander Hill*, *William Haſſall*, *John Johnſon*, *James Iſherwood*, *John Jackſon*, *Robert Kay*, *Thomas Kenion*, *Robert Leigh*, *Samuel Meadowcroft*, *William Midgley*, *James Midgley*, *Henry Monday*, *Edward Monday*, *John Maſon*, *John Nuttal*, *William Norris*, *Chriſtopher Norris*, *John Orford*, *James Openſhaw*, *John Openſhaw*, the Right Honourable *Robert Peel*, *Thomas Porter*, *Joſeph Radcliffe*, *James Royds*, *Clement Royds*, *John Gilbert Royds*, *Thomas Stanley*, *James Starky*, *James Taylor* of Whitworth, *James Taylor* of Guide Poſt, *Edmund Taylor*, *Thomas Hippon Vavaſour*, *Walter Vavaſour*, *James Walmſley*, *John Walmſley*, *Richard Walker*, *Thomas Wood*, *William Yates* and *Edmund Yates*, and their Succeſſors, to be elected in the Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for the ſurveying, ordering, altering, turning, widening, ſhortening,

ſhortening, making, repairing, improving, and keeping in Repair the ſaid Roads, and for otherwiſe carrying the ſaid recited Act and this Act into Execution.

Power to appoint Ten additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Seven or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the Purpoſes of this Act in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this and the ſaid recited Act as if they had been hereby nominated and appointed.

On the Death of Truſtees, others to be choſen.

IV. And be it further enacted, That when and ſo often as any Truſtee hereby nominated, or to be appointed by virtue of this Act, ſhall die or refuſe to act, it ſhall be lawful for the ſurviving or remaining Truſtees, or any Five or more of them, by Writing under their Hands, to elect one other Perſon to be a Truſtee in the room of ſuch Truſtee ſo dying or refuſing to act; and Notice of the Time and Place of Meeting for every ſuch Election ſhall be given by the Clerk or Clerks to the ſaid Truſtees, by affixing the ſame in Writing upon all the Turnpike Gates then erected in, upon, or acroſs the ſaid Roads, and alſo by inſerting the ſame in ſome Public Newſpaper circulating in the Neighbourhood through which the ſaid Roads paſs, at leaſt Ten Days before every ſuch Meeting; and all Perſons who ſhall be ſo elected are hereby veſted with the ſame Powers for putting this Act into Execution, as the Truſtees in whoſe Places they ſhall be reſpectively choſen were veſted with.

Qualification of Truſtees.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent to a Perſon poſſeſſed of an Eſtate in ſuch Lands, Tenements, and Hereditaments as aforeſaid, of the clear yearly Value of Three hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate alone, or Real and Perſonal Eſtate together, of the Amount of Three thouſand Pounds nor (except in adminiſtering the Oath or Affirmation herein-after mentioned) unleſs he ſhall have taken and ſubſcribed before any Three or more of the ſaid Truſtees, who are hereby authorized and empowered to adminiſter the ſame, an Oath or Affirmation in the Words or to the Effect following; that is to ſay,

Oath.

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am 'ſeiſed in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*] 'and in the actual Poſſeſſion, Enjoyment, and Receipt of the Rents and 'Profits of a Real Eſtate, ſituate in the County Palatine of *Lancaſter*, of 'the clear Yearly Value of One hundred Pounds [*or*, Heir Apparent of a 'Perſon ſeiſed of ſuch an Eſtate, of the clear yearly Value of Three 'hundred Pounds; *or*, poſſeſſed of a Perſonal Eſtate alone, *or*, Real and 'Perſonal Eſtate together, to the Amount of Three thouſand Pounds.]

'So help me GOD.'

Penalty on unqualified Perſons acting.

And if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record, by Action of Debt or on the Caſe, or by Bill, Plaint, Suit or Information, wherein no Eſſoign, Protection or Wager of Law, or more than one Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

No Truſtee to act while he holds a Place of Profit, &c.

VI. And be it further enacted, That no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time he ſhall hold any Place of Profit under this Act; and that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, ſhall be capable of holding any Place of Profit under this Act; and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Firſt Meeting of the Truſtees.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the *Roebuck* Inn in *Rochdale* 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 Truſtees acting in Execution of the ſaid recited Act; and that the Truſtees appointed by virtue of this Act, or any Five or more of them, ſhall and may adjourn ſuch Meeting from the ſaid *Roebuck* Inn, to meet at the *Queen Anne* Inn in *Heywood*, within the Pariſh of *Bury* aforeſaid, on ſuch Day as they ſhall think proper, and that the Meetings ſhall afterwards be held alternately at *Rochdale* and *Heywood* aforeſaid; and the ſaid Truſtees ſhall and may from Time to Time adjourn and meet alternately, in Manner aforeſaid, at any Time they ſhall think proper: Provided nevertheleſs, that no Meeting ſhall be adjourned to a later Hour than Eleven of the Clock in the Forenoon; and that if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act and 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 omit to adjourn ſuch Meeting, then and in every ſuch Caſe the Clerk to the Truſtees ſhall, by Notice in Writing to be affixed on all the Turnpikes then erected on the ſaid Roads at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where ſuch next Meeting ſhould in Rotation be had, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be holden; and in caſe the ſaid Clerk ſhall omit giving Notice as aforeſaid, then it ſhall and may be lawful for any Three or more of the ſaid Truſtees (although not aſſembled at a Meeting) at any Time or Times after the Space of Seven Days from ſuch Omiſſions, by Notice in Writing under their Hands, to be affixed in Manner aforeſaid, to appoint the Truſtees to meet at the Place the next in Rotation for holding the Meeting upon that Day Week after the Date of their ſaid Notice; and that the Truſtees ſhall at all their Meetings defray their

Manner of holding the Meetings.

own Expences; and that all Orders and Determinations of the Truſtees in the Execution of the ſaid recited Act and this Act, ſhall be made at the Meetings to be held in purſuance thereof, and not otherwiſe (except in Caſes particularly provided for in this or the ſaid recited Act); and that no Order or Determination made at any Meeting under this or the ſaid recited Act ſhall be valid, 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 Truſtees, ſhall and may be done, made, or had, by or before any Five or more of the Truſtees, except where any other Number is in this or the ſaid recited Act particularized; and all Acts, Orders and Proceedings ſo 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 all the ſaid Truſtees; and in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace, are by this or the ſaid recited Act 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; and that no Order made by Five or more 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 leaſt ſhall be given at a previous Meeting of the Truſtees, and entered in their Book of Proceedings; and ſuch Notice, ſpecifying the Revocation or Alteration intended to be made, ſhall be affixed on all the Turnpikes on the ſaid Roads Fourteen Days at leaſt before ſuch Meeting; and unleſs a Majority of the Truſtees preſent at ſuch Meeting (ſuch Majority to conſiſt of Nine at the leaſt) concur therein.

Truſtees to defray their own Expences, &c.

VIII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may from Time to Time cauſe to be erected and ſet up, or continued, ſuch and ſo many Turnpikes or Toll Gates in, upon, acroſs, or on the Side or Sides of any Part or Parts of the ſaid Roads, and acroſs any Lane or Way leading into, from, or out of the ſame (ſave and except as is herein-after mentioned and provided) and alſo a Toll Houſe to each Gate or Turnpike, with ſuitable Outbuildings thereto, and alſo may incloſe from the ſaid Roads convenient Garden Spots to the ſaid Toll Houſes, as they or any Five or more of them may judge proper, not exceeding One Quarter of an Acre each; and may cauſe any ſuch Turnpikes, Toll Gates, Toll Houſes or other Buildings, from Time to Time to be taken down, removed or altered, as they or any Five or more of them ſhall judge proper: Provided always, that no Turnpike or Toll Gate ſhall be erected or ſet acroſs ſuch Part of the ſaid Road, extending from the ſaid Guide Poſt at or near the ſaid Place called *Sudden Bridge* to the ſaid North-eaſterly End of the ſaid Street or Place called *Clerke-Street*, as lies or runs betwixt the ſaid Guide Poſt, and a certain Dwelling-Houſe uſed as a Public Inn or Alehouſe, ſituate at or near *Marland Green*, in the ſaid Townſhip of *Caſtleton*, now or late in the Poſſeſſion of *John Pollitt*, or acroſs any Highway or Lane leading into ſuch Part of the ſaid Road; nor ſhall any Turnpike or Toll Gate be erected or ſet acroſs any Part of the ſaid Road, which extends from the Diſtance of Twenty Yards from the South-eaſterly Side of a certain Lane or Way called *The Coal Pit Lane*, running along the Weſterly Side of a Tenement of or belonging to the late *Ralph Holt* deceaſed, ſituate in *Caſtleton* aforeſaid, called *The Rye Crofts*, to a certain Brook or Rivulet called *Wrigley Brook*, in the Townſhip of *Heap*,

Truſtees may erect Turnpike Gates and Toll Houſes.

or

or acroſs any Highway or Lane leading into the ſaid laſt-mentioned Part of the ſame Road (ſave and except in the before-mentioned Branch or new Road leading from *Captain Fold* to *Blue Pitts*) nor ſhall any Turnpike or Toll Gate be erected or ſet acroſs any Part of the ſaid Road, which extends from the Weſterly Side of another Brook or Rivulet, at or near a Place called *Little Bridge*, in the ſaid Townſhip of *Heap*, to the ſaid North-eaſterly End of the ſaid Street or Place called *Clerke Street*, or acroſs any Highway or Lane leading into the ſaid laſt-mentioned Part of the ſame Road; any Thing herein contained to the contrary notwithſtanding.

Former Tolls repealed, and new Tolls granted.

IX. And be it further enacted, That the Tolls granted by the ſaid recited Act ſhall be and the ſame are hereby declared to be repealed, and that in lieu thereof, it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons appointed or to be appointed under or by virtue of the ſaid recited Act or this Act, Collector or Collectors, to demand and take the ſeveral Tolls and Duties following, at each and every Toll Gate or Turnpike which is or ſhall be erected upon, acroſs, or on the Sides of the ſaid Roads, by virtue of the ſaid recited Act or this Act, and on every Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next ſucceeding Night; (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 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 Sixpence:

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 One Shilling:

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 Three Shillings; 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 any of the Wheels of leſs Breadth than Six Inches, the Sum of Three Shillings:

For every Cart, or other 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 One Shilling; and drawn by Three Horſes or Beaſts of Draught, the Sum of Eight-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Sixpence:

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 drawn by Three Horſes or Beaſts of Draught, the Sum of Ten-pence; and drawn by Two Horſes or Beaſts of Draught, the Sum of Eight-pence; and drawn by One Horſe or Beaſt of Draught, the Sum of Five-pence:

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,

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

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

For every Drove of Oxen, or Neat Cattle, the Sum of One Shilling and Three-pence per Score, and ſo in Proportion for any leſs Number: and,

For every Drove of Calves, Swine, Sheep or Lambs, the Sum of Ten-pence per Score, and ſo in Proportion for any leſs Number.

Double Tolls on Sundays, if Truſtees think proper.

And the ſaid reſpective Tolls ſhall be demanded and taken before any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage as aforeſaid, be permitted to paſs through any ſuch Turnpike or Toll Gate; and that on each and every *Sunday* during the Continuance of this Act, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, in caſe they ſhall think it neceſſary, to demand and take or cauſe to be demanded and taken at the 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; and the ſaid 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.

No more than one full Toll to be taken for paſſing through all the Toll Gates.

X. Provided nevertheleſs, and be it further enacted, That nothing in this or the ſaid recited Act contained ſhall authorize or empower the demanding or taking of the Tolls aforeſaid of or from any Perſon or Perſons more than once for paſſing through all or any of the Turnpikes or Toll Gates to be erected acroſs or on the Sides of the ſaid Roads, with any Carriage, Horſe or Horſes, Mules, Beaſts, Oxen, or other Cattle as aforeſaid, in one and the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night; but that all and every Perſon and Perſons, having paid the full Tolls hereby authorized to be taken at any one of the ſaid Gates or Turnpikes for any Carriage, or Horſe or Horſes, Mules, Beaſts, Oxen or other Cattle, ſhall, upon producing a Note or Ticket denoting ſuch Payment, be permitted to paſs and re-paſs any Number of Times Toll-free during ſuch Day as aforeſaid, with ſuch Carriage, Horſe or Horſes, Mules, Beaſts, Oxen or other Cattle, through all the Turnpikes or Toll Gates on the ſaid Roads, all which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis on the Receipt of the Tolls.

Exemption from Tolls.

XI. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons for any Horſe or Horſes, or other Beaſt or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making

or repairing the ſaid Roads, or any of the Roads in the Townſhips in which any Part of the ſaid Roads lie; or with Seed for ſeeding the Ground, or Hay, Turnips, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Houſes, Barns, Outhouſes, or Yards, or on the Lands of the Owners thereof; or for any Horſe, Beaſt, or other Cattle or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the ſame Day, any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure, (Lime only excepted) employed in Huſbandry for manuring or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horſes or other Beaſts going to or returning from Plough or Harrow, or to or from Paſture or Watering-place, or going to be or returning from being ſhoed or farried; or from any Perſon or Perſons going to or returning from his or their proper Parochial Church, Chapel or other Place of Religious Worſhip on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Roads lie; or from any Clergyman going to viſit or returning from viſiting any ſick Perſon, or on other his Parochial or Miniſterial Duty; or for any Horſes or Carriages, 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 guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; or for the Horſe or Horſes of any Officers or Soldiers on their March or on Duty; or for any Horſe or Horſes or other Beaſt, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or employed in carrying or conveying, or returning empty from carrying and conveying, having been employed only in carrying or conveying, any ſick, wounded, or diſabled Officers or Soldiers; or for any Waggon, Wain, Cart or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, employed in carrying or conveying any Ordnance, or Barrack or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, or returning empty from having been ſo employed; or for any Horſe, Mare, or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided that ſuch Perſon ſhall be dreſſed in the Uniform of his Corps, and ſhall have his Arms, Furniture, and Accoutrements, according to the Regulations of ſuch Corps, at the Time of claiming the Exemption; or for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes, or returning empty after having been only ſo employed; or for any Horſe or Horſes, Coaches, or other Carriages, 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 by any fraudulent or colluſive Means whatſoever claim or take the Benefit of any

of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XII. 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, or Barrack or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, or the Horſe or Horſes drawing the ſame, while ſo employed, 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 the 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.

Application of Money paid for Compenſation for Lands, &c. when amounting to or exceeding 200l.

XIII. 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 the ſaid recited Act or of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, 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, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined,

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.

When less than 200 l. and exceeding 20 l.

XIV. 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 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 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 arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 20 l.

XV. 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 Infancy, 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;

XVI. 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

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 High Court of Chancery; which ſaid Court 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 the 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 to be received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

Subject to the Order of the Court of Chancery on Motion or Petition.

XVII. 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 ſaid Court of Chancery, in purſuance of the ſaid recited Act or 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 High 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 other Eſtate or Intereſt therein.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion at the Time of Purchaſe ſhall be deemed entitled thereto.

XVIII. Provided alſo, and be it further enacted, That when 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

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid.

Money for the ſame ſhall be required to be paid into the Court of Chancery, and 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 recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Perſons chargeable to Statute Work to continue ſo.

Juſtices to determine Differences touching Statute Work.

XIX. And be it 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 Roads by the ſaid recited Act or this Act directed to be made, widened, and repaired, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid County Palatine of *Lancaſter*, and they are hereby empowered and required (upon Application made to them by the ſaid Truſtees, or by their 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 Roads by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Roads do 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 or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto, it ſhall and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons (within 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 is, are, or may be directed, by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days 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 on ſuch Parts of the ſaid Roads as the ſaid Truſtees, or their Surveyor or Surveyors, ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject or 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 to their Treaſurer, and at ſuch Time or Times as they the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Act

authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or most usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and 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 turn off 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 aforesaid, as if he had refused or neglected 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 the amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Publick Act.

XX. 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.

Term and Continuance of this Act.

XXI. 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 that the said recited Act (except so much thereof as is hereby varied, altered, or repealed) and this Act, shall from thenceforth commence, 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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