ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 134.

An Act for continuing the Term and enlarging the Powers of an Act, paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, for amending and improving the Road leading from the Town of *Rochdale*, to a Place called *Edenfield*, in the Pariſh of *Bury*, in the County of *Lancaſter*.

[3d *June* 1813.]

WHEREAS by an Act paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for amending, widening, altering, diverting, and improving the Road leading from the Town of* Rochdale, *to a Place called* Edenfield, *in the Pariſh of* Bury, *all in the County Palatine of* Lancaſter, certain Tolls, Powers, and Authorities were given and granted to the Truſtees therein named, and their Succeſſors, for the Purpoſes therein mentioned; which ſaid Act commenced and took place on the Fourth Day of *June* One thouſand ſeven hundred and ninety-four, and was to remain in force for the Term of Twenty-one Years, and from thence to the End of the then next Seſſions of Parliament: And whereas, in purſuance of the ſaid Act, Turnpike Gates were erected, and Tolls taken in the Manner, and to the Extent granted by the ſaid Act, the Produce whereof, together with a conſiderable Sum of Money borrowed and now remaining due on the Credit of the ſaid Tolls, have been, from Time to Time, applied to the Purpoſes of the ſaid Act: And whereas the Term granted by the ſaid Act is near expiring, and the ſaid Debt cannot be diſcharged, and the ſaid Road be properly amended and kept in Repair, unleſs the Term of the ſaid Act be continued and enlarged, and an Increaſe of Tolls granted, and other Powers given for that Purpoſe: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent

34 G. 3. c. 124.

Act further continued.

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 former Act, and all and every the Tolls or Duties, Powers and Clauſes therein contained (except ſuch as are by this preſent Act varied, altered, or repealed) ſhall be and continue in full force, and be executed during the Term herein-after mentioned, as fully and effectually to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this preſent Act, but ſubject nevertheleſs to the Alterations and Variations herein contained, which ſaid additional Term, and the Tolls by this Act granted, ſhall be and are hereby made ſubject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Tolls granted by the ſaid recited Act; and alſo of ſuch other Sums of Money as ſhall be borrowed for the Purpoſes of the ſaid Act, or this Act, and the Intereſt due, and to grow due for the ſame.

Truſtees.

II. And be it further enacted, That *John Bowker*, *William Buckley*, *John Chadwick*, *Edmund Dawſon*, *John Entwiſle* the younger, *Robert Entwiſle*, *John Elliott*, *Joſeph Fenton*, *Francis Holt*, *Robert Holt*, *Robert Holt* of *Chamberhouſe*, *John Holt*, *Samuel Bamford Hamer*, the Vicar of *Rochdale* for the Time being, *James Royds* the younger, *Edward Royds*, *William Royds*, the Right Honourable *Edward Smith Stanley* commonly called Lord *Stanley*, *George Smith*, *Charles Turner*, *Joſeph Tomlinſon*, *Walter Vavaſour*, *John Vavaſour*, *Robert Whitworth*, together with ſuch Number of Perſons, not exceeding Five, as the ſaid Truſtees ſhall at their Firſt Meeting appoint, ſhall be, and they and their Succeſſors to be elected in Manner herein-after mentioned, are hereby appointed Truſtees, and added to and joined with the ſurviving or remaining Truſtees appointed in or by virtue of the ſaid recited Act, for putting the ſaid Act and this Act into Execution.

Election of new Truſtees.

III. And be it further enacted, That when and as often as any Truſtee nominated or appointed in or by virtue of the ſaid recited Act, or this Act, or to be elected as herein-after mentioned, ſhall die, or by Writing under his Hand 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 in the room of every Truſtee ſo dying, or refuſing to act, but Notice of the Time and Place of every ſuch Election, ſhall be given by the Clerk to the ſaid Truſtees, by affixing the ſame in Writing on all the Turnpike Gates to be continued, or erected, by virtue of this Act, at leaſt Fourteen Days before every ſuch Meeting; and all and every Perſon or Perſons, who ſhall be elected and appointed a Truſtee or Truſtees, in Manner aforeſaid, is and are hereby veſted with the ſame Powers and Authorities, for putting the ſaid recited Act and this Act in Execution, as if he or they had been named a Truſtee or Truſtees in one of the ſaid Acts.

First Meeting of the Truſtees.

IV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of *John Marriott*, the Sign of the *Roe Buck*, in *Rochdale* aforeſaid, on the Third *Thurſday* next after the Day on which this Act ſhall receive the Royal Aſſent, between the Hours of Ten and Twelve in the Forenoon, and proceed to the Execution of the ſaid former and this preſent Act, notwithſtanding

ſtanding any Adjournment may then have been made by the Truſtees, by virtue of the ſaid former Act; and that the ſaid Truſtees, or any Five or more of them, ſhall and may adjourn themſelves from Time to Time, to meet 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 ſaid 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 then erected on the ſaid Road, at leaſt Seven Days before the next Meeting, appoint the Truſtees to meet at the Houſe where their then laſt Meeting was or ſhould have been held; or at ſome other convenient Houſe, on or near the ſaid Road, on that Day Three Weeks next after the Day for which ſuch laſt Meeting was appointed; and in caſe the ſaid Clerk ſhall omit giving Notice as aforeſaid, then it ſhall 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 Omiſſion, by Notice in Writing under their Hands, to be affixed in Manner aforeſaid, to appoint the Truſtees to meet at ſome convenient Houſe, on or near the ſaid Road, on that Day Three Weeks 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 ſaid Truſtees in the Execution of the ſaid Acts, ſhall be made at Meetings to be held in purſuance thereof, and not otherwiſe (except in Caſes by the ſaid recited Act particularly provided for,) and that no Order or Determination ſhall be made, unleſs the major Part of the Truſtees then preſent ſhall concur therein; and in all Caſes where the ſaid Truſtees, or any Juſtice or Juſtices of the Peace, are authorized to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Juſtice or Juſtices of the Peace, Truſtee or Truſtees, to adminiſter ſuch Oath.

Orders not to be revoked but in Manner directed.

V. And be it further enacted, That no Order made by 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 leaſt ſhall be given at a previous Meeting of the ſaid Truſtees, and entered in their Book of Proceedings; and ſuch Notice, ſpecifying the Revocation or Alteration intended to be made, and the Time and Place of the Meeting, ſhall be affixed on all the Turnpike Gates which ſhall then be erected on the ſaid Road, Fourteen Days at leaſt before the ſaid Meeting; and unleſs a Majority of the ſaid Truſtees preſent at ſuch Meeting (ſuch Majority to conſiſt of Seven at the leaſt) ſhall concur therein.

Truſtees may continue and erect Turnpike Gates.

VI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may continue, erect and ſet up, or cauſe to be continued, erected and ſet up, Two Gates or Turnpikes upon any Part of the ſaid Road, except as herein-after mentioned; and ſhall and may continue, erect or provide, or cauſe to be continued, erected or provided, a Toll Houſe with convenient Outbuildings, at each Turnpike or Gate, and take in and incloſe on the Side of the ſaid Road, at each ſuch Toll Houſe, a ſuitable Garden Spot for the ſame, not containing more than Seventy-five ſquare Yards, and may cauſe the ſaid Gates or Turnpikes, or either of them, together with the Toll Houſes and other Buildings, from

Time to Time to be taken down, altered and removed, and ſet up in any other Parts of the ſaid Road, (except as herein-after mentioned) as the ſaid Truſtees, or any Seven or more of them, ſhall order and direct: Provided always, that no Gate or Turnpike ſhall be erected or ſet acroſs any Part of the ſaid Road, or upon any Highway or Lane leading into the ſame, which lies betwixt Forty Yards on the Weſterly, (or that Side next to the Common of *Bagslate*) of a certain Meſſuage or Dwelling Houſe, called *The Lower Parſmonds*, ſituate in the Townſhip of *Spotland*, in the Pariſh of *Rochdale* aforeſaid, formerly the Eſtate of *John Gorrell*, but now of *Charles Turner*, and the Top of a certain Street, ſituate in the Townſhip of *Spotland* aforeſaid, called *The Blackwater*.

No Gate to be fixed nearer to Rochdale than a certain Place.

Power to take Tolls.

VII. And whereas the Tolls granted by the ſaid former Act are not ſufficient for the Purpoſes thereof, and of this preſent Act; be it enacted, That the ſeveral Tolls granted and made payable by virtue of the ſaid recited Act ſhall be and the ſame are hereby declared to be repealed, and inſtead thereof, the ſeveral Tolls following ſhall be demanded and taken at each of the ſaid Gates or Turnpikes, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time for that Purpoſe appoint, before any Horſe, or other Cattle or Beaſt, or any Carriage whatſoever, (except as herein-after is excepted,) ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, 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 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 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, or upwards, and under Nine Inches, 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 and Sixpence:

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 Nine-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 Two Shillings; and drawn by Three Horſes or Beaſts of

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

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

For every Score of Oxen, or Neat Cattle, the Sum of Ten-pence, and ſo in Proportion for a greater or leſs Number:

For every Score of Calves, Swine, Sheep or Lambs, the Sum of Five-pence, and ſo in Proportion for a greater or leſs Number:

Double Toll on Sundays.

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 to be continued, erected, and ſet up by virtue of this Act, by ſuch Perſon or Perſons to be nominated and appointed as aforeſaid, before any Horſe, Cattle or Carriage, ſhall be permitted to paſs through the ſame reſpectively, Double the ſeveral Tolls herein-before directed to be taken on any other Day of the Week; which ſaid reſpective Sums 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 applied, and may be aſſigned in ſuch Manner as herein-after is mentioned; and if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by the Perſon or Perſons appointed by the Truſtees as aforeſaid, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for ſuch Perſon or Perſons appointed to collect the ſaid Tolls as aforeſaid, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe or Horſes, or other Cattle, Beaſts, or any Carriage whatſoever, upon which ſuch Tolls are by this Act impoſed, or any other of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, (except the Bridle or Reins of any Horſe, Cattle, or Beaſt, apart from ſuch Horſe, Cattle, or other Beaſt); and if ſuch Tolls, and the reaſonable Charges of ſuch Seizure and Diſtreſs be not paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining, may ſell the Horſe or Horſes, Cattle or Carriage, or other Goods ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus (if any) and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls and reaſonable Charges for diſtraining, keeping, and ſelling ſhall be deducted and paid; or the ſame may be recovered by Action or Suit in His Majeſty's Court of Common Pleas for the ſaid County of *Lancaſter* to be brought in the Name of the Clerk, to the ſaid Truſtees, or of the Collector or Collectors of the ſaid Tolls.

Tolls to be paid once for paſſing and returning.

VIII. 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, erected, or ſet up by virtue of this Act, ſhall be ſubject or liable to any Toll for returning through the ſame Turnpike or Gate,

before Twelve of the Clock of the Night of the ſame Day, with the ſame Horſe, Cattle, or Carriage, in reſpect of which he ſhall have paid ſuch Toll; 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 Tolls is hereby required to deliver *gratis*, on Receipt of ſuch Toll, if demanded; but nothing in the ſaid recited Act or this Act contained, ſhall extend or be conſtrued to extend to exempt any ſuch Horſes, Cattle, or Carriages from Payment of the reſpective Tolls, for paſſing a Third Time through ſuch Turnpike upon the ſame Day; but the Toll ſhall be demanded and paid for each paſſing through ſuch Turnpike Gate in the ſame Direction which ſuch Horſes, Cattle, or Carriages went the firſt Time that Day.

Tolls may be varied.

IX. 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 or Meetings to be held for that Purpoſe, to leſſen or reduce all or any of the Tolls hereby granted, and 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 Purpoſe of 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 unleſs the Perſon or Perſons who ſhall be entitled to Five-ſixth 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 upon 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 upon the ſaid 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.

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

X. 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 Act, and any 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 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 or them, or in any other Way or Manner; or in caſe the Rent for which ſuch Tolls ſhall be ſo demiſed or let, or any Inſtalment thereof ſhall be in arrear and unpaid, by 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 the Poſ-

ſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, or any Perſon or Perſons by him 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 or leaſe, giving a Notice in Writing of ſuch their Determination to ſuch Leſſee or Leſſees, Farmer or Farmers, and ſuch Leaſe or Contract ſhall, from that Time, be utterly void, to all Intents and Purpoſes; (ſave as to the Covenants for the Payment of the Rent, up to the Day of ſuch Notice being delivered) as if the ſame had not been made: And in caſe any ſuch Leſſee or Farmer 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 or them, it ſhall and may be lawful, for any Juſtice of the Peace for the Limit where ſuch Toll Houſe or Houſes and Turnpike Gate or Gates ſhall be ſituate, by Warrant under his Hand and Seal, to order a 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 Five of them ſhall appoint.

General Exemption.

XI. Provided always, and it is hereby enacted and declared, That none of the Tolls by this Act granted, ſhall be demanded or taken for 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, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips in which any Part of the ſaid Road doth lie; or Hay, Graſs, 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 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 any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt, or Manure to be employed only in Huſbandry for manuring or improving Lands, (and not for printing, dying, or other Purpoſe of Trade) or for any other Thing employed in the Management of any Farm 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 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 attending the Funeral of any Perſon who ſhall die and be buried, in any of the Pariſhes of *Rochdale*, *Bury* or *Middleton*, or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any 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,

conveying, fetching, or guarding such Mails or Expresses, or in 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 carrying or conveying any Ordnance, Barrack, Commissariat or other public Stores of, for, or belonging to His Majesty, or 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: Provided always, that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions 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 Half whereof shall go to the Informer, and the other Half shall be applied to the Purposes of this and the said recited Act.

Owners or Drivers of Waggons, in the Service of His Majesty, not subject to 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, 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.

Application of Money raised.

XIII. And be it further enacted, That out of the first Tolls to be collected and levied, by virtue of this Act, or out of the 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 Expense 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 of continuing, erecting, and providing Turnpikes, Toll Houses, and other Buildings,

and

and repairing the ſame; and of altering, widening, repairing, and maintaining the ſaid Road, and of executing the other Purpoſes of this and the ſaid recited Act; and in paying off and diſcharging the Intereſt and Principal of all ſuch Sums of Money as have been borrowed and are now owing on the Credit of the ſaid recited Act; and in defraying all other neceſſary Coſts, Charges, and Expences attending the ſame and carrying the Purpoſes of this and the ſaid recited Act into Execution, in ſuch Manner as the Truſtees, or any Five or more of them, ſhall, from Time to Time, direct or appoint, and to no other Uſe or Purpoſe whatſoever.

Truſtees may let the Tolls.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, upon Twenty-one Days Notice to be given thereof, upon all the Turnpikes which ſhall be then erected on the ſaid Road, and in any One of the Newſpapers printed or circulated in the Neighbourhood of the ſaid Road, from Time to Time, to let or leaſe the Tolls ariſing by this Act on the ſaid Road, or any Part thereof, to any Perſon or Perſons who ſhall be willing to take or farm the ſame, from Year to Year, or for any Part of the Term continued or granted by this Act, not exceeding Three Years at any one Letting; upon Public Bidding, to the beſt Bidder, and for the beſt Price the ſaid Truſtees can get for the ſame, payable at ſuch Time, and in ſuch Manner, and under ſuch Covenants, and with ſuch Sureties for Payment thereof as the ſaid Truſtees ſhall think fit; which Money ſo to be paid, ſhall be applied and diſpoſed of in ſuch Manner as the Tolls granted by this Act are directed to be diſpoſed of; any Law or Statute to the contrary hereof notwithſtanding.

Seven Truſtees to act in lieu of Nine.

XV. And whereas by the ſaid recited Act, Nine Truſtees are required for executing certain Parts thereof, and in certain Caſes therein mentioned, Notices are required to be given in One of the *Mancheſter* Newſpapers, and alſo in the *Blackburn* Newſpaper; and it hath been found inconvenient, and productive of Delay and Expenſe to procure the Attendance of ſo great a Number of the Truſtees, and to cauſe ſuch Notices to be inſerted in ſuch Papers, be it further enacted, That in all Caſes where, by the ſaid recited Act, Nine Truſtees are required for any Purpoſe, or the doing of any Act, Seven Truſtees ſhall, from and after the paſſing of this Act, be deemed a ſufficient Number for all ſuch Purpoſes and Acts; and that in all Caſes where any Notices are by the ſaid Act required to be given in Two different Newſpapers, the inſerting ſuch Notice in One of thoſe Newſpapers, or upon all the Turnpike Gates then erected upon the ſaid Road, ſhall, from and after the paſſing of this Act, be deemed ſufficient; any Law or Uſage to the contrary notwithſtanding.

Application of Compenſation if amounting to 200l.

XVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act and this Act, for the 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 exe-

cuting 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 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 or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by the 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 Cent.* Consolidated, or Three Pounds *per Cent.* 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 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 where less than 200l. and exceeding 20l.

XVII. 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 Commitees, 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 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 and Interest arising thereon, may be applied in

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.

XVIII. 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 Five 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 and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively. Where leſs than 20l.

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

XX. 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 Where any Queſtion ſhall ariſe touching the Title to Money to be

paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be entitled thereto, according to such Possession only, &c.

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.

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

XXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said 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 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 Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXII. 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.

XXIII. And be it further enacted, That the Term granted by the said recited Act shall be and is hereby declared to be repealed; and that the said recited Act (except so much thereof as is hereby varied, altered, or repealed), and this Act, shall commence on the Day of the passing of this Act, and shall continue and be in full Force and Effect, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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