ANNO SEPTIMO

GEORGII IV. REGIS

Cap. lxxxii.

An Act for more effectually repairing and improving the Road from *West Houghton* to near *Halliwell Field*, in the Township of *Heath Charnock* in the County of *Lancaster*. [5th *May* 1826.]

WHEREAS an Act was in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing and improving the Road from* West Houghton *to* Duxbury Stocks *in the County of* Lancaster: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for improving and more effectually repairing the Roads from the Town of* Bolton-in-the-Moors *to* Nightingales *in the Township of* Heath Charnock, *and for making a Branch Road from* Little Bolton *to or near* The Crown *in* Horwich; *and for enabling the Trustees therein named, together with the Trustees North and South of* Yarrow, *and the Trustees of the Road from* West Houghton *to* Duxbury Stocks, *to make a new Line of Road from* Hole-house Brow *in the said Township to the Town of* Chorley, *and a Branch Road from* Rawlinson Bridge *to* Halliwell Field *in the same Township, and another Branch Road in the Township of* Duxbury, *all in the County Palatine of* Lancaster; and by virtue of the same Act the Trustees thereby appointed are authorized to make a Deviation or new Cut or Road on a different Level, from a certain Place therein mentioned, called *Hole-house Brow*, in the said

57 G. 3. c. 10.

5 G. 4. c. 105.

Township of *Heath Charnock*, passing from thence through the said Township of *Duxbury* to the Town of *Chorley* in the said County; and the Trustees acting in execution of the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty are authorized to make a Branch Road or Cut from *Rawlinson Bridge* in the said Township of *Heath Charnock*, to join the said new Road or Cut at a certain Place called *Halliwell Field* in the said Township of *Heath Charnock*; and by the said Act of the Fifth Year of His present Majesty, the said Trustees South of *Yarrow* are authorized to make another Branch Road or Cut from *Duxbury Stocks* in the said Township of *Duxbury*, to join the said new Road or Cut at a certain Field called *The Hill*, therein mentioned; and by the same Act it is enacted, that the old Courses of the respective Turnpike Roads, between *Hole-house* aforesaid and the Point of Junction of the old and new Lines of Road near *Chorley* aforesaid, shall, from and after the Time such new Lines and Branches of Road respectively shall be made and completed, cease and be no longer any Part of the said Turnpike Road, or be under the Care or Authority of the said Trustees or any of them; and by the same Act it is further enacted, that when the said new Lines and Branches of Road shall be made and completed, the said Branch Road from *Rawlinson Bridge* to *Halliwell Field*, together with so much of the said new Line of Road in the Direction towards *Chorley* as will make the whole Length from *Rawlinson Bridge* Northwards into One thousand four hundred Yards, shall be vested in and repaired, maintained, and supported by the Trustees acting in execution of the said recited Act of the Fifty-seventh Year of His late Majesty King *George* the Third, under the Powers, Provisions, and Authorities of that Act: And whereas the Trustees appointed by or in pursuance of the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty have proceeded to put the same in execution and so much of the said last-recited Act as relates to the said Branch Road from *Rawlinson Bridge* to *Halliwell Field* aforesaid; and a considerable Sum of Money has been borrowed and is now due and owing upon the Credit of the Tolls authorized to be taken by the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty; which Money cannot be repaid, nor can the said Branch Road or Cut from *Rawlinson Bridge* to *Halliwell Field* be made, completed, and finished, nor can the Roads under the Care and Management of the same Trustees be effectually amended, widened, improved, and kept in repair, unless the Term granted by the same Act be enlarged; and as the Powers and Provisions of the same Act will be inadequate to carry into Execution the Purposes of this Act it is therefore expedient that the said Act should be repealed, and further and more effectual Powers granted in lieu thereof: And whereas it is expedient that the Tolls authorized to be taken by the said recited Act of the Fifty-seventh Year of the Reign of His late Majesty should be altered and increased; and it is desirable that the Powers and Provisions for managing the said Road in the same Act mentioned, and also the said Branch Road from *Rawlinson Bridge* to *Halliwell Field* aforesaid, together with so much of the said new Line of Road in the Direction towards *Chorley* as will make the whole Length from *Rawlinson Bridge* Northward into One thousand four hundred Yards, should be consolidated into One Act of Parliament:

liament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act, passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 from and after the Third *Wednesday* next after the passing of this Act, the said Act passed in the Fifty-seventh Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby repealed; and that on the same Day this Act shall commence and take effect in lieu and instead thereof, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, diverting, turning, and improving the Roads herein-after mentioned; that is to say, the Road leading from the *White Horse* in *West Houghton* to *Duxbury Stocks* aforesaid, until the said Deviation from *Hole-house Brow* to *Chorley* aforesaid, and the said Branch Road or Cut from *Rawlinson Bridge* aforesaid to the Junction of the new Road at *Halliwell Field* aforesaid, shall be respectively made, finished, and opened; and after the same shall be so respectively made, finished, and opened, then from the *White Horse* in *West Houghton* to the said Junction at *Halliwell Field* aforesaid, and so much of the said new Line of Road in the Direction towards *Chorley* as will make the whole Length from *Rawlinson Bridge* Northwards, into One thousand four hundred Yards, which said Road was already made, and the said intended Road from *Rawlinson Bridge* to *Halliwell Field* aforesaid, and the Remainder of the said Length or Distance of One thousand four hundred Yards of the new Line of Road when the same is made, finished, and opened, shall be and are hereby vested in the Trustees herein-after nominated and appointed, and their Successors, and shall be by them repaired, maintained, and supported under the Provisions of this Act; and which said Branch Road or Cut from *Rawlinson Bridge* to join the said new Line at *Halliwell Field* aforesaid, in the meantime and until the same shall be made and completed, shall be made and completed by the same Trustees.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Recited Act 57 G. 3. c. 10. repealed, and this Act to take place in lieu thereof.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty for regulating Turnpike Roads, or by this Act, and also the said recited

Powers of recited Acts, 3, 4, and 5 G. 4. extended to this Act.

recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty for regulating Turnpike Roads, (save and except such Parts thereof as are expressly varied, altered, or provided for by this Act), shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to former Debts, &c.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Act of the Fifty-seventh Year of the Reign of His said late Majesty on the said Roads, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Roads, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. to continue in force.

IV. And be it further enacted, That all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees of the same Roads, according to the Provisions and Directions of the said recited Act of the Fifty-seventh Year of His late Majesty, or of the said Acts of the Third and Fourth Years of His present Majesty's Reign for regulating Turnpike Roads, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trustees by this Act nominated and appointed, and shall be vested in such Trustees, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on in the Name of any one of such Trustees, or of their Clerk for the Time being; and all Contracts and Agreements duly made or entered into by the Trustees of the said Road to or with any Person or Persons shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against any one of the said last-mentioned Trustees, or their Clerk for the Time being, notwithstanding the Repeal of the said recited Act.

Books under former Acts to be Evidence under this Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Lancaster*, together

together with *Abraham Ackers*, *Richard Ainsworth*, *Peter Ainsworth*, *James Anderton*, *Robert Andrews*, *John Andrews*, the Reverend *Miles Barton*, *Thomas Birchall*, *Barton Beesley*, *Lawrence Bradshaw*, *Nathaniel Brownbill*, *Clayton Browne*, *Thomas Coward*, *Abraham Crompton*, *Abraham Wharton Crompton*, *John Cunliffe*, *Robert Darbyshire*, *Charles Dicconson*, *Richard Fox*, *Richard Somner Fox*, *Thomas Fox*, *Thomas Gillibrand*, *Henry Gaskell*, *Richard Prescott German*, *Edward Greenall*, *Thomas Grimshaw*, *John Gaskell*, *John Greenough*, *Ralph Greenough*, *John Harrison*, *James Harrison*, *Thomas Hawkeshead*, *John Hodson*, Sir *Henry Philip Hoghton* Baronet, *William Hulton*, *William Hampson*, *Jonathan Blundell Hollingshead*, *Robert Holt*, *Alexander Foden Haliburton*, *John Chisenhall Johnson*, *Robert Kay*, *Lee Lee*, Sir *Robert Holt Leigh* Baronet, *Roger Holt Leigh*, *Timothy Lightoller*, *Henry Livesey*, *Thomas Livesey*, *John Lord* the younger, *John Marsden*, *Robert Mosley Master*, *James Streynsham Master*, *William Tootle Mason*, *Thomas Marsden*, *John Marsden*, *Jonathan Pendlebury*, *John Pendlebury*, *John Pendlebury* the younger, *John Pollard*, *James Priestnall*, *Joseph Pope*, *Samuel Pope*, *Joseph Ridgway*, *Thomas Ridgway*, the Reverend *Richard Reinshaw Rothwell*, *Richard Reinshaw Rothwell*, *Henry Robinson*, *George Robinson*, *Jethro Scowcroft*, *John Shaw*, *Charles Shaw*, *John Silvester*, *John Threlfall Silvester*, *James Worrall Silvester*, *Charles Standish*, *Alfred Henry Silvester*, *Edward Edge Silvester*, *Samuel Singleton*, *John Smethurst*, *Thomas Somner*, *Frank Hall Standish*, *James Talbot*, *Abraham Turner*, *Richard Tyrer*, *Ralph Thicknesse*, *Ralph Thicknesse* junior, *John Thompson*, *James Thompson*, *Richard Thompson*, *John Wilkinson*, *John Withnell*, *Richard Woodward*, *Richard Willis*, *Richard Willis* the younger, *Whittle Fallows Whittle*, *Thomas Woodcock*, *John Woodcock*, and their Successors, shall, on being duly qualified according to the Provisions and Directions of the said recited Acts made in the Third, Fourth, and Fifth Years of the Reign of His present Majesty for regulating Turnpike Roads, be and they are hereby appointed Trustees for making, repairing, diverting, widening, altering, improving, and keeping in repair the said Roads, and for otherwise putting this Act into Execution, and such of the Powers and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, for regulating Turnpike Roads, as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional or new Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, in such Manner as is directed by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty for regulating Turnpike Roads respecting the Appointment of new Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Three, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third and Fourth Years of His present Majesty for regulating Turnpike Roads, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited

Acts and this Act, as if they had been named and appointed by this Act.

First Meeting of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the House of *William Gidlow*, the *Red Lion*, in *Blackrod*, or at some other convenient Place, on the Third *Wednesday* next after the passing of this Act, or so soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall proceed to put the said recited Acts of the Third and Fourth Years of His Majesty's Reign for regulating Turnpike Roads and this Act in execution.

Former Officers to continue until removed by Trustees.

IX. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said former Act hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed by the Trustees for carrying this Act into Execution.

Treasurer and Clerk not to be the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the Trustees acting in execution of this Act to continue or appoint the Person who has been or may be appointed their Clerk, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, to be or to hold the Office of Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, to be the Clerk of the said Trustees; and if any Person shall accept both the Office of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or in the Service or Employ of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, 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.

Books, &c. relative to former Act to be delivered up.

XI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things

Things relating to the Roads by this Act directed to be made, improved, and repaired, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are, by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty for regulating Turnpike Roads, and by this Act, required to pay on account of the same.

Power to continue and erect Toll Gates, Toll Houses, &c.

XII. And be it further enacted, That the said Trustees may and they are hereby authorized to continue or remove the present Turnpike Gates, which now stand across and on the Sides of the said Roads called the *West Houghton* Gate, the *Adlington* Gate, the *Green Barn* Gate, and the *Grimeford* Gate, or any or either of them, and to erect or cause to be erected such and so many other Toll Gates and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Roads, and also in, upon, and across such Parts and in such Places of the said Roads by this Act directed to be made, widened, improved, and kept in repair, and also such and so many Toll Gate or Toll Gates on the Sides of the said Roads, as they the said Trustees shall think proper or expedient, (except where otherwise directed by this Act), and also shall and may erect or provide a Toll House and Weighing Machine House, with suitable Outbuildings and Garden and other Conveniences, not exceeding One Eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates or Toll Bars.

Power to take Tolls.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees acting in execution of this Act, and their Lessees, Collectors, and other Persons duly authorized, to demand and take, at each and every of the said Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Gate or Side Bar, already erected upon the said Roads to be made and repaired by virtue of this Act, and which, by virtue of this Act, shall be continued or erected in, upon, or across any Part of the said Roads, and across or on the Side of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, the several Tolls and Duties following; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Landau, Berlin, Chariot, Vis-a-Vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding Nine-pence:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or upwards, and less than Six Inches, at the Bottom or Soles thereof, any Sum not exceeding Seven-pence Halfpenny:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Four-pence:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half or upwards, and less than Six Inches, at the Bottom or Soles thereof, any Sum not exceeding Three-pence.

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny:

For every Ox or Head of Neat Cattle, the Sum of One Halfpenny:

For every Calf, Swine, Sheep, or Lamb, the Sum of One Farthing:

Tolls to be paid before Cattle pass the Gate.

And the said respective Tolls shall be subject to the Restrictions and Regulations contained in, and shall be levied and recovered under the Powers granted by the said recited Acts of the Third and Fourth Years of His present Majesty's Reign for regulating Turnpike Roads and this Act, and shall be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued in the said Roads, or on the Side or Sides thereof, by virtue of this Act.

Tolls to be vested in Trustees.

XIV. And be it further enacted, That all and every the Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty for regulating Turnpike Roads and this Act authorized to be taken, shall be vested in the said Trustees hereby appointed and their Successors, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in manner directed by the said last-mentioned Acts and this Act.

Limiting the Number of Tolls.

XV. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Trustees to demand or take more than Two Tolls from any Person or Persons for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing or repassing once in One Day, to be computed as aforesaid, through all the Gates erected or to be erected on the said Roads, one of which Tolls shall be taken South and the other North of the Village of *Blackrod*.

No Gate to be erected North of Rawlinson Bridge.

XVI. And whereas by the said recited Act of the Fifth Year of the Reign of His said present Majesty, the Trustees of all the said Trusts therein named are restrained from erecting or setting up any

Toll Gate or Bar across or on the Sides of any Part of the said therein-mentioned Deviation or new Line of Road, or on the then present Line of Road between *Hole-house Brow* and the Parish Church of *Chorley* aforesaid, or on the said Branch Road from *Rawlinson Bridge* to *Halliwell Field*, or to collect or take any Toll or Tolls thereon; and it is expedient that the same Restriction should be continued as far as regards the Trustees acting under this Act; be it therefore enacted, That no Gate or Turnpike shall be erected by virtue of this Act upon or across any Part of the said Roads Northwards of *Rawlinson Bridge*.

No Toll Gate to be erected across Scott Lane.

XVII. And whereas the Inhabitants of the Village of *Blackrod*, in going to their Market Town of *Wigan*, pass for a short Distance only along the Road directed to be repaired under this Act, and then turn down a Lane called *Scott Lane*; and inasmuch as all other Persons going down *Scott Lane* must have paid Toll at some of the Gates erected across the said Road, it is expedient that no Side Gate should be erected upon *Scott Lane* End; be it therefore further enacted, That no Side Gate shall be erected upon the said Lane called *Scott Lane*, any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Toll to be taken at the West Houghton Gate for Horses, &c. passing and repassing the same Day.

XVIII. Provided always, and be it further enacted, That no more than One Half of the respective Tolls herein-before authorized to be demanded and taken, shall be demanded or taken at the Turnpike Gate called the *West Houghton* Gate, or at any other Turnpike Gate or Side Bar which shall or may be erected within the Distance of Five hundred Yards from the Site of the present Gate, for any Horse, Beast, or other Cattle, or for any Coach, Chaise, Waggon, Cart, or other Carriage, which shall pass, or shall pass and return the same Day, through the said *West Houghton* Gate, or any other Gate or Side Gate which may be erected within the Distance aforesaid, and shall not pass or travel more than Five hundred Yards along or over any Part of the said Road; any thing herein-before contained to the contrary notwithstanding.

Tolls to be taken the First and Fifth Time of passing.

XIX. Provided always, and be it further enacted, That every Horse, Mule, and Ass, and other Beast of Draught, after One Toll shall be paid for the same, shall be charged with the Tolls hereby granted for every Fifth Time of passing in any One Day, to be computed as aforesaid, through any Gate or Turnpike erected or continued or to be erected under the Authority of this Act.

Toll on Timber Carriages and Stage Coaches.

XX. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Timber Carriage or other Carriage, which shall pass or repass through any of the said Turnpikes or Side Bars, laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and shall return the same Day also laden with any Loading of the Weight of Five hundred Pounds or upwards, as aforesaid, the Tolls hereby made payable shall be paid for each Time of so passing or repassing.

Stage Coaches, &c. to pay for each Time of passing.

XXI. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught, drawing any Stage Coach, Waggon, Van, Caravan, Cart, or Stage Carriage, carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, the Tolls hereby made payable shall be paid for every Time of passing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time they shall pass and repass along the said Road on the same Day, so often as a fresh Hiring thereof shall take place.

Exemption from so much Toll as shall have been paid at Side Gates or Main Gates.

XXII. Provided always, and be it further enacted, That all Horses, Carriages, and Cattle, which shall pass the same Day through any Side Bar or Gate erected or to be erected across any Way or Lane leading into the Turnpike Roads authorized to be made, repaired, and maintained by this Act, shall be exempted, at the next Gate or Bar erected or to be erected in, upon, or across the said Turnpike Road, from so much Toll as shall have been respectively paid for such Horses, Carriages, or Cattle at the Gates or Bars they shall have so previously passed through, by presenting a Note or Ticket denoting such Payment, which Note or Ticket the Trustees acting in the Execution of this Act are hereby authorized and directed to provide, and the Collector or Receiver of such Tolls shall and he is hereby required to deliver *gratis* to the Person paying such Toll; and all Horses, Carriages, and Cattle which shall pass through any Toll Gate or Bar erected or to be erected in, upon, or across the said Turnpike Road, shall, on producing a Ticket denoting the Payment of Toll thereat, be permitted on the same Day to pass Toll-free through any Side Bar or Gate erected or to be erected across any Lane or Way leading into the said Turnpike Road.

Exemption from Tolls.

XXIII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this or the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or either of them, 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 or going empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, Manure, Chalk, Lime, Marl, Stones, or Tiles, for the draining, manuring, or improvement of Land, or any Plough, Harrow, or Implements of Husbandry, unless laden also with some other thing not hereby or by the said recited Acts exempted from Toll; 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 for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same; and such Penalties shall be levied and recovered, together with the necessary

Costs and Charges of levying the same, by the same Ways and Means, and in the like Manner as Penalties, Forfeitures, and Fines are by the said recited Acts of the Fourth and Fifth Years of His present Majesty's Reign, or either of them, directed or authorized to be levied; and one Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees for putting this Act into Execution, and applied and disposed of for the Purposes of this Act.

Persons carrying Milk, &c. to pay Toll only Once a Day.

XXIV. And be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in the same Day for any Horse, Mule, or Ass laden with Milk, Whey, Buttermilk, or Curds, or for the Return of any such Horse, Mule, or Ass with empty Vessels in which such Milk, Whey, Buttermilk, or Curds shall have been conveyed, any thing herein-before contained to the contrary notwithstanding.

Application of the Money.

XXV. And be it further enacted, That all the Monies which before the Third *Wednesday* next after the passing of this Act shall have been raised and produced by virtue of the said Act hereby repealed, and all Monies which shall arise and be produced by and from the Tolls granted and made payable by this Act and the said recited Acts of the Third and Fourth Years of His Majesty's Reign, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of the same Acts, and not otherwise appropriated or directed to be applied, shall be vested in the Trustees for the Time being for putting this Act in execution, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in the Payment of the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; and in the next place, in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, Weighing Machines, and other Buildings, and keeping the same in repair, and of making, altering, widening, repairing, preserving, and maintaining the said Roads, Alterations, and Improvements by this Act directed to be made, altered, and maintained and kept in repair by the said Trustees, and of purchasing any Lands and Hereditaments and Materials for that Purpose, and of erecting and making necessary and convenient Bridges upon the same Roads, and otherwise executing the other Powers of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Act hereby repealed, in respect of the said Roads, and the several Principal Sums of Money and Interest which may be hereafter borrowed and secured by virtue of this Act or of the said recited Acts of the Third and Fourth Years of His Majesty's Reign for regulating Turnpike Roads.

Trustees not personally liable to Mortgages.

XXVI. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject

subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made by virtue or in pursuance of the said recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees, for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution shall be defrayed out of the Tolls arising on the said Road.

Trustees may borrow Money upon Mortgage of the Tolls not exceeding 5000*l.*

XXVII. And be it further enacted, That it shall not be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls to arise and be collected by virtue of this Act, any Sum or Sums of Money for the Purposes of this Act exceeding the Sum of Five thousand Pounds, including the Money already owing, and hereby made a Charge upon the said Tolls.

Application of Compensation Money when amounting to 200*l.*

XXVIII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Trust, Guardian, Committee, Trustee, Feme Covert, or other incapacitated Person or Persons, such Money shall, if the same 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to a Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled

1 G. 4. c. 35. *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, 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 the 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

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, 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 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 to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application when under 200*l.* and exceeding 20*l.*

XXIX. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed 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 Court of Exchequer, 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 by the said Trustees for executing the said recited Acts or 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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application when less 20*l.*

XXX. Provided also, and be it further enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than the Sum of Twenty Pounds, then and in all such Cases the Sums shall be applied to the Use of the Corporation or 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, in such Manner as the Trustees for executing any such Act or this Act, or any Three or more of them, shall think fit, or in case of Infancy, Idiotcy, 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.

In case of not making out Titles.

XXXI. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded

awarded or assessed for any Lands, Tenements, or Hereditaments to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums shall be awarded or assessed 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 to order the said Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, 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 Exchequer; 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 and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the 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 Sum or Sums of Money into the Bank as aforesaid.

Persons in possession presumptively entitled.

XXXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or 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 any 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 any such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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 paid, applied, and disposed of accordingly, unless it shall be made to 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 or Hereditaments, or to some Estate or Interest therein.

Court may order reasonable Expences of Purchase to be paid by the Trustees.

XXXIII. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of any of the said recited Acts or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be employed 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 to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Trustees for executing this Act.

Public Act.

XXXIV. 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.

Commencement and Continuance of this Act.

XXXV. And be it further enacted, That this Act shall commence upon the Third *Wednesday* next after the passing of this Act, and from thence shall have Continuance 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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