



ANNO TRICESIMO NONO & QUADRAGESIMO

# GEORGI II. REGIS.

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## *Cap. 19.*

An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers, of an Act, made in the Twenty-ninth Year of the Reign of His present Majesty, for amending, widening, turning, varying, altering, and keeping in Repair, several Roads therein mentioned, in the County Palatine of *Lancaster*, so far as the same relates to the Road from *Hastlingden* to *Todmorden*, being the Second District of the said Roads; and for making and maintaining a Branch therefrom, at or near a Place called *Fearns* in *Wolfenden Booth*, to *Edge Side* in the same Booth, and another Branch therefrom, at or near a Place called *Robert's Mill* in *Bacup Booth*, into the *Rochdale* Turnpike Road in the Parish of *Spotland*, all in the said County Palatine of *Lancaster*.

[24th April 1800.]

Preamble.

29 Geo. III,  
recited.The new  
Road from  
Fearn's to  
Edgeside.Former Act  
continued.

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, turning, varying, altering, and keeping in Repair, the Road from a certain Dwelling House in Bury, now or late in the Occupation of William Walker Gentleman, to Haslingden, and from thence to the East End of Salford Bridge, in Blackburn, and also the Road from Haslingden, aforesaid, to the East End of Cockshut Bridge, in the Town of Whalley, and also the Road from Haslingden aforesaid, through New Church and Bacup to Todmorden; and for making a Road from the said Road between Bury and Haslingden, in the Township of Walmorsley, to the River Irwell; and for building a Bridge over the said River, all in the County Palatine of Lancaster;* which Roads were by the said Act divided into Two Districts, and Trustees were appointed for amending, widening, turning, varying, altering, and keeping in Repair, the Road leading from *Haslingden* aforesaid, through the Villages of *New Church* and *Bacup* aforesaid, to *Todmorden* aforesaid, and for otherwise putting that Act in Execution with regard to the said last-mentioned Roads, which are thereby declared to be the Second District: And whereas the Trustees for the said Second District have borrowed a considerable Sum of Money upon the Credit of the Tolls arising within the said District, which Money still remains due and unpaid, and the Interest thereof, and the Expence of repairing the Roads within the said District, cannot be paid and defrayed out of the Produce of the Tolls arising thereon, nor can the Principal Money be paid off and discharged, and the said District of Road be effectually amended and kept in Repair, unless the Term of the said Act be continued, and some of the Powers thereof varied, altered, and enlarged: And whereas the making of a Road from and out of the said Second District at or near a certain Place called *Fearn's*, in *Wolfenden Booth*, through Part of that Booth to the East End of a Barn, now or late the Property and in the Occupation of *Richard Ormerod*, situate at *Edgeside*, in the same Booth, and in the Parish of *Whalley*, in the said County of *Lancaster*, will be a great Accommodation to the Neighbourhood and the Publick in general: And whereas the making of a Road from and out of the said Second District at or near a certain Place called *Roberts Mill*, within *Bacup Booth*, in the Parish of *Whalley*, into the Turnpike Road leading from *Burnley* to *Rochdale*, will be more commodious to the Publick than the circuitous Road which is now travelled: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Tolls or Duties, Powers, Provisions, Authorities, and Clauses therein contained, so far as the same relate to the said Second District of Road, shall be and continue in full Force and Effect, 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 present Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect from the First Meeting of the Trustees herein-after mentioned, and this Act, and the additional Term hereby granted, are hereby declared to be subject and liable to the Payment of the respective Sums of Money which, immediately before the passing of this Act, were due and owing upon the Credit

Credit of the said Second District, and of all Interest due and to grow due for the same, and also of such other Sum or Sums of Money as may be borrowed by the Trustees for the said Second District, for the Purposes of the said former or this present Act, and all Interest to grow due for the same.

II. And be it further enacted, That *John Ashworth* of *Hollin*, *Nathaniel Booth*, *Sir William Henry Clarke* Baronet, *Anthony Crossley* of *Todmorden*, *John Crossley* of *Scatcliff*, *Edward Dearden* of *Castleton Moor*, *William Dockray*, *John Hargreaves* Clerk, *James Hargreaves* of *Burnley*, *Edmund Haworth* of *Horncliff*, *George Haworth* the younger of *Bacup*, *John Hoyle*, *John Hoyle* the younger of *Haslingden*, *John Hoyle* of *Rawcliffwood*, *James Hoyle* of *Lee*, *Thomas Hoyle* of *Chefswheel*, *Lasey*, *James Lord*, *George Law* of *Whitewell Bottom*, *Richard Lonsdale*, *Edmund Lord* of *Bacup*, *John Lord* of *Edgeside*, *Edmund Lord* of *Rough Lee*, *Henry Lord* of *Bankside*, *James Maden*, *James Quartley* Clerk, *James Royds* of *Failings*, *John Sale*, *John Sutcliffe* of *Royde*, *Samuel Sutcliffe* of *Lower Laith*, *James Turner*, *Sagar Veevers*, and *Henry Wilkinson*, shall be, and they and their Successors, to be elected in the Manner directed by the said recited Act, are hereby appointed Trustees, and shall be joined with the Trustees appointed by or elected in pursuance of the said former Act, for the said Second District of Road.

Additional Trustees.

III. And whereas it is, by a Clause in the said recited Act, provided and enacted, that no Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, going empty or unladen for, or returning laden with Coals only, passing or repassing through any of the Turnpikes or Toll Bars which should be set up in any Part of the said Second District of Road, should be subject or liable to the Payment of more than One Moiety or Half Part of the Tolls by that Act imposed upon all Waggons, Wains, Carts, or other Carriages, Horses, Mares, Geldings, Mules, or Asses, in the same District; and that it should be lawful for the said Trustees of the said Second District, or any Five or more of them, with the Consent of a Majority of the Creditors upon the same, to exempt Coal from the Payment of all Tolls whatsoever within the said last-mentioned District; which partial Exemption tends materially to lessen the Revenue of the said Second District of Road; be it therefore further enacted, That the same shall be and is hereby declared to be repealed, and that every Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, going empty or unladen for, or returning laden with Coals, and passing or repassing through any of the Turnpikes or Toll Bars erected or hereafter to be erected by virtue of the said former Act and this Act, or either of them, on the said Second District, shall be subject and liable to such and the same Toll as other Waggons, Wains, Carts, or other Carriages, Horses, Mares, Geldings, Mules, or Asses, which shall pass through the same Turnpikes or Toll Bars; any Thing in the said recited Act or this Act contained to the contrary thereof in anywise notwithstanding.

Repealing the Exemption as to Coal.

IV. Provided always, and be it further enacted, That it shall be lawful for the Trustees for the said Second District of Road, or any Five or more of them, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered, by and with the Consent of the Person or Persons who shall be entitled to Two Third

Trustees may reduce the Toll upon Coal, with the Consent of the Persons entitled to Two Thirds

of the Money borrowed.

Third Parts of the Money which shall be then due upon the Credit of the Tolls to be collected on the said District, to exempt every Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, going empty or unladen for or returning laden with Coals only, and passing or repassing through any Turnpikes or Toll Bars then set up in any Part of the said District, from the Payment of a greater Toll than One Moiety or Half Part of the Tolls by the said recited Act imposed upon all Waggon, Wains, Carts, or other Carriages, Horses, Mares, Geldings, Mules, or Asses, in the same District; but that no Meeting shall be held within the said District for the Purpose aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Bars which shall be then erected within the said District.

For erecting an additional Toll Gate.

V. And be it further enacted, That the said Trustees for the said Second District, or any Five or more of them, shall and may, and they are hereby authorized and empowered, to continue all or any of the Turnpikes or Toll Bars, and Toll Houses, now standing in, upon, or across the said Second District of Road, and also to erect or cause to be erected, another Turnpike or Toll Bar in, upon, or across the same District, at a certain Place called *Sbarneyford*, in the Booth of *Bacup* aforesaid, or within the Distance of Four hundred Yards on either Side thereof; and also a Toll House, and proper and necessary Buildings and Fences near the said Gate or Turnpike; and that the respective Tolls directed to be paid by the said recited Act shall be demanded and taken by such Person or Persons as the said Trustees for the said Second District, or any Five or more of them, shall from Time to Time appoint, at each of the said Turnpikes or Toll Bars already erected by virtue of the said Act, or hereafter to be erected by virtue thereof and of this Act, before any Horses, Cattle, or Carriages shall be permitted to pass through the same; any Thing in the said recited Act contained to the contrary notwithstanding.

Exemption after paying at One of the Gates.

VI. Provided always, That all Horses, Cattle, or Carriages, which shall pass the same Day through the Gate or Bar already erected betwixt *Sbarneyford* and *Todmorden* aforesaid, and that intended to be erected at or near *Sbarneyford* aforesaid, and shall pay Toll at one of such Gates or Bars, shall be exempt from Toll at the other of the said Gates or Bars, by a Note or Ticket which the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Tolls.

For obviating Difficulties respecting Waggon with Wheels of different Breadths, and Carts, &c. laden with Hay.

VII. And to obviate any Doubts which may arise with respect to such Four-wheeled Carriages as have Two Wheels of the Breadth of Six Inches, and Two of a less Breadth, and with respect to Carts and other Carriages laden with Hay; be it further enacted, That all such Carriages with Four Wheels, Two whereof shall be of a less Breadth than Six Inches, although the other Two shall be of that Breadth or more, which shall pass through any Gate or Turnpike erected or to be erected upon the said Second District of Road, shall be liable to and charged with the Tolls and Duties by the said former Act imposed on every Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Six Inches; and that all Carts and other Carriages laden with Hay, which is not intended for the private Use and Consumption of the Person who grew the same, but has been sold by him or her, or which he or she is conveying

conveying to Market for Sale, shall be liable to and charged with the Tolls and Duties by the said recited Act granted for passing through any Gate or Turnpike erected or to be erected within the said Second District; any Thing in the said recited Act contained to the contrary notwithstanding.

VIII. And be it further enacted, That the Trustees for the said Second District of Road, or any Five or more of them, shall and may, and they are hereby authorized and empowered to make, or cause to be made, Two several Roads or Branches from and out of the said Second District, One to extend from, or nearly from, a certain Place called *Fearns*, in *Wolfenden Booth* aforesaid, through certain Closes or Parcels of Ground lying in the same Booth, to the East End of a Barn situate at *Edgeside*, in that Booth, now or late the Property and in the Possession of *Richard Ormerod*, and the other of such Roads or Branches to extend from, or nearly from, a certain Place called *Robert's Mill*, within *Bacup Booth* aforesaid, through certain Closes or Parcels of Ground in that Booth, and in the Township of *Spotland* aforesaid, so as to communicate with the present Turnpike Road leading from *Burnley* to *Rockdale* aforesaid, or with a Diversion thereof which is now proposed to be made by the Trustees of that Road; and to enable the Trustees for the said Second District to make the said Roads or Branches, it shall be lawful for them, or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of, and Persons interested in, or entitled unto, the said several Closes or Parcels of Ground herein-before mentioned and described, for the Purchase thereof, or of so much thereof as the said Trustees, or any Five or more of them, shall think necessary, so as to make the said respective Roads or Branches of any Width they shall think proper, not exceeding Twelve Yards, and out of the Monies to arise within the said Second District, to pay for such Closes or Parcels of Ground, or so much thereof as shall be necessary as aforesaid; and in case of any Differences between the said Trustees and the said other Persons, all of whom are hereby empowered to treat and agree with the said Trustees concerning the Price or Satisfaction to be paid for the Purchases before mentioned, such Differences shall be adjusted, settled, and determined, and such Recompence ascertained, by a Jury, in such Manner, and under the same Rules and Orders, as are prescribed in and by the said recited Act for settling Recompence and Damage on account of Land to be used for widening and altering the said Roads; and the said respective new Roads or Branches when made, shall for ever after be and be deemed to be Part of the said Second District of Road, to all Intents and Purposes whatsoever.

For making a Road from *Fearns* to *Edgeside*, and likewise a Branch to from a Communication with the Road leading from *Rockdale* to *Burnley*.

IX. And whereas it is by the said Act recited, that certain Highways might be diverted in pursuance of that Act, to make the same nearer or more commodious to the Publick, and that Doubts might arise whether the Inhabitants of any Parish, Township, or Place, or any particular Person or Persons liable to repair the old Highway or Road so deviated from by Statute Duty, Tenure, or otherwise, ought to repair or contribute to the Repair of the Whole, or some and what Part or Proportion of such new Highway or Road; for obviating which Doubts, and preventing Disputes about the same, it was and is thereby enacted, That the Inhabitants of every such Parish, Township, or Place, and Person or Persons who were or should be liable as aforesaid to the Repair of any such old High-

For compelling Persons liable to repair new Highways made in lieu of others, to perform the Work required of them by virtue of the Magistrates' Order.

way or Road, which had been or should be so diverted and turned, should respectively be and continue in the same Manner liable to the Repair of such new Highway or Road, or so much thereof as should be equal to the Burthen and Expence of repairing such old Highway or Road from which he, she, or they should be exonerated by turning the same as aforesaid; and that if the several Parties interested could not agree therein, the same should be viewed by Two Justices of the Peace acting within the District wherein such Road should be, and settled, adjusted, and determined by them, in such Manner as they should think just and reasonable; and from and after such Determination of the Justices, the Inhabitants of the said Parish, Township, or Place, or the Person or Persons liable to repair such new Highway or Road as aforesaid, should bear all Charges and Expences of Indictments and Prosecutions for not repairing the same; and if it should be found more convenient to fix a gross Sum, or an annual Sum, to be paid by any such Inhabitants or Person or Persons towards the Repair of such new Highway or Road, instead of fixing the Part or Proportion of such new Highway or Road to be repaired by him, her, or them, the said Justices might, with the Consent of such Person or Persons, and also of the major Part of the Inhabitants interested therein, obtained at a Vestry or publick Meeting held for that Purpose, and also of the said Trustees respectively, or any Five or more of them, at a publick Meeting, order and direct the same accordingly, which Order should be, and for ever after continue, binding to all Persons whomsoever: And whereas several Persons were and are liable by Tenure to the Repair of different Parts of the said Second District of Road, and the Trustees for the same District and such Persons could not agree as to the Quantity of Road to be so repaired by them: And whereas *James Whalley* Esquire, and the Reverend *John Hargreaves* Clerk, Two of His Majesty's Justices of the Peace, acting in and for the said County, in pursuance of the Power vested in them in and by the said recited Act, having viewed as well the old Highway or Road which had been deviated from, as different Parts of the new Highway or Road, and having proceeded to settle, adjust, and determine what Part or Proportion of such new Highway or Road the said several Persons should repair, or what annual Sums should be paid by them in lieu of such Repairs, did by their Order under their respective Hands and Seals, bearing Date on or about the Thirteenth Day of *January*, which was in the Year of our Lord One thousand seven hundred and ninety-four, order and adjudge the same accordingly: And whereas the several Persons who are particularized in the Order of the said Justices, neglect and refuse to repair such Parts of the said Road as they are thereby directed to amend and keep in Repair, and several other Persons named in the said Order neglect to pay the different Sums of Money which they consented, and are thereby adjudged, to pay in lieu of repairing any Part of the said Road: Be it therefore enacted, That if the Person or Persons who, by the said Order of the said Two Justices, are made liable to the Repair of different Parts of the said Second District of Road, or the future Occupiers of the Estates in respect of which they are so charged, shall neglect to repair or amend so much and such Parts thereof as are particularly set forth in the same Order, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the Trustees of the said District to repair the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons so neglecting, shall forfeit any Sum

Sum not exceeding Ten Shillings nor less than Seven Shillings, for every Seven Yards of such Roads so neglected to be repaired, and so in Proportion for any greater or less Quantity; which Forfeitures shall be recovered and levied in such and the same Manner as the Penalties and Forfeitures for Offences against this Act are herein-after directed to be recovered and levied; and if the Person or Persons who, by the same Order, are made liable to the Payment of different annual Sums of Money in lieu of repairing Part of the said Road, or the future Occupiers of the Estates in respect of which they are so charged, shall neglect to pay the several Sums of Money so ordered to be paid by them to the Treasurer of the Trustees of the said Road for the Time being, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the same Trustees to pay the same, it shall be lawful for the said Trustees to recover and levy such several Sums of Money by Distress and Sale of the Person's Goods and Chattels, in such and the same Manner as the Forfeitures and Penalties for Offences against this Act are herein-after directed to be recovered and levied.

X. Provided nevertheless, and be it further enacted, That if any Person shall think himself or herself aggrieved by the said Order of the said Justices, such Person may appeal to the Justices of the Peace, at any General Quarter Session of the Peace to be holden for the said County of *Lancaster*, within Four Calendar Months next after Notice shall have been given to him or her as aforesaid, such Appellant giving or causing to be given Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the Trustees of the said Second District, within Four Days after such Person or Persons shall have received such first mentioned Notice, and within Four Days then after entering into Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such respective Notices being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, and upon all Persons whomsoever.

Appeal to the Quarter Sessions from the Order made by the Justices respecting the Repairs to be done on the Roads by Owners of certain Estates.

XI. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or other Way or Ways, already made or hereafter to be made upon the said Second District of Road for the Use of Foot Passengers, or shall lead or drive any Horse or Horses, or Cattle or Swine, upon any such Causeway or Causeways, or shall cause any Injury or Damage to be done to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings; and if any Horses or other Cattle or Swine shall be found wandering or depasturing upon or on the Sides of any Part of the said Roads, the Owners of such Horses, Cattle, or Swine, shall respectively forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings, to the Surveyor or Surveyors of the said Second District of Road, or any One or more of the Person or Persons who, by the Order of the said Justices, is, are, or shall be liable to the Repair of any Part of the same District,

Penalty for riding or driving Cattle upon Foot-paths.

District, or to the Payment of an annual Sum in lieu of such Repairs, and he and they is and are hereby authorized and required to cause all such Horses or other Cattle or Swine as shall be found wandering or depasturing upon the said Roads, or on the Sides thereof, to be impounded until such Penalty or Penalties shall be paid to such Surveyor or Surveyors, or Person or Persons liable to the Repair of Part of the said Road as aforesaid, or to the Payment of an annual Sum in lieu of such Repairs, over and above the usual Fee to the Proprietor or Keeper of the Pound where such Horses, Cattle, or Swine shall be impounded; and if any Proprietor or Keeper of any such Pound shall release any such Horses, Cattle, or Swine which shall be so impounded as aforesaid without the Consent of such Surveyor or Surveyors, or other Person or Persons so impounding the same, every such Proprietor or Keeper shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings; and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or other Person or Persons hereby authorized to impound as aforesaid, or any Person or Persons employed by him or them in leading or driving such Horses, Cattle, or Swine to Pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings; which said several Penalties before mentioned, shall be applied towards repairing the said District of Road, and to or for no other Purpose whatsoever.

First Meeting  
of the Trus-  
tees.

XII. And be it further enacted, That the Trustees for the said Second District of Road, or any Five or more of them, shall meet together at the House of *Richard Roberts* Innkeeper, in *Bacup* aforesaid, on *Thursday* the Fifteenth Day of *May* One thousand eight hundred, and proceed to the Execution of the said recited and this Act; and shall adjourn themselves from Time to Time, and meet at the same Place, or such other Place or Places near the said Second District as they the said Trustees, or any Five or more of them, shall think proper: Provided nevertheless, that Two Trustees shall be sufficient for adjourning the Meetings of the said Trustees; and in Default of such Adjournment, the Clerk to the said Trustees for the Time being, shall and may, by affixing or causing to be affixed Notice in Writing upon all the Turnpikes erected upon the said Road, at least Fourteen Days before the then next proposed Meeting, appoint the Trustees for the said Second District of Road to meet at the Place where their then last Meeting was appointed to be held, on that Day Three Weeks next after the Day for which such last Meeting was appointed as aforesaid.

Two Trustees  
sufficient to  
adjourn.

For removing  
Houses, &c.  
which shall be  
built within  
20 Feet of  
the Road.

XIII. And whereas great Inconveniences have arisen from erecting Dwelling Houses and other Buildings, and making Hedges, Ditches, and other Fences, too near the said District of Road; for Remedy whereof, be it enacted, That if any Person shall, from and after the passing of this Act, encroach, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, within the Distance of Twenty Feet from the Middle or Centre of such Turnpike Road, every Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds to such Person as shall make Information of the same; and it shall be lawful for the said Trustees, or any Five or more of them, by Order under their Hands directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences, to be pulled down or filled up, at the Expence of the  
Person



Person or Persons to whom the same shall belong; and it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Lancaster*, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches as aforesaid, as the said Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

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

Penalty on  
assaulting  
Officers in the  
Execution of  
their Duty.

XV. And whereas the Mode prescribed by the said recited Act for Recovery of Penalties and Forfeitures has been found inconvenient; be it therefore enacted, That the same shall be and is hereby declared to be repealed; and instead thereof, be it enacted, That all Penalties and Forfeitures hereby or by the said recited Act inflicted or imposed, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Lancaster*, either by the Confession of the Party offending, or by the Oath of any credible Witness, be levied by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and the Money arising by such Penalties and Forfeitures (if not otherwise directed to be applied by the said recited or this present Act) shall from Time to Time be paid to the Treasurer to the said Trustees, and applied for the Purposes of the said recited and this present Act, within the said District; and in case sufficient Distress shall not be found, or any such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time, not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

For Recovery  
of Penalties.

XVI. And be it further enacted, That in case any Money or Recompence shall be paid for any Lands, Grounds, or Hereditaments, which shall be purchased, taken, or used by virtue of the Powers of the said Act and this Act, for the Purposes thereof, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity, as in the said first recited Act particularly mentioned, shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands, Grounds, or Hereditaments, which shall be conveyed and settled upon, and sub-

For disposing  
of Purchase  
Monies.

[Loc. & Per.]

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ject to the like Uses, Trusts, and Limitations as the said Lands, Grounds, or Hereditaments belonging to such Corporation; or other Person as aforesaid, so to be purchased, taken, or used were settled, limited, or assured; and in the mean Time and until such Purchase can be made such Money shall 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 the said Act and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, and Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Grounds, or Hereditaments, to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed to be re-invested in the Purchase of other Lands, Grounds, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Grounds, Hereditaments, and Premises which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time and until such Purchase or Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities and also the Interest arising from the Money laid out in the Purchase of Navy or Victual-  
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ling Bills, or Exchequer Bills, as aforesaid, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Grounds, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act; but in case any such Money shall be less than the Sum of Twenty Pounds then the same shall be paid to the Party or Parties entitled thereto, for his, her, or their own Use, or shall be otherwise applied and disposed of by the said Trustees, or any Five or more of them, for the Benefit and Advantage of such Party or Parties, in such Manner as the said Trustees, or any Five or more of them, shall think proper.

XVII. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act, shall be defrayed out of any Money already collected or received by virtue of the said former Act, on the said Second District, or out of the first Monies to arise by virtue of the said former Act and this Act, in preference to all other Payments whatsoever. For paying Expences of this Act.

XVIII. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and as such be judicially taken Notice of, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

XIX. And be it further enacted, That the Term granted and continued by the said recited Act shall, upon the said First Meeting of the said Trustees, cease and determine, and that the said Act (subject as hereinbefore mentioned) and this Act, shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term of the Act.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1800.

