



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 33.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road from the *Market Cross*, in the Township of *Clithero*, to *Salford Bridge*, in the Town of *Blackburn*, for diverting a Part of the said Road, and for making a Branch of Road to communicate with the *Blackburn* and *Preston* Road, all in the County Palatine of *Lancaster*.

[14th April 1808.]

**W**HEREAS an Act was passed in the Sixteenth Year of His present Majesty's Reign, intituled, *An Act for repairing and widening the Road from the Market Cross, in the Township of Clithero, to Salford Bridge, in the Town of Blackburn, in the County Palatine of Lancaster*: And whereas an Act was passed in the Thirty-sixth Year of His said Majesty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Sixteenth Year of the Reign of His present Majesty, intituled, An Act for repairing and widening the Road from the Market Cross, in the Township of Clithero, to Salford Bridge, in the Town of Blackburn, in the County Palatine of Lancaster*: And whereas the said recited Acts have been put in Execution

[Loc. & Per.] 6 D

16 G. 3. c. 75.

36 G. 3. c. 144.

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tion for the Repair and Amendment of the said Road, in consequence whereof several large Sums of Money have been expended, and a considerable Debt hath been contracted on the Credit of the Tolls arising upon the said Road, which now remains due and owing and cannot be paid off and discharged, nor can the said Road be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts is further continued, and some of the Powers and Provisions thereof varied, altered, and enlarged: And whereas the making and maintaining of a Diversion of the present Course of the said Road from, at, or nearly from a small Plot or Parcel of Waste Ground contiguous to the said Road, situate near *Standen Hey Gate*, in the Township of *Pendleton*, through the said Township of *Pendleton*, and Part of the Township of *Clithero*, to the Borough of *Clithero*, in the Parish of *Whalley*, in the said County, will materially improve and benefit the Revenue arising upon the said Road, and will in many Respects be of great public Advantage: And whereas the making and maintaining of a Road or Branch of a Road from and out of the said Road leading from *Clithero* to *Blackburn* aforesaid, from or nearly from the South End of *Whalley* Bridge, in the Parishes of *Whalley* and *Blackburn*, in the said County, through the Townships of *Billington*, *Wilpsire*, *Sailsbury*, *Clayton le Dale*, *Mellor*, *Osbaldeston*, and *Balderstone*, in the Parish of *Blackburn* aforesaid, to or nearly to a certain Public House in *Balderstone* aforesaid, in the Possession of *Thomas Ashworth*, so as to communicate with the present Road which leads from *Blackburn* aforesaid, through *Mellor* to *Preston*, in the said County of *Lancaster*, will not only be very beneficial and advantageous to the Public, by opening a much shorter and better Communication between the West Riding of the County of *York* and the Town of *Preston* aforesaid, and several other large and populous Towns in the said County of *Lancaster*, but will also considerably increase the Tolls arising on the said Road: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first recited Act, and all and every the Powers, Provisions, Authorities, and Clauses therein contained (except such as were and are varied, altered, enlarged, amended, or repealed by the said last recited Act, and except such as relate to Exemptions from Stamp Duties) and that the said last recited Act, and all and every the Tolls or Duties, Powers, Provisions, Authorities, and Clauses therein contained, shall respectively 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 upon and from the Fourth *Monday* next after the passing of this Act; 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 of the said Road, 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 of the said Road for the Purposes

Former Acts  
continued.



poses of the said Acts and this Act, and all Interest to grow due for the same.

II. And be it further enacted, That Sir *James Whalley Smythe Gardiner* Additional Trustees. Baronet; *James Anderton*, *John Aspinall*, *Richard Baldwin*, *Richard Henry Beaumont*, *Joseph Birley*, *John Binns*, *David Blissett*, *Samuel Bower*, *William Boys*, *Richard Bramily*, *Charles Brookbank*, *Thomas Bulcock*, *James Bury*, *John Bury*, *John Cardwell*, *William Carr*, *Thomas Carr*, *James Chew*, *John Chippendale*, *Thomas Collinson*, *William Cross*, *Richard Eddlestone the younger*, *William Ellill*, *Richard Fort*, *Jeremiah Garnett*, *Alexander Gregson*, *James Greenway*, *Charles Greenway*, *William Groome*, *Richard Hardy*, *Thomas Hargreaves*, *John Hargreaves of Ormearod House*, *James Hamer*, *William Harper*, *William Heaton*, *John Leach*, *Richard Legh*, *William Maude*, *Richard Noble Clerk*, *Robert Parker*, *William Pearce*, *George Petre*, *James Quartley Clerk*, *Benjamin Rolfe*, *William Slater of Samlesbury Mill*, *William Slater of Osbaldeston*, *James Smith*, *Stephen Sparrow*, *Le Gendre Starkie*, *Thomas Stephenson Clerk*, *Henry Sudell*, *Thomas Sumner*, *James Taylor*, *John Taylor*, *William Turner*, *John Ward*, *Richard Ward*, *Robert Whalley*, *James Wilkinson*, *Matthew Wilkinson*, *Charles Wright Clerk*, and *Henry Adderley Wright*, shall be, and they and their Successors, to be elected in the Manner directed by the said first recited Act, are hereby appointed Trustees, and shall be joined with the Trustees appointed by or elected in pursuance of the said former Acts to put the said recited Acts and this present Act in Execution, for the Purpose of amending, widening, and keeping in Repair the said Roads.

III. And be it further enacted, That the Trustees nominated by or elected in pursuance of the said recited Acts or those appointed by this Act, or any Five or more of them, shall meet together at the House of *John Wigglesworth*, Innkeeper in *Whalley* aforesaid, on the Fourth Monday next after the passing of this Act, and proceed to the Execution of the said recited Acts and this Act, and shall hold their future Meetings alternately at the respective Places and in the Order directed by the said last recited Act: 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 said Trustees 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 so appointed as aforesaid. First Meeting of the Trustees.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby fully authorized and empowered to divert and turn the Course or Path of the present Road from, at, or nearly from a small Plot or Parcel of Waste Ground contiguous to the said Road situate near *Standen Hey Gate*, in the Township of *Pendleton* aforesaid, through the said Township of *Pendleton* and Part of the Township of *Clithero*, to the Borough of *Clithero* aforesaid; and also to make or cause to be made a Road or Branch of Road from and out of the said Road leading from *Clithero* to *Blackburn* aforesaid, from or nearly from the South End of *Whalley Bridge*, in the Parishes of *Whalley* and *Blackburn* aforesaid, through the Townships of *Billington*, *Wilpsire*, For making a Road from or nearly from Standen Hey Gate to Clithero, &c.



*Wilpshire, Sailsbury, Clayton le Dale, Mellor, Osbaldeston, and Balderstone*, in the Parish of *Blackburn* aforesaid, to or nearly to the said Public House in *Balderstone* aforesaid in the Possession of the said *Thomas Ashworth*, so as to communicate with the present Road which leads from *Blackburn* through *Mellor* to *Preston* aforesaid; and to enable the said Trustees to make the said Diversion and new Branch of Road, it shall and may 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 any Buildings, Lands, or Hereditaments, 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 Diversion and Branch of Road respectively of any Width they shall think proper, not exceeding Fourteen Yards; and out of the Monies to arise upon the said Road, or out of any Money to be borrowed on the Credit thereof, to pay as well for such Buildings, Lands, or Hereditaments, such Sum or Sums of Money as shall be so agreed upon as the Charges and Expences of making the said Road; 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 first recited Act, for settling Recompence and Damage for the Land taken for the Purposes of the said Act; and the said Diversion and Branch of Road respectively when so made, shall for ever after be and be deemed to be Part of the said Turnpike Road; and the said new Road when so diverted through the said Townships of *Pendleton* and *Clithero* aforesaid, shall be deemed and considered in lieu of so much of the present Road as will in consequence of such Diversion be deviated from; and the several Inhabitants of the said respective Townships of *Pendleton* and *Clithero* aforesaid, shall be and continue liable to do and perform the same Portion of Statute Work upon, and to pay the same Composition or Contribution Money in respect of the said intended Road through Part of the said respective Townships, as they were respectively liable to do, perform, and pay, upon or in respect of the present Road, immediately before the passing of this Act.

For continu-  
ing the pre-  
sent Toll  
Gates, and  
erecting  
others.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes and Toll Houses now standing in, upon, or across the said Road or on the Sides thereof; and that when and so soon as the said Diversion shall have taken place through the said Townships of *Pendleton* and *Clithero* aforesaid, and the said intended Road shall have become passable, it shall and may be lawful for the said Trustees, or any Five or more of them, to cause the Gate or Turnpike now erected within the Township of *Pendleton* aforesaid to be removed from its present Situation, and to fix and erect Two Gates or Turnpikes near to a Close of Ground situate in *Pendleton* aforesaid, called *Stoop Field*, the Estate and Property of *Richard Edleston* Gentleman; to wit, one of such Gates or Turnpikes across that Part of the intended Road, and the other across that Part of the present Road where the old and new Roads are meant to separate; and that when and so soon as the said Road or Branch of Road from or nearly from the South End of *Whalley Bridge* aforesaid,



aforesaid, to or nearly to the said Public House in *Balderstone* aforesaid, in the Possession of the said *Thomas Ashworth*, shall be completed, and the said intended Road become passable, the said Trustees or any Five or more of them, shall and may and they are hereby authorized and empowered to erect or cause to be erected Two Gates or Turnpikes in, upon, or across the said Road or new Branch of Road; to wit, one at a certain Place in the Township of *Clayton le Dale* aforesaid, called *The Oaks*, on the West Side of the Road leading from *Blackburn* to *Ribchester*, in the said County of *Lancaster*, or within the Distance of Five hundred Yards on the *Preston* Side of such Road, and another at the Easterly End of the said Public House situate in *Balderstone* aforesaid, in the Possession of the said *Thomas Ashworth*, or within the Distance of Five hundred Yards on the *Whalley* Side thereof; and also a Toll House and proper and necessary Buildings and Fences near to each of the said Gates or Turnpikes, or to such of them as they shall think proper, and that the respective Tolls directed to be paid by the said last recited Act, shall be demanded and taken by such Person or Persons as the said Trustees 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 recited Acts, 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 Acts contained to the contrary notwithstanding.

VI. Provided always, and be it further enacted, That notwithstanding any Thing herein or in the said recited Acts or either of them contained to the contrary, no Horses, Cattle, or Carriage shall be permitted to pass through any Turnpike or Toll Gate already erected or hereafter to be erected upon the said Road, or any Part thereof, upon the Lord's Day, commonly called *Sunday*, without Payment of Double the Tolls and Duties by the said last recited Act directed to be demanded and taken at such respective Gates, or of such other Tolls and Duties as the said Trustees or any Five or more of them shall direct to be collected thereat, in case the same shall be reduced in the Manner prescribed by the said recited Acts or either of them.

Double Toll  
for passing  
through on  
Sundays.

VII. Provided also, and be it further enacted, That no more shall be paid for the same Horses, Beasts, Cattle, or Carriages in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night) than one Toll for passing or repassing through each of the said Turnpikes or Toll Bars already erected by virtue of the said recited Acts, or hereafter to be erected by virtue thereof and of this Act; any Thing in the said recited Acts contained to the contrary notwithstanding.

Tolls to be  
paid but  
once a Day.

VIII. And be it further enacted, That from and after the passing of this Act, none of the Tolls granted or continued by the said recited Acts or this Act shall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horses 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 any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw

General  
Exemptions.

[Loc. & Per.]

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only, not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going empty 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 employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (other than and except Lime); or for any Horse or Cattle going to or returning from Pasture and Watering Places, or going to be or returning from being shod or farried; or from any Person going to or returning from his 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 in which the said Roads lie; 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 Horses, Cattle or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggon, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them laden with their Arms or Baggage; 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 of Exercise, provided 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 Exemption as aforesaid; or for any Horses, Carts, or Waggon employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, or for any Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County Palatine of *Lancaster*, or of a Burgess or Burgesses to serve in Parliament for the Borough of *Clithero*, 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 aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act.

Power to borrow Money.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of the said recited Acts and this Act, such Sum or Sums of Money as they or any Five or more of them shall think fit, and they may and are hereby empowered to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes



Turnpikes and Toll Houses for collecting the same (the Costs and Charges of such Mortgages to be paid out of such Tolls) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money by the following Words, under their Hands and Seals, or by any other Form of Words to the like Effect; (that is to say)

Form of Mortgage.  
 BY Virtue of Three Acts made in the Sixteenth, Thirty-sixth; and Forty-eighth Years of the Reign of His Majesty King George the Third, intituled, *An Act [here set forth the Titles of the two recited Acts and also of this Act]* We \_\_\_\_\_ of the Trustees for the said Road therein mentioned, in consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Road, in Hand paid, do grant, bargain, sell, and demise unto A. B. his Executors, Administrators, and Assigns, such Proportion of the Tolls arising upon the said Road, and of the Turnpikes and Toll Houses for collecting the same, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum due and owing on the Credit thereof, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ for \_\_\_\_\_ and during the Continuance of the said recited Acts and this Act, unless the said Sum of \_\_\_\_\_ with Interest at the Rate of \_\_\_\_\_ per Centum per Annum shall be sooner repaid and satisfied.

And Copies of all such Mortgages shall be entered in a Book to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, but no Money shall be borrowed on the Credit of the said Tolls after the First Meeting of the said Trustees, unless Notice be for that Purpose affixed in Writing upon all the Turnpikes then erected upon the said Road at least Ten Days before the borrowing thereof; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the said Mortgage, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, indorsing on the Back of such Security before one credible Witness, the following Words or Words to the like Effect; (that is to say)

Form of Transfer.  
 I Do transfer this Mortgage, with all my Right and Title to the Principal thereby secured, and to all Interest now due upon the same, unto \_\_\_\_\_ Executors, Administrators, and Assigns.  
 Dated this \_\_\_\_\_ Day of \_\_\_\_\_ A. B.

Which Transfer shall be produced and notified to the Clerk or Treasurer of the said Road within Thirty Days after the Date thereof, who shall cause an Entry or Memorial to be made thereof in the before mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred; for which the said Clerk or Treasurer shall be paid such Sum as the said Trustees or any Five or more of them shall appoint, not exceeding the Sum of Two Shillings and Sixpence, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security or any Monies thereby due, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made, shall be, in Proportion to the Sum



Or Sums of Money therein mentioned, Creditors on the Tolls by this and the said former Acts granted, in equal Degree one with another, and shall have no Preference with respect to the Priority of any Monies advanced upon the Credit of the said Tolls.

Power to take  
down Build-  
ings, &c.

X. And be it further enacted, That in case the said Trustees, or any Five or more of them, shall think proper, in order to make the said Diversion and new Branch of Road, by taking down a Dwelling House and Stable situate in *Clithero* aforesaid, the Estate and Property of the Right Honourable Lord Viscount *Curzon*, and in the Occupation of *William Hartley* and *John Bateson*; by passing through a Garden and Two small Crofts or Pieces of Garden Ground, the Estate and Property of the said Lord Viscount *Curzon*, and in the Occupation of the said *William Hartley* and *John Bateson* and of *Joseph Wood*; by passing through the Scite of an ancient Dwelling House situate in *Clithero* aforesaid, the Estate and Property of the said Lord Viscount *Curzon*, and in the Occupation of the said *Joseph Wood*; by passing through a Croft or Piece of Garden Ground situate in *Clithero* aforesaid, the Estate and Property of the Lord *Brownlow*, and in the Occupation of *John King*; by passing through a Garden situate in *Clithero* aforesaid the Estate and Property of *John Earnshaw*, and in the Occupation of *Edward Parker* Gentleman; by passing through a Garden situate in *Clithero* aforesaid, the Estate and Property of *Richard Edleston* Gentleman, and in the Occupation of *John Law*; by passing through a Garden situate in the Township of *Billington* aforesaid, the Estate and Property of *George Petre* Esquire, and in the Occupation of *James Margerison*; by passing through some Wood Lands situate in *Billington* aforesaid, the Estate and Property of the said *George Petre*, and in the Occupation of *John Towers*; by passing through a Garden situate in the Township of *Sailbury* aforesaid, the Estate and Property of the Right Honourable Lord Viscount *Warren Bulkeley*, and in the Occupation of *John Cronkshaw*; by passing through a Garden situate in the Township of *Balderstone* aforesaid, the Estate and Property of *William Shuttleworth*, and in the Occupation of *William Gill*; and by passing through another Garden situate in *Balderstone* aforesaid, the Estate and Property of *Richard Legh*, Esquire, and in the Occupation of the said *Thomas Ashworth*; it shall be lawful for the said Trustees or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of or Persons interested in or entitled unto the said Dwelling House, Stable, Gardens, Crofts, Hereditaments, and Premises herein-before mentioned and described, for the Purchase thereof and of the Scites of the said Buildings, 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 Road of any Width they shall think proper, not exceeding Fourteen Yards; and out of the Monies to arise from the Tolls collected or to be collected upon the said Road, to pay for such Dwelling House, Stable, Gardens, Crofts, Hereditaments, and Premises, or so much thereof as shall be necessary as aforesaid; and in case of any Differences concerning the same between such Owners or Occupiers and the said Trustees, 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 first recited Act, for settling Recompence and Damage on Account of Land to be used for widening and altering the said Roads: Provided always,



always, that nothing in this Act contained shall extend or be construed to extend to enable the said Trustees to take down any House, Orchard, or Garden (except such as are in this Act mentioned) without the Consent in Writing of the Proprietors thereof respectively first had and obtained.

XI. And whereas a Map or Plan, describing the Line of the said Diversion and new Branch of Road and the Lanes through which the same are to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Diversion and new Branch of Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

For restraining the Trustees from deviating beyond a certain Distance of the Line described in the Plan, &c.

XII. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversion and new Branch of Road into, through, across or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Road through Ground, although the Owners Names are not in the Book of Reference.

XIII. 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 Acts, or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts, 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 or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments; or affecting

Application of Compensation Money where exceeding 200l.



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 Messuages, Lands, Tenements, and 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 Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money by Order of the said Court of Chancery, upon Application thereto, shall be invested by the said Accountant-General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

If under 200l.  
and exceeding  
200l.

XIV. 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, 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 Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under his, or 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 (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If under 20l.

XV. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before-mentioned, shall be less than the Sum of 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 Hereditaments, so purchased, taken, or used for the Purposes of 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.

XVI. And be it further enacted, That in case the Person or Persons, to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts and 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 Privy 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 Refusal to accept, or of not making out Titles, &c. Money to be paid to the Bank.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant-General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments, to be purchased in pursuance of the said recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money,

Where any Question shall arise touching the Title to Money to be paid, the Persons who may be in Possession shall be entitled thereunto.



Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XVIII. 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 Acts and 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 the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases, from Time to Time, to be made in pursuance of the said Acts and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Mortgagee to convey.

XIX. And be it further enacted, That every Mortgagee of any Messuages, Buildings, Lands, and Hereditaments which shall be purchased or acquired by the said Trustees or any of them in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, on having Six Calendar Months Notice in Writing given to him, her, or them, from the said Trustees or any Five or more of them, or any Persons authorized by them or any Five or more of them, of paying off the Principal and Interest Money which shall be due on such Mortgages respectively, shall, at the End of the said Six Calendar Months after such Notice, on Payment or Tender of the Principal Money and Interest which shall be then due, convey and assign his, her, and their respective Estates and Interests in and to the said mortgaged Premises, to the said Trustees or any Five or more of them, or to such Person or Persons as they shall nominate and appoint, in Trust for the Uses and Purposes of this Act; and if any such Mortgagee, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do, then all Interest on every such Mortgage, from the Expiration of the said Six Calendar Months after any such Notice, shall cease and determine.

Repealing former Provisions as to Statute Work.

XX. And be it further enacted, That so much of the said recited Acts as relates to the Performance of the Work commonly called Statute Work, or to the Payment of a Composition or Contribution in lieu or in respect thereof, shall be and the same is hereby declared to be repealed.

Statute Labour.

XXI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads comprized in the said Acts or either of them, or in this Act, or any Part thereof, shall still remain liable thereto; and it shall be lawful to and for any Two or more Justices of the Peace for the said County, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, Surveyor, or by their Order,



Order, yearly, to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts or either of them authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode, for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected

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lected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may  
compound  
for Statute  
Work.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to compound and agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads; or of any Bridge, Arch, or Sewer, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other public Meeting of such Inhabitants, to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Road, all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in Repair of the said Roads; and all such Surveyors, Churchwardens, and Overseers of the Poor, shall be reimbursed the Money so by them paid, in such Manner as Surveyors of the Highways are by Law to be reimbursed the Monies by them expended in buying Materials for repairing the Highways.

For paying  
Expences of  
this Act.

XXIII. 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 Acts, or out of the first Monies to arise by virtue of the said former Acts, and this Act, in preference to all other Payments whatsoever.

For Recovery  
of Penalties.

XXIV. And be it further enacted That all the Penalties and Forfeitures hereby inflicted and imposed, shall be recovered and levied in such and the same Manner as the Forfeitures and Penalties for Offences against the said recited Acts are thereby directed to be recovered and levied.

Public Act.

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

Term of the  
Act.

XXVI. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the Fourth *Monday*



next after the passing of this Act, cease and determine; and that the said Acts (subject as herein-before 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.

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