



ANNO QUINQUAGESIMO

GEORGE III. REGIS.

Cap. 36.

An Act for more effectually repairing the Road from the Town of *Blackburn* through *Padiham* and *Burnley* to *Colne*, in the County Palatine of *Lancaster*; and for continuing the same Road through *Glasburn* and *Silsden* to *Addingham* and *Cocking End*, in the West Riding of the County of *York*.

[6th April 1810.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the Roads from the Town of Leeds, in the West Riding of the County of York, through Otley, Skipton, Colne, Burnley and Blackburn to Burscough-bridge in Walton, in the County Palatine of Lancaster; and from Skipton through Gisburn and Clitheroe to Preston in the said County of Lancaster*: And whereas, another Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act to continue the Term and alter and enlarge the Powers of so much of an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled, "An Act for repairing and widening the Roads from the Town of Leeds in the West Riding of the County of York, through Otley, Skipton, Colne, Burnley and Blackburn to Burscough-bridge in Walton in the County of Lancaster; and from Skipton through Gisburn and Clithero to Preston in the said County of Lancaster, as relates to the Roads from Colne to Blackburn,*

[Loc & Per.] 8 P

“burn, and from Blackburn to Burfcough-bridge:” And whereas an-
 36G.3.c.37. other Act was passed in the Thirty-sixth Year of the Reign of His pre-
 sent Majesty, intituled, *An Act for more effectually repairing the Road
 from Colne to Blackburn in the County of Lancaster*, whereby the said re-
 cited Acts, so far as the same related to the said Road from Colne to
 Blackburn, were repealed, the Powers and Provisions thereof consolidated,
 the Term thereof enlarged, and further Powers granted: And whereas
 28 G. 2. c. 59. another Act was passed in the Twenty-eighth Year of the Reign of His
 late Majesty King George the Second, intituled, *An Act for repairing,
 widening and amending the Road from Cocking End near Addingham, in
 the West Riding of the County of York through Kildwick to Black-lane End,
 in the County Palatine of Lancaster*: And whereas, another Act was
 21 G 3. c. 59. passed in the Twenty-first Year of the Reign of His present Majesty, in-
 tituled, *An Act for continuing the Term of an Act made in the Twenty-eighth
 Year of the Reign of His late Majesty, for repairing, widening, and mend-
 ing the Road from Cocking End near Addingham, in the West Riding of
 the County of York, through Kildwick to Black-lane End, in the County
 Palatine of Lancaster*: And whereas another Act was passed in the Forty-
 43 G. 3. c. 51. third Year of the Reign of His present Majesty, intituled, *An Act for
 continuing the Term, and altering and enlarging the Powers of Two Acts
 passed in the Twenty-eighth Year of King George the Second, and the
 Twenty-first Year of His present Majesty, for repairing the Road from Cock-
 ing End, near Addingham, in the West Riding of the County of York,
 through Kildwick to Black-lane End in the County Palatine of Lancaster*:
 And whereas the respective Trustees, appointed in or by virtue of the
 said recited Act of the Thirty-sixth Year of the Reign of His present
 Majesty, and of the said secondly recited Acts of the Twenty-eighth Year
 of the Reign of His late Majesty King George the Second, and of the
 Twenty-first Year of the Reign of His present Majesty, and of the said
 recited Act of the Forty-third Year of the Reign of His present Majesty,
 have proceeded in the Execution of the Powers and Authorities vested
 in them respectively, and have for that Purpose borrowed several con-
 siderable Sums of Money on the Credit of the respective Tolls authorized
 to be taken on the said respective Roads therein comprised, which still
 remain due and owing: And whereas the Money so due and owing can-
 not be paid off, nor can the several and respective Roads, comprised in
 the same Acts, be kept in repair and properly improved, unless the
 Terms of such Acts be enlarged, and further Powers granted: And
 whereas the present Road from Black-lane End aforesaid to Addingham
 and Cocking End aforesaid, is in many Parts narrow and in very bad Re-
 pair, and the Course thereof is for the most Part very steep and
 mountainous, and dangerous to Travellers, and the same might be
 diverted to the great Advantage of the Public: And whereas a Com-
 munication between the said Counties of Lancaster and York, very bene-
 ficial and advantageous to the Public, might be made by carrying for-
 ward or continuing the said Road from Colne aforesaid, to Addingham
 and Cocking End aforesaid, and by forming a Junction with the said Road
 from Cocking End to Black-lane End, or with the Diversion thereof; and
 it would be more convenient to the said respective Trustees, and the said
 several Roads might be more effectually made, diverted, amended, widened,
 improved, and kept in repair, if the said recited Act of the Thirty-sixth
 Year of the Reign of His present Majesty, the said secondly recited Acts of
 the Twenty-eighth Year of the Reign of His late Majesty King George the
 Second,

New Road.

Second, and the Twenty-first Year of the Reign of His present Majesty, and the said recited Act of the Forty-third Year of the Reign of His present Majesty were repealed, the several Powers and Provisions thereof consolidated and made One joint Trust, and further and other Powers and Provisions granted instead thereof in One Act of Parliament; 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 from and after the Third *Friday* in the Month next after the passing of this Act, the said recited Act, passed in the Thirty-sixth Year of the Reign of His present Majesty, for more effectually repairing the Road from *Colne* aforesaid to *Blackburn* aforesaid, and the said secondly recited Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and the Twenty-first Year of the Reign of His present Majesty, and the said recited Act passed in the Forty-third Year of the Reign of His present Majesty, for repairing, widening, and mending the Road from *Cocking End* aforesaid to *Black-lane End* aforesaid, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever: And that from thenceforth the several Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things in this present Act contained shall be put in Execution, and shall continue in force for and during the Term hereinafter mentioned, for the Purpose of more effectually making, diverting, widening, altering, improving and keeping in repair the said several Roads from the Town of *Blackburn* in the County Palatine of *Lancaster*, through *Padiham*, *Burnley* and *Colne*, all in the same County, and through *Glusburn* and *Silsden* in the West Riding of the County of *York*, to *Addingham* and *Cocking End*, both in the same Riding, and thereby to form a Junction with the Turnpike-road, leading from *Cocking End* aforesaid, through *Kildwick* to *Black-lane End* aforesaid.

The said several Acts repealed,

and this Act executed instead thereof.

II. 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 or are now due and owing on the Credit of the respective Tolls, authorized to be taken by the said recited Acts hereby repealed, or any or either of them, and of all Interest due and to grow due thereon respectively as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or on Account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees, for executing the said recited Acts hereby repealed or any or either of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts and Securities, entered into by any Person or Persons, to, or with the Trustees for executing the said Acts of the Thirty-sixth Year of the Reign of His present Majesty, the Twenty-eighth Year of the Reign of His late Majesty, and the Twenty-first and Forty-third Years of the Reign of His present Majesty, hereby repealed, shall remain in full Force and Effect, and 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 Trust under this Act; and all Lettings of Tolls, Orders, Contracts

This Act made subject to the Payment of all Monies borrowed on the Credit of former Acts.

Persons owing Money to continue liable, and all Bonds, Contracts, &c. to remain in force.

Contracts and Agreements made or entered into by the said Trustees, for executing the said Acts hereby repealed respectively, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively, such Repeal or any Law to the contrary notwithstanding.

The Roads
opened or
shut up under
former Acts
so to remain.

III. And be it further enacted, That all Roads made, opened, widened, diverted, shut up or discontinued under or by virtue of the Powers and Provisions of the said Acts hereby repealed, or any or either of them, shall remain and continue open, widened, diverted, shut up and discontinued in such and the same manner as at the Time of passing this Act; and that the Trustees under this Act shall be discharged from the Care and Management of all Roads so shut up or discontinued.

Trustees.

IV. And be it further enacted, That *John Adamson* (Clerk), *Henry Aspinall*, *John Aspinall* of *Standen*, *James Ayrton*, *William Alcock*, *Joseph Ainsworth*, *Richard Ainsworth*, *William Aspinall* of *Clayton street*, *Blackburn*, *John Aspinall* of *Blackburn*, *John Barker*, *William Blake*, *Johnson Atkinson* *Busfield*, *John Baistow*, *Samuel Blakey*, *Thomas Blakey*, *John Brigg*, *Thomas Binns*, *Thomas Binns jun.* *John Barnes*, *John Binns*, *William Brigg*, *Abraham Binns*, *Richard Birley*, *Thomas Bulcock*, *Robert Boardman*, *John Birley*, *Samuel Bower*, *Alexander Butler*, *John Francis Bulter*, *David Blissett*, *Joseph Birley*, *Thomas Beardsworth*, *Thomas Butler* (Grocer), *James Barlow* (Surgeon), *Henry Bollard*, *William Bollard*, *William Barton* (Clerk), *William Bealand*, *Samuel Bolton*, the Right Honourable *George Henry Cavendish*, commonly called *Lord George Henry Cavendish*, *William Clayton*, *Thomas Clayton* of *Kighley*, *Robinson Chippendale*, *John Carr*, *Danson Richardson Curren*, *John Cunliffe*, *William Cunliffe*, *Thomas Cunliffe*, *John Cockshott* of *Kildwick*, *John Cockshott* or *Addingham*, *Thomas Cockshott* of *Bracewell*, *John Cockshott* of *Bracewell*, *Thomas Cockshott* of *Gisburn*, *Joshua Clough*, *John Clough*, *Thomas Collins*, D.D. *John Coats* (Clerk), *Richard Cardwell*, *Richard Cardwell junior*, *William Chippendall*, *Edward Chippendall*, *Robert Cross*, *William Carr*, *Thomas Carr*, *Robert Chadwick*, *Roger Cunliffe*, *James Cowban*, *James Chew*, M.D. *Abraham Chew*, *John Cardwell*, *Thomas Clayton* of *Carr Hall*, *Adam Cottam*, *William Crook*, *Henry Crook*, *Christopher Croke*, *William Cooper*, *Henry Owen Cunliffe*, *Edmund Cockshott senior*, *Edmund Cockshott junior*, *James Bulcock Carr*, *Richard Clegg* of *Marsden*, *Ambrose Dean*, *John Dehane*, *Nathaniel Dugdale*, *Adam Dugdale*, *Jonathan Dickinson*, *William Dale*, *Lister Ellis*, *Richard Emmott*, *William Ellis*, *John Eltoft*, *Thomas Eltoft*, *William Elliott*, *Richard Ecroyd*, *Henry Edmondson*, *John Foulds*, *James Fletcher*, *Joshua Fielden*, *Webster Fishwick*, *James Fishwick*, *James Fishwick junior*, *George Fishwick*, *Anthony Fentiman*, *Henry Fielden*, *William Fielden*, *John Fielden*, *John Fisher*, *Thomas Fishwick*, *Richard Fort*, *Richard Foulds* of *Wycollar*, *Edward Ferrand*, *Joshua Field junior*, *Walker Ferrand*, *Sir James Whalley Smythe Gardiner* Baronet, *Thomas Garforth*, *John Greenwood* of *Keighley*, *Peter Garforth*, *William Greenwood* of *Moorhouse*, *John Greenwood* of *Oxenhope*, *James Greenwood* of *Bridgehouse*, *James Greenway*, *Charles Greenway*, *Isaac Glover*, *Christopher Grimshaw*, *Henry Greenwood*, *John Greenwood* of *Burnley*, *William Greenwood* of *Burnley*, *Nicholas Grimshaw*, *Thomas Grimshaw*, *William Garth*, *Sir Henry Philip Hoghton* Baronet, *William Hargreaves* of *Kildwick*, *James Hargreaves* of *Kildwick*, *John Heaton*, *Joseph Heaton*, *Thomas Heaton*, *Richard Hartley*

Hartley, D.D. John Farwen Hindle, John Hörnby, James Hamer, Christopher Hindle, Thomas Hargreaves of Oakenshaw, Richard Hoghton, John Hargreaves (Clerk) Lieutenant Colonel John Hargreaves, James Hargreaves of Burnley, Richard Hartley of Bradley, William Hartley of Bradley, Christopher Hargreaves, Robert Hargreaves, George Haworth, John Holt, John Hoyle, John Holgate, George Holgate, Thomas Holgate, Gilbert Hamerton, Theodore Heelis, John Harper, Lawrence Hitchon, Egerton Hitchon, Lawrence Halstead, Charles Halstead, Thomas Hoyle, William Hargreaves of Burnley, James Hartley, William Hartley of Fence, Reginald Hargreaves, John Hartley (Clerk,) Thomas Hargreaves of Primett-Bridge, John Hartley of Carry-Bridge, John Hartley junior, of Carry-Bridge, John Hartley of White-Lee, John Hall, John Hargreaves of Colne Lane, John Halstead of Colne, John Halstead of Cockden, James Haworth, Sir Henry Carr Ibbetson Baronet, John Kitching, Embsy Kirk, the Honourable Thomas Lister, Ebenezer Lister, Ellis Cunliffe Lister, John Lister of Addingham, James Lister, Thomas Lister of Addingham, Ralph Latus, John Lister of Blackburn, Richard Lomax, James Lomax, Richard Grimshaw Lomax, Edward Lovat, Christopher Lister, Thomas Lonsdale, David Longbottom, William Marriner, William Middleton, William Maude, Richard Meanley, Norman Munn, Joseph Massey, Joseph Massey junior, James Massey, Lord Massey, Lawrence Mancknols, John Mancknols, William Midgley of Colne, Shackleton Midgley, Robert Midgley, William Mitchell of High Greenwood, William Netherwood, John Netherwood, Christopher Netherwood, James Nevill, William Overton, Peter Ormerod, Sir Robert Peel Baronet, John Pering (Clerk,) Thomas Pearson, John Parkinson, Robert Parkinson, Robert Townley Parker, William Penny (Clerk,) Thomas Parker of Lothersdale, Abraham De la Pryme, Robert Pickup, James Parkinson, Robert Peel of Church, Jonathan Peel, Thomas Parker of Alkincoats, Captain Thomas Parker, John Parr, John Petty, William Rushworth, William Roundell (Clerk,) Richard Henry Roundell, Lawrence Robinson, Proctor Radcliffe, John Roberts of Thorneyholme, Hugh Roberts, William Roberts of Northwood, William Roberts of Burnley, Jame Roberts, William Robinson of Craggs, John Robinson, James Ridehalgh, John Rigby, John Robertshaw, William Robertshaw, John Rawls (Clerk,) Henry Roberts, Lawrence Roberts, Robert Reynolds, Richard Radcliffe, William Sidgwick, William Sugden, Joseph Smith, Edmund Spencer, William Spencer, Robert Shackleton, William Shackleton, Abraham Shackleton, John Smith of Summer House, Benjamin Smith, Edmund Smith, William Smith, Robert Smith, Jonas Smith, John Sunderland, Thomas Spencer, John Stansfield, Walker Skirrow, Henry Sudell, Thomas Starkie (Clerk,) Richard Smally, William Stackhouse, Thomas Stevenson (Clerk,) Le Gendre Pierce Starkie, John Shaw, William Shaw, Lister Sagar, Oates Sagar, Richard Sagar of Carry Bridge, Richard Sagar of Southfield, William Sagar, John Swinglehirst, Richard Shackleton, John Smithson, John Smith of Pighole, Thomas Smith, John Stockdale, Matthew Tillotson, Charles Tindal, William Tindal, Joseph Tempest, Stephen Tempest, Stephen Tempest junior, Thomas Turner, William Turner, Hugh Taylor, John Topper, Lawrence Tattersall, James Taylor, Benjamin Townson, John Towneley, Peregrine Edward Towneley, James Topper, Thomas Thornber senior, Sagar Veevers, Matthew Wilson, William Wainman, Richard Bradley Wainman, William Wainman junior, Thomas Wiglesworth, John Wilkinson, Joseph Wright, Henry Wright, William Atkinson Wasney (Clerk,) Robert Whalley, Thomas Dunham Whitaker, L.L.D. John Whittam, Thomas Whyman, James Wilson of Colne, James
[Loc. & Per.] 82 Wilson

Wilson of Heyroyd, Richard Thomas Roe Walton, Thomas Wilkinson, late of Broadbank, Thomas Wilkinson (Draper) Henry Wilkinson, William Wilkinson (Clerk,) Benjamin Wittam, Ambrose Walton, and Edmund Wharton, and their Successors to be elected in Manner hereinafter mentioned shall be, and they are hereby appointed Trustees for making, repairing widening, diverting, improving and keeping in repair the said Roads from Blackburn aforesaid through Padiham, Burnley, Colne, Glusburn and Silsden aforesaid to Addingham and Cocking End aforesaid, and for otherwise putting this Act into Execution.

Power to
choose new
Trustees.

V. And be it further enacted, That in case any of the Trustees named in, or to be appointed by virtue of this Act, shall die or become Bankrupt; or Insolvent, or refuse, decline or become incapable to act, it shall be lawful for any Five or more of the surviving, or remaining Trustees, by Writing under their Hands (at any Meeting whereof at least Ten Days Notice shall be given, upon all the Toll-gates erected, or to be erected upon the said Roads, specifying that an Appointment of new Trustees is intended to be made at such Meeting) to nominate and appoint some other Person to be a Trustee in the Room of such Trustee so dying, becoming Bankrupt or Insolvent, or refusing, declining or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid, (being qualified as by this Act is required) shall have the like Power and Authority to act as a Trustee in the Execution of this Act, as the Person had in whose Stead he shall be appointed.

Qualification
of Trustees.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be possessed of an Estate in Lands, Tenements or Hereditaments in the said Counties of *York* and *Lancaster*, or one of them, of the clear yearly Value of One hundred Pounds, above Reprizes, or possessed of or entitled to a personal Estate to the Amount or Value of Two thousand Pounds, or unless such Person shall be Heir Apparent to a Person possessed of an Estate in Lands, Tenements or Hereditaments of the clear yearly Value of Two hundred Pounds in the said Counties of *York* and *Lancaster*, or one of them; And if any Person not qualified as aforesaid, shall presume to act in the Execution of this Act, every such Person shall for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered, in any of His Majesty's Courts of Record at *Westminster*, or elsewhere, by Action of Debt, or on the Case, wherein no Etloign, Protection or Wager of Law, or more than one Imparance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; and no Trustee shall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he shall hold any Place of Profit under this Act, or in any case where he shall be personally interested; nor shall any Victualler or Retailer of Ale, Beer or Spirituous Liquors, or any menial Servant of any Trustee, be capable of holding any Place of Profit under this Act.

Penalty on
acting if not
qualified.

No interested
Trustee to
act, nor any
Victualler or
menial Ser-
vant of a
Trustee to
hold a Place
of Profit.

VII: Pro-

VII. Provided always, and be it further enacted, That all Acts which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified to act according to the Directions of this Act. Acts of un-qualified Trustees before Conviction to be valid.

VIII. And be it further enacted, That the said Trustees may sue and be sued for, or concerning any Thing to be done by Virtue or in pursuance of this Act, in the Name of their Treasurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced, by the Direction of or against the said Trustees by Virtue of this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, nor by the Act of such Treasurer or Clerk without the Consent of the said Trustees, or any Five or more of them, at a Meeting held in pursuance of this Act; but that the Treasurer or Clerk for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant (as the case may be) in every such Action or Suit; Provided always, that every such Treasurer or Clerk in whose Name any Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall be fully indemnified, reimbursed, and paid out of the Monies, to arise by Virtue of this Act, all such Costs, Damages and Expences, as by the Event or in consequence of any such Action or Proceedings, he shall pay, bear, expend, or be put unto, or become chargeable with; by reason of his being so made Plaintiff or Defendant as aforesaid. Trustees may sue and be sued in the Name of their Treasurer or Clerk.

Treasurer or Clerk to be reimbursed the Expences.

IX. And be it further enacted, That the said Trustees or any Five or more of them, shall meet at the Red Lion Inn, in the Town of Colne aforesaid, on the last Day in the Month next after the passing of this Act, unless such Day shall happen, on a *Sunday*, and in that Case on the Day preceding such *Sunday*, between the Hours of Eleven of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and shall then and there proceed to the Execution of this Act, and adjourn themselves from Time to Time, and afterwards meet there or at any other Place, on or near the said Roads as the said Trustees or any Five or more of them shall think proper and appoint, as often as it shall be necessary for putting this Act in Execution: Provided always, That Two Trustees shall be sufficient for the Purpose of Adjournment only, and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for a Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases, it shall be lawful for the Clerk or Treasurer to the said Trustees for the Time being, by a Notice in Writing to be affixed on all the Turnpikes and Toll Gates which shall then be erected upon the said Roads, and inserted in some Newspaper, which shall be then circulated in the said Counties at least Seven Days before the next Meeting, to appoint them to meet at the same Place where the last Meeting was held, or was appointed to have been held, on such future Day as shall be specified in such Notice, not exceeding Three Calendar Months after the Day on which such Meeting was held, or was to have been held as aforesaid; and in case such Clerk or First Meeting of Trustees.

Power to adjourn.
Trea-

Treasurer respectively, shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting at any Time or Times after such Refusal, Neglect or Prevention respectively as aforesaid, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at *Come* aforesaid, or at some convenient House, on or near the said Roads, upon some convenient Day within Four Weeks next after the Date of such last mentioned Notice; and the said Trustees at all their Meetings shall defray their own Expences.

Meetings on
Emergencies.

X. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed, than the Day to which the respective Meetings shall have been adjourned, the Clerk to the said Trustees, being authorized by an Order in Writing, signed by Two or more of the said Trustees although not assembled at a Meeting, mentioning the Time and Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Twenty Days after such Notice); and all Proceedings of the Trustees at such Meeting whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment; and such Meeting shall and may be adjourned, or be appointed to be held in such Manner as other Meetings under this Act are hereinbefore directed to be adjourned or appointed to be held, notwithstanding any former Adjournment to the contrary.

The Majority of Trustees assembled to concur in all Orders. Trustees being Justices of Peace, may act as such.

XI. And be it further enacted, That all the Orders and Determinations of the said Trustees, shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as herein mentioned); and no Order or Determination shall be made, unless the major Part of the Trustees present at any Meeting shall concur therein; and all such Trustees as are or may be Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

How Orders of Trustees may be revoked, or altered.

XII. And be it further enacted, That no Order made by any Five or more of the said Trustees respectively, shall be revoked or altered, unless the Number of Trustees revoking or altering the same, shall exceed the Number of Trustees by whom such Order shall be made, and unless Twenty-one Days' Notice shall be given by Five Trustees to the Clerk to the said Trustees, of their Desire to have a Meeting, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting, and in such case Notice shall be given by the Clerk, Fourteen Days at the least before such Meeting, to such Trustees as were present when the Order was made of the Intention to revoke or alter any such Order.

XIII. And

XIII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Trustees making the same, or the major Part of them, which said Book or Books, and also the Books hereinafter directed to be kept for registering Mortgages and Assignments of the Tolls or Transcripts thereof shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any Thing done or to be done by Virtue or in Pursuance of this Act, or in any wise relating thereto; and the Meeting or Meetings at which such Orders or Proceedings shall be made or had, shall be deemed to have been regularly and legally held, and such Orders and Proceedings regularly and legally made or had without any other Evidence than the Book or Books containing such Orders or Proceedings, unless such Meeting or Meetings, Orders or Proceedings shall on the Face of such Book or Books appear to be irregular or illegal.

Proceedings
to be entered
in a Book and
signed.

XIV. And be it further enacted, That the said Trustees or any Five or more of them, at their first, or any subsequent Meeting, as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise, and may be due and payable by Virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees, or any Five or more of them shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Surveyors and other Officers, or any of them, as they the said Trustees, or any Five or more of them shall see Occasion; and the said Trustees or any Five or more of them, shall and may out of the Money to be raised, or received by Virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors and other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them shall seem proper; and every Officer and Person who shall be appointed as aforesaid, shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, by Writing under their Hands, make out, and deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received; and how, and to whom, and for what Purpose the same, and every Part thereof, hath, or have been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify such Accounts, upon Oath, if thereunto required by the said Trustees or any Five or more of them (which Oath the said Trustees, or any one of them are, or is hereby empowered to administer); and every such Officer or Person shall, and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees, or any Five or more of them shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles

Trustees may
appoint Offi-
cers,

and remove
them.

Officers to
Account.

[Loc. & Per.]

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thereof

Or be punished.

thereof upon Oath, or to pay the Balance thereof when thereunto required in Manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them shall appoint within Seven Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons. all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf of any such Neglect or Refusal to any Justice of the Peace for the County, Riding or Place where the Officer or Person so neglecting or refusing shall live or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him; and upon his or her appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees or any Five or more of them might have done, and if upon the Confession of the Officer or Person, against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received, shall be in the Hands of or owing from such Officer or Person, such Justice may and he is hereby authorized and empowered upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattles of such Officer or Person respectively, and if no Goods or Chattles can be found sufficient to answer and satisfy the said Monies and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to verify the same on Oath as aforesaid (if so required by the said Justice) or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under His Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County, Riding, or Place where he or she shall live or reside, there to remain without Bail or Mainprize, until he or she shall have delivered in and settled such Account, and have verified the same upon Oath as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Trustees or any Five or more of them, for such Money and Charges, and paid the composition Money to the said Trustees or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees or any Five or more of them are hereby empowered to make) and shall have delivered up as aforesaid, all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees or any Five or more of them; Provided always,
That

That no Person who shall be committed for want of sufficient Distress, shall be detained in Prison for any longer Space of Time than Six Calendar Months.

XV. And be it further enacted, That the said Trustees or any Five or more of them shall, and they are hereby authorized, directed and required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees or any Five or more of them shall seem meet.

Treasurer to give Security.

XVI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed by Virtue of this Act) may discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in Case any such Collector or Receiver of the Tolls shall die, the said Trustees or any Two or more of them shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged, and such Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had, or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by Virtue of this Act, or the Wife, or Widow, or any of the Children, Family or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person shall refuse to deliver up the Possession of any Toll gate or Toll-house, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, (although not assembled at a Meeting) or by the Clerk or Treasurer to the said Trustees for the Time being, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County or Riding, in which the same shall be situate, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in the Possession of the said Gate, together with his, her, or their Goods out of and from the same, and to put the said Trustees, or any One of them, or such new appointed Collector or Receiver into the Possession of such Toll-gate, Toll-house and Appurtenances.

Trustees may appoint temporary Collectors.

XVII. And be it further enacted, That the said Trustees or any Five or more of them shall and may, as they shall think proper, continue or remove all or any of the Turnpikes, Toll-gates, Bars or Chains, erected by Virtue of the said recited Acts, or any of them, and may erect and set up, or cause to be erected and set up, any other Turnpike or Turnpikes,

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

piques, Toll-gate or Gates, Bar or Bars, Chain or Chains, in, upon or across any Part or Parts of the said Roads (except as hereinafter mentioned) and upon the Sides thereof, across any Lane or Way leading into or out of the same, such Lane or Way not being a Turnpike Road, and may also continue, erect or provide a Toll-house with suitable Out-buildings and Conveniences at or near each Toll-gate; and may from Time to Time afterwards remove, alter or discontinue such Turnpikes, Toll-gates, Bars, Chains or Toll-houses, or any of them as they the said Trustees or any Five or more of them shall think expedient; and also may take in and inclose from the Side of the said Roads, convenient Garden Spots for the Toll-houses respectively, not exceeding One-eighth Part of an Acre to each Toll-house; Provided nevertheless, that no Removal, Alteration or Discontinuance of any such Turnpike or Turnpikes, Toll-gate or Gates, Bar or Bars, Chain or Chains, shall be made; nor shall any fresh Turnpike or Turnpikes, Toll-gate or Gates, Bar or Bars, Chain or Chains be erected or set up after the First Meeting of the said Trustees, unless Notice of the Intention to make such Removal, Alteration, or Discontinuance, or to erect or set up such fresh Turnpike or Turnpikes, Toll-gate or Gates, Bar or Bars, Chain or Chains, and of the Meeting to be holden for that Purpose, be given upon all the Toll gates, which shall then be standing upon the said Roads, at least Twenty Days before such Meeting.

To prevent
evading Pay-
ment of Tolls
on Commons.

XVIII. And whereas, some Parts of the said Roads, included in this Act, may lead over open Wastes and Commons, and the Tolls at Gates in such Situations are liable to be evaded, Be it therefore further enacted, That the said Trustees shall and may cause Fences and Ditches to be made over such Parts of such Wastes and Commons as they shall think necessary, in order to prevent Payment of Toll being evaded, and if any Person or Persons shall pull down or in any wise displace, destroy, or carry away any such Fence, or any Part thereof, or shall fill up or injure any such Ditch, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds: Provided always, That no ancient Road or Highway running across the said Roads shall be stopped up or obstructed, and that no such Fence or Ditch to be made as aforesaid shall extend more than Half a Mile from any Turnpike gate erected under or by virtue of this Act.

Power to take
Tolls.

XIX. And be it further enacted, That the respective Sums of Money following shall be demanded and taken at each and every of such Toll-gates, Chains, and Bars, from the Owner or Owners of, or Person or Persons using or attending any Horse, Beast, Cattle or Carriage, by such Person or Persons as the said Trustees or any Five or more of them, shall from Time to Time authorize and appoint for that Purpose, before any such Horse, Beast, Cattle or Carriage shall be permitted to pass through the same, (that is to say)

Tolls.

For every Horse, Mare, Gelding, Mule or As, laden or unladen and not drawing, the Sum of Two Pence.

For every Score of Oxen, or neat Cattle, the Sum of One Shilling and Eight Pence, and so in Proportion for any greater or less Number.

For

For every Score of Calves, Sheep, Lambs or Swine, the Sum of One Shilling, and so in Proportion for any greater or less Number.

For every Coach, Chariot, Landau, Berlin, Chaise, Curricie, Calash, Chair, Caravan, Hearse, Litter or other such Carriage, drawn by Five, Six or more Horses, or other Beasts of Draught, the Sum of Three Shillings, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings, and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling and Six Pence.

For every Chaise or Chair, or other such like Carriage drawn by One Horse or other Beast of Draught, the Sum of Nine Pence.

For every narrow wheeled Waggon, Wain, or other such Four-wheeled Carriage, drawn by Three or Four Horses, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Two Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling.

For every Waggon, Wain or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Five or Six Horses, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or other Beast of Draught, the Sum of One Shilling.

For every Waggon, Wain, or other such Four-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, drawn by Seven or Eight Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Five or Six Horses or other Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse or Two Horses, or other Beast or Beasts of Draught, the Sum of One Shilling.

For every Nine Inch wheeled Waggon, Wain, or other such Four-wheeled Carriage, rolling a flat Surface of Sixteen Inches, drawn by Four, Five, Six, Seven or Eight Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse, or Two or Three Horses, or other Beast or Beasts of Draught, the Sum of One Shilling.

For every narrow wheeled Cart, or other such Two-wheeled Carriage, drawn by Three Horses, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse, or other Beast of Draught, the Sum of One Shilling.

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Six Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Two Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Six Pence.

For every Cart or other such Two-wheeled Carriage, having the Fellies of the Wheels thereof Nine Inches broad, and drawn by Three or Four Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses or other Beasts of Draught, the Sum of

[*Loc. & Per.*]

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One

One Shilling; and drawn by One Horse or other Beast of Draught, the Sum of Six Pence.

Commence-
ment of
Tolls.

XX. Provided always, and be it enacted, That the said several Tolls shall commence and take Effect at such Time or respective Times as the said Trustees or any Five or more of them shall at their first or any subsequent Meeting or Meetings, think proper and direct; and that in the mean Time, the same and the like Tolls shall be taken and continued at the several Gates, Bars and Chains erected, or set up, in, upon or across the said Roads, or any Part or Parts thereof, as shall be taken at the Time of passing of this Act, any Thing herein contained to the contrary notwithstanding.

Double Toll
on Sundays.

XXI. And be it further enacted, That it shall be lawful for the respective Toll-Gatherers, or Collectors on the said Roads, and they are hereby authorized and empowered on each and every Sunday (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year, during the Continuance of this Act, to demand and take for and in respect of each and every Carriage, Horse, Beast, or other Cattle, passing through any Gate or Turnpike upon the said Roads, or any of them, double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act, for the same respectively, on any other Day of the Week, before such Carriage, Horse, Beast, or other Cattle shall be permitted to pass through any such Gate or Gates, Turnpike or Turnpikes.

Additional
Toll on Car-
riages passing
through a
Toll-gate
Five Times
on the same
Day.

XXII. And be it further enacted, That if any Horse, Cattle, or other Beast, upon which any Toll is by this Act imposed, or any Waggon, Wain, Cart, or other Carriage, shall pass through any Turnpike or Toll-gate, to be erected by virtue of this Act, Five Times or more in any one Day, to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the next succeeding Night, every such Horse, Cattle, or other Beast, and every such Waggon, Wain, Cart, or other Carriage, shall for every Fifth Time of passing, be subject and liable to pay the respective Tolls hereinbefore granted, over and above the Tolls to be paid for the First Time of passing, which said respective Sums of Money shall be demanded and taken in the Name of or as Toll.

Tolls vested
in the Trus-

XXIII. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as hereinafter is directed; and if any Person subject or liable to the Payment of any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same or any Part or Parts thereof, it shall be lawful for the Person or Persons authorized and appointed as aforesaid, to collect such Tolls by himself, or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Cattle or other Thing, upon or in respect of which such Toll is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements, or any Carriage in respect of the Horses or Cattle drawing the Carriage, on which such Toll is imposed, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to

to pay; and if the Toll or any Part thereof so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining, may sell the Cattle, Carriages or Things, so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any) and what shall remain unpaid upon Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress and Sale shall be deducted.

XXIV. And to obviate any Doubts which may arise with respect to such Four-wheeled Carriages, as consist of Two Wheels of the Breadth of Six Inches and Two of a less Breadth, 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 a greater Breadth, which shall pass through any Gate or Turnpike erected or to be erected upon the said Roads, shall be liable to and charged with the Tolls and Duties by this Act imposed upon every Waggon, Wain, or other Four-wheeled Carriage having the Fellies of the Wheels of less Breadth than Six Inches.

Tolls upon
Four-wheeled
Carriages
having Two
Wheels of
less Breadth
than Six
Inches.

XXV. And be it further enacted, That it shall be lawful for the said Trustees 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 to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees or any Five or more of them shall think proper; and from Time to Time afterwards, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the respective Tolls hereinbefore mentioned; and also from Time to Time, to direct the Tolls hereby granted or so reduced as aforesaid, to be collected in such Parts or Proportions at the several Turnpike-gates erected, or to be erected upon the said Roads, in Pursuance of this Act, as they shall think proper; and that such reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls after the First Meeting, unless Twenty Days previous Notice, at the least, shall be given thereof, in Writing, to be affixed upon all the Turnpikes or Toll-gates which shall then be erected upon the said Roads.

Power to vary
Tolls.

XXVI. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken for or in respect of any Horse, Beast, Cattle, or Carriage which shall in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) pass through all the Turnpike-gates or Toll-bars erected or to be erected upon or across the said Road, between *Blackburn* and *Burnley*, nor more than Two full Tolls for or in respect of any Horse, Beast, Cattle, or Carriage, which shall in any One such Day pass through all the Turnpike-gates or Toll-bars erected or to be erected upon or across the said Road, between *Burnley* and *Colne*, nor more than Five full Tolls, for or in respect of any Horse, Beast, Cattle or Carriage, which shall

Limitation of
Tolls.

shall in any one such Day pass through all the Turnpike-gates, or Toll-bars erected or to be erected upon or across the said Road between *Colne* and *Addingham*, or upon or across the said Road between *Colne* and *Cocking End*, and that no more shall be paid for any Horse, Cattle or Carriage, in any one Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night) than one Toll for passing and re-passing through each Turnpike-gate, or Toll-bar, erected, or to be erected, by virtue of this Act, upon the said Roads, unless such Horse, Cattle or Carriage shall pass through such Turnpike-gate or Toll-bar Five Times or more during such Day; but that all and every Person and Persons after having paid Toll as aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, shall afterwards be permitted to pass or repass with the same Horse or Horses, Cattle or Carriage Toll free during such Day, through such Gate or Turnpike; and all the respective Collectors of the said Tolls are hereby required to deliver such Notes or Tickets gratis on receipt of the Tolls.

Penalty on a-
voiding Tolls.

XXVII. And be it further enacted, That if any Person or Persons shall ride, drive, go or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground or Place lying by the Side of or near to any Part of the said Roads, or if any Person or Persons owning or occupying any Land, Ground or Place situate as aforesaid (the same not being a public Highway or Road to or from some Mill) shall knowingly or wilfully permit or suffer any other Person or Persons to go or pass with any Horse, Beast, Cattle or Carriage, through or over such Gate, private passage, Land, Ground or Place, in order or with Intent thereby to evade the Payment of the said Tolls or any Part thereof, or whereby or by Means whereof any such Evasion shall take place or be effected, or if any Person or Persons shall forge, counterfeit or alter, or shall deliver to or receive from any other Person, any Note or Ticket, with Intent to avoid or evade Payment of the said Tolls, or any Part thereof, or shall take off or suffer to be taken off, any Horse or other Beast, from any Carriage, either before or after having passed through any Toll-gate, or having passed through any Toll-gate, shall afterwards add, or put any Horse or Beast to any Carriage for the Purpose of drawing the same, upon any Part of the said Roads, or shall leave upon or near any Part of the said Roads, any Horse or Horses, or other Beast or Cattle, or any Carriage chargeable with the Payment of any of the said Tolls, with Intent to avoid or evade Payment of any of the said Tolls, or if any Person or Persons shall forcibly pass through any such Turnpike or Toll-gate, with any Horse or other Cattle or Beast without Payment of Toll, or if any Person or Persons shall do any other Act, in order or with Intent to avoid or evade the Payment of the said Tolls, or any Part thereof, all and every such Person or Persons, shall for every such Offence, forfeit and pay any Sum not exceeding Five Pounds (over and besides such Damages and Punishments as he, she, or they shall otherwise be liable to by Law) to be recovered in such Manner as is hereinafter provided for the Recovery of Penalties and Forfeitures, One Moiety whereof, when raised, shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

XXVIII. And

XXVIII. And be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to detain the same, or the Money arising from the Sale thereof, (as the Case may happen) until the Amount of Toll due, and the Charges of seizing, distraining keeping and selling, (as the Case may happen) shall be ascertained by One or more Justice or Justices of the Peace for the County, Riding, or Place wherein such Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping and Sale, and also of the Collector's Attendance for that Purpose on the said Justice or Justices; all which Sums so determined or assessed, shall be paid to the said Collector, or other Person, before he shall be obliged to return the Distress, or the Overplus after the Sale thereof, or of any Part thereof.

Disputes concerning Tolls how to be settled.

XXIX. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching, or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons, acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigations by reason of his, her, or their being appointed to collect such Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees.

Collectors of Tolls competent Witnesses.

XXX. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Toll-gates, Bars or Chains erected, or to be erected or continued upon the said Roads, for any Horses, Cattle, or Carriages of whatsoever Description employed, or to be employed in conveying the Mails of Letters, and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching or guarding such Mails or Expresses or in returning therefrom; nor for the Horses belonging to any Officers or Soldiers on their March or on Duty; nor for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers, or returning empty, after having been so employed; nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; nor for any Horse Mare or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed 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; nor from any Rector, Vicar, or Curate going to or returning from his own Parish Church or other Place of divine Worship, or visiting his sick Parishioners, nor from any Person or Persons going

General Exemptions from Tolls.

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to or returning from his, her, or their Parochial Church, Chapel, or other usual Place of religious Worship on *Sundays*, or on any other Days on which divine Worship is or shall be ordered by Authority to be celebrated, or attending the Funeral of any Person or Persons who shall die and be buried in any Parish, Township, Chapelry, Hamlet, or Place through which any Part of the said Roads lie; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying Persons to or from any Election of a Knight or Knights of the Shire, to serve in Parliament for either of the Counties of *Lancaster* and *York*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded, or of carrying or conveying Vagrants sent by legal Passes, or of carrying or conveying Hay, Grass, Saintfoin, Fodder, Straw or Corn in the Straw, Turnips, or Potatoes for the Use of the Owner and not for Sale, or purchased, or of carrying or conveying, any Dung, Mould, Marle, Soil, Manure, or Compost (other than Lime) to be used only for manuring of Land, or going or returning empty in that Employment; nor for any Horse, Beast, Cattle, or Carriage employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Husbandry, unless the Carriage bearing any such Plough, Harrow, or other Implement of Husbandry be also laden with some other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, nor for any Horse, Beast, or other Cattle when going to or returning from being shod or farried, not beyond the Distance of Four Miles; nor for any Horse, Beast, or Cattle used or employed for the Purpose only of carrying or conveying Gravel, Stones, Sand or other Materials for the making or repairing any Highway or Public Road within any such Parish, Township, Chapelry, Hamlet, or Place as aforesaid, or for rebuilding, building, or repairing any present or any future Bridge or Bridges on the said Roads under this Trust; nor for any Horse, Beast, Cattle, or Carriage which shall cross the said Road only, or shall not pass more than One Hundred Yards thereon; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, 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.

Penalty on
fraudulently
taking Bene-
fit of Ex-
emption.

Waggons
conveying
Military
Stores not
subject to
Penalties for
overweight.

XXXI. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen in such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary thereof notwithstanding.

XXXII. Pro-

XXXII. Provided always nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed, deemed, or taken to extend to authorize or empower the said Trustees to erect or cause to be erected any Turnpike or Toll-house, or to demand or take, or cause to be demanded or taken, any Toll upon, across, or on either Side of that Part of the said Road which lies between the Town of *Blackburn* afore said, and a certain Dwelling House, situate at a Place called *Further Gate*, in, the Township of *Blackburn*, now or formerly in the Occupation of *Thomas Butterworth*, during such Time as the Trustees for the Road leading from *Bury*, through *Haslingden*, to *Blackburn*, and *Whalley*, shall amend and keep in repair the said Part of the said Road, and shall allow (and which they are hereby authorized and empowered to do) the Trustees for executing this Act, to call out and employ the Statute Labour liable to be performed upon, and to demand, receive, and apply the Composition Money which shall become due and payable in respect of the said Part of the said Road between *Blackburn* and *Further Gate*, upon and towards the Maintenance and Repair of that Part of the said Road, from *Colne* to *Blackburn*, which lies between *Whitebirk* and *Further Gate*, in the said Township of *Blackburn*, any Thing herein, or in any other Law or Statute contained to the contrary hereof in any wise notwithstanding.

No Toll to be taken between *Blackburn* and *Further Gate*.

XXXIII. And be it further enacted, That if any Farmer, Renter, or Collector of the said Tolls shall demand and take, or cause to be demanded and taken, from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds and also his Contract for renting the Tolls shall be declared to be vacated, if the said Trustees or any Five or more of them shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter shall for every such Offence, forfeit any Sum not exceeding Forty Shillings, such Forfeitures respectively to be recovered in Manner hereinafter mentioned: Provided always, That if the Justice, by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and taking, it shall be lawful for such Justice either to mitigate the said respective Penalties or wholly to exonerate the Offender therefrom, as such Justice shall think fit, any Law or Statute to the contrary notwithstanding.

Penalty on Collectors, &c. taking greater or less Tolls than allowed.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, to be held under or by virtue of this Act, to erect and set up, or cause to be erected and set up, at all or any of the Turnpike-gates now erected or hereafter to be erected upon the said Roads, such Number of Lamps as they shall think necessary, together with proper Lamp Posts and Lamp Irons thereto, and to cause the said Lamps to be lighted at such Times and in such Manner as the said Trustees or any Five or more of them shall from Time to Time direct and appoint; and all Expences attending the providing of such Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof, shall be defrayed out of the said Tolls, or out of any Money to be borrowed on the Credit thereof; and if any Person shall break, throw down, or damage all or any of the said Lamps, or the Posts, Irons, or other Furniture thereof, or shall wilfully or maliciously extinguish any such Lamps, or do any other Damage thereto, such Person shall for every such

Power to provide Lamps, &c.

such Offence forfeit and pay any Sum not exceeding Forty Shillings over and above the Costs and Expences of repairing and amending such Lamps, Lamp Posts, Irons, Furniture or Work so broken, thrown down or damaged as aforesaid, which Costs and Expences shall and may be recovered in such Manner as the Penalties hereby imposed are hereinafter directed to be recovered, and shall be paid to the Treasurer to the said Trustees for the Use of the said Roads.

Toll-gates,
Houses, &c.
vested in
Trustees.

XXXV. And be it further enacted, That the Right and Property of all the Turnpikes, Toll-gates, and Toll-houses, and the several Conveniences and Appurtenances thereto belonging, which are already erected, or made upon, or on the Sides of the said Roads, or which shall be erected or made by virtue of this Act, and all Materials for building and repairing the same, and for repairing the said Roads, and all the Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof respectively, and all other Materials, Articles and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees; and they or any Five or more of them are hereby empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, or prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, any of such Turnpikes, Toll-gates, Toll-houses, Conveniences, Appurtenances, Materials, Articles or Things, or disturb them, or their Agents, or Servants in the Possession thereof.

Tolls may be
leased.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (at any Meeting whereof Fourteen Days Notice shall have been given in Writing, and affixed upon all the Toll-gates then erected on the said Roads, and inserted in some Newspaper, circulated in the Neighbourhood of the said Roads), from Time to Time to demise or let to Farm, or agree to demise or let to Farm, all or any of the Tolls arising by virtue of this Act, and all or any of the Toll-houses, and the Conveniences and Appurtenances thereto belonging, for any Term nor exceeding Three Years, upon publick Bidding to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Times, to such Person or Persons, under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees or any Five or more of them shall think fit, and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithstanding.

Tolls may be
compounded
for.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time to compound for any Term not exceeding One Year at any One Time with any Person or Persons, for any Carriage or Carriages, Horses, Beasts or Cattle, travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts or Cattle, and such Composition Money shall be paid in Advance quarterly, or otherwise, as the said Trustees shall think fit, and in Default thereof the Composition to be void.

XXXVIII. And

XXXVIII. And be it further enacted, That in case all or any of the Tolls, arising by virtue of this Act, shall be demised or let to Farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised, or let, or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Agreement for demising or letting thereof, then and in either of those Cases, the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any other Person authorized by Writing under the Hands of any Five or more of them, shall be at Liberty, and they are hereby authorized to enter upon and take Possession of any Toll-house, or Toll-houses, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively from the Possession thereof, and from the Collection of such Tolls, and that thereupon it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think fit) to vacate and determine the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes (save as to the Obligations, Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants or Agreements on the Lessee's Part,) as if such Demise or Agreement had never been made; and it shall and may be lawful for the said Trustees or any Five or more of them, in every such Case to demise or let to Farm the said Tolls again to any other Person or Persons, or cause them to be collected, in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Enabling the Trustees to take Possession of Toll house when let to Farm.

XXXIX. And be it further enacted, That the said Trustees or any Five or more of them duly assembled at any Meeting, to be holden at any Time or Times hereafter, may and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Interest on the Credit of the Tolls hereby granted, such further Sum or Sums of Money as they or any Five or more of them shall think necessary; and they are hereby also authorized and empowered, either at every such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls) for any Term, or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money so to be borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees as shall advance and lend the same (subject and without Prejudice to certain Mortgages which have been made under the said Act of the Thirty-sixth Year of the Reign of His present Majesty to certain Trustees, appointed under or by virtue of the same Act as hereinafter mentioned,) which Mortgages shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say)

Power to Borrow Money and to assign Tolls

BY virtue of an Act passed in the Fiftieth Year of the Reign of His present Majesty King George the Third, intituled, *[here insert the Title of this Act.]* We of the Trustees for putting the *[Loc. & Per.]* said

Form of Mortgage.

' said Act in Execution, in consideration of the Sum of
 ' to the Treasurer of the said Trustees in hand paid, do grant, bargain,
 ' sell and demise unto *A. B.* his [*her or their*] Executors, Administrators
 ' and Assigns, such Proportion of the Tolls arising by virtue of the said
 ' Act, and of the Toll-gates and Toll-houses for collecting the same, as the
 ' said Sum of doth or shall bear to
 ' the whole of the Monies owing and secured on the Credit thereof,
 ' to be had and holden from this Day of
 ' in the Year of our Lord, for and during the Conti-
 ' nuance of the said Act, unless the said Sum of
 ' with Interest, at the Rate of Five Pounds *per Centum*
 ' *per Annum*, shall be sooner paid and satisfied. Given under our Hands
 ' and Seals, this Day of in the Year of our Lord

Copies of
 Mortgages to
 be entered in
 a Book.

And Copies of all such Mortgages shall be entered in a Book or Books
 to be kept for that Purpose by the Clerk or Treasurer to the said Trus-
 tees, and all and every Person or Persons to whom any such Mortgage
 or Mortgages shall be made as aforesaid, or who shall be entitled to the
 Money thereby secured, or to whom any Mortgage or Assignment of
 Tolls may have been made under the said recited Acts or any or either
 of them, may from Time to Time transfer his, her, or their Right, Title,
 Interest, or Benefit to the Principal and Interest thereby secured, or any
 Part thereof, to any Person or Persons whomsoever, by signing, before
 one credible Witness, an Instrument, either indorsed or not indorsed
 upon such Mortgage or Assignment, in the following Words, or Words
 to the like Effect; (that is to say)

Form of
 Transfer.

' **I** *A. B.* do transfer this Mortgage or Security [*or a certain Mortgage or*
 ' *Security, shortly stating it as the Case may be*] with all my Right and
 ' Title to the Principal Money thereby secured and all the Interest now due
 ' due thereon, unto *C. D.* his [*or her or their*] Executors, Administrators,
 ' and Assigns. Dated this Day of
 ' in the Year of our Lord

“ Witness, E. F.

A. B.

Which must
 be entered
 with the
 Clerk.

Which Transfer shall be produced and notified to the Clerk or Treasurer to
 the said Trustees, who shall cause an Entry or Memorial to be made there-
 of, in the before-mentioned Book or Books, specifying the Date, Names
 of the Parties, and Amount of the Sum transferred, for which Entry the
 said Clerk or Treasurer shall be paid the Sum of One Shilling and no
 more; and such Transfer shall then entitle such Assignee or Assignees,
 his, her or their Executors, Administrators, and Assigns, to the Benefit
 thereof and Payment thereon, and such Assignee or Assignees 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 the Person
 or Persons to whom the same shall be last transferred) to make void, re-
 lease, or discharge the original Security, or any Monies thereby due or
 any Part thereof.

No Prefer-
 ence among
 Creditors

XL. Provided always, and be it further enacted, That no Preference
 shall be given to any Person or Persons, who hath or have advanced any Sum
 or Sums of Money, upon the Credit of the said recited Acts, or who shall
 or

or may advance any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of having advanced or of advancing any such Sum or Sums of Money (except as hereinafter mentioned), but that all Persons to whom such Mortgages or Assignments have been or shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the same Tolls in equal Degree one with another, except as hereinafter mentioned.

for the Money raised under this Act except as after mentioned.

XLI. And whereas the several Persons next hereinafter mentioned did advance and pay upon the Credit of the Tolls authorized to be collected between *Colne* and *Blackburn*, under and by virtue of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, the several Sums of Money, and at the several Times hereinafter expressed; (that is to say,)

Certain Trustees who are Creditors on the Tolls to have a Preference.

Times when advanced.	By whom advanced.	Sums advanced.		
		L.	s.	d.
1797, April 3.	John Hargreaves Clerk, Thomas Clayton and John Clayton - - -	200	0	0
1799, Dec. 11.	John Hargreaves Clerk, Hugh Taylor, Webster Fishwick and Christopher Tattersfall - - - - -	300	0	0
1800, Dec. 15.	John Hargreaves Clerk, Webster Fishwick, Gilbert Hammerton, Nicholas Halstead and George Haworth - -	500	0	0
1801, April 6.	Nicholas Halstead, Webster Fishwick, John Sharw and Lawrence Tattersfall	500	0	0
1801, May 2.	Thomas Clayton and Thomas Parker -	160	0	0
1801, July 4.	John Hargreaves Clerk, Webster Fishwick, Lawrence Tattersfall and Nicholas Halstead - - - - -	300	0	0
1801, Sept. 7.	Webster Fishwick, Christopher Tattersfall, Joshua Hitchon the Elder, Nicholas Halstead and Joseph Massey -	250	0	0
1803, July 22.	Webster Fishwick, Nicholas Halstead, William Crook and Joseph Massey -	200	0	0
1805, May 23.	John Hargreaves Clerk, John Holgate, Webster Fishwick, Joseph Massey and Lawrence Tattersfall - - - -	800	0	0
1805, July 9.	Thomas Clayton, James Hargreaves, John Holgate the Younger, Oates Sagar and John Bolton - - - -	500	0	0
1805, August 13.	Henry Crook, Webster Fishwick, John Cooper, William Crook and Norman Munn - - - - -	500	0	0
1806, July 7.	The Right Hon. Thomas Lord Ribblesdale, Hugh Taylor and Henry Aspinall - - - - -	500	0	0
1809, August 5.	Thomas Grimshaw, John Mancknols, William Hartley, John Smithson, Henry Wilkinson, Robert Midgley,			

Jonathan

Times when advanced,

By whom advanced.

Sums advanced.

L. s. d.

<i>Jonathan Dickinson, Thomas Har-</i>		
<i>greaves, John Roberts, William Midg-</i>		
<i>ley, James Wilson, George Haworth,</i>		
<i>Thomas Wilkinson and John Hall</i>	-	500 0 0
<hr/>		
5,210 0 0		
<hr/>		

Preference
to the
Mortgagees
of the Tolls
arising from
the Road
from Colne
to Blackburn.

XLII. And whereas Mortgages or Securities upon the Tolls arising upon the said Road between *Colne* and *Blackburn*, were executed for the Five first mentioned Sums, on the Thirtieth Day of *June*, One thousand Eight hundred and One, for the Two next mentioned Sums of Three hundred Pounds, and Two hundred and Fifty Pounds on the Twentyninth Day of *September*, One thousand Eight hundred and One, for the next mentioned Sum of Two hundred Pounds, on the Sixteenth Day of *September*, One thousand Eight hundred and Three, and for the said several other Sums of Money on the Fifth Day of *August* One Thousand Eight Hundred and Nine: And whereas, the said several Persons by whom the said several Sums of Money were so advanced, (being Trustees of the said Road between *Colne* and *Blackburn*), borrowed the same for the Use of the said Road upon their own respective personal Securities, or are otherwise personally responsible for the same: Be it therefore further enacted, That the said several Persons hereinbefore mentioned, shall be intitled to a Preference, and shall be considered as Mortgagees of the Tolls to arise under this Act, upon or from the said Road from *Colne* to *Blackburn*, for the said several Sums of Money so by them advanced as aforesaid, and the Interest henceforth to grow due for such Sums respectively, before any other Person or Persons whomsoever, except as to the Sum of One thousand Seven hundred and Sixty-seven Pounds, Ten Shillings, being the Amount of the remaining Sums of Money now due and owing upon the same Tolls, with respect to which said Sum of Money, the same shall be, and be considered as a Lien or Charge upon the same Tolls, in Favour of and for the Benefit of all the Creditors upon the Tolls to arise under or by virtue of this Act, as well those who now are as those who shall hereafter become such Creditors, in Proportion to the respective Sums of Money now due and owing, or which shall hereafter become due and owing to them respectively, in an equal Degree with the said Sum of Five thousand Two hundred and Ten Pounds, so due and owing to the said several Persons hereinbefore last mentioned.

Application
of the Tolls
and Money
to be borrow-
ed.

XLIII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Acts, or out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees or any Five or more of them shall, in the first Place, pay and discharge all Costs and Expences relative to procuring and passing this Act, and the Remainder of all such Monies shall, from Time to Time, be applied in repaying the Money borrowed, or now owing by virtue of the said recited Acts, or any or either of them, or to be

be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in making, repairing, widening, improving and rendering commodious the said Roads, and in otherwise putting this Act in Execution, and to or for no other Use or Purpose whatsoever.

XLIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Materials for making or repairing the said Roads, or building, rebuilding or repairing any present or future Toll-house or Toll-houses, on or by the Sides thereof, or any Bridge or Bridges thereon, out of any River or Brook, or out of or from any Waste or Common in or near or convenient to which any Part of the said Roads lie without paying any Thing for such Materials, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks, wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying for the Damages done by going through and over any inclosed Lands or Grounds for or with such Materials, (such Damages to be ascertained as hereinafter mentioned): and also that it shall be lawful for the said Surveyor or Surveyors, and such Persons as he or they shall appoint, to search for, dig, gather, take and carry away any such Materials in or out of the Land of any Person, (not being a Garden, Orchard, Yard, Park, Paddock, Planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages done to the Owners or Occupiers of the Lands, where and from whence the same shall be dug, gathered and carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them shall adjudge reasonable; and in case of any Difference between the said Trustees, Surveyors or other Persons appointed and employed as aforesaid, and the Owners and Occupiers of such Lands, or any of them, concerning such Payment and Damages as aforesaid, the Justices of the Peace at their next General Quarter Session, or at the Second General Quarter Session, at the furthest, to be holden for the County or Riding wherein the Place from whence such Materials shall have been taken shall be situate, on Fourteen Days, Notice thereof being given in Writing by either Party to the other, shall hear, settle and determine the Matter of such Payments and Damages, and the Judgment or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

XLV. Provided nevertheless, and be it further enacted, That no Surveyor, or any other Person or Persons acting under the Authority of this Act, shall first begin to dig, gather, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Land, until Notice in Writing, signed by the said Surveyor, shall have been given to the Owner, or his known Agent, or to the Occupier of the Land from which such Materials are intended to be taken, or left at such Owner or Occupier's usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or any Two Justices of the Peace acting for the County, Riding, or Place wherein such Land shall lie, to shew Cause why such Materials shall not be had therefrom; and in Case such Owner, Agent

[Loc. & Per.]

8 X

Agent

Notice to be given to the Occupiers of Lands before Materials are got.

Agent or Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such two Justices shall, if they shall think proper, authorise such Surveyor, or other Person, to dig, gather take and carry away such Materials at such Time or Times as to such Trustees or to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Trustees, or any Five or more of them, or such Justices shall, and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended; and the Order of such Trustees or Justices respectively shall be final and conclusive to and upon all Parties.

Penalty on
taking away
Materials rais-
ed by Sur-
veyors.

XLVI. And be it further enacted, That if any Person whomsoever shall take away any Materials, which shall be dug, gotten or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of, or otherwise interfere with or obstruct the working of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for making and repairing the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Three Calendar Months (except the Owner or Occupier of the Land in which such Pit or Quarry shall be made, as to Materials for his own private Use only and not for Sale) every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Surveyor
may remove
Annoyances.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint from Time to Time, to remove and prevent all Annoyances on any Part of the said Road, by Filth, Dung, or Ashes, Rubbish, Straw or otherwise, and convert the same to his and their own Use and Uses, and to turn any Watercourses, Sinks or Drains running along into or out of the said Roads to the Prejudice thereof; and to open, scour, cleanse, widen or make deeper, any Watercourses or Ditches adjoining thereto, and to make the same as deep and as large as he or they shall think necessary; and to cut down, lop or top, at proper Seasons of the Year, any Trees, Shrubs or Bushes, growing or to grow on the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk or Avenue to a House) and to take and carry away the same in case the Owners or Occupiers of the Premises shall for the Space of Seven Days next after Notice in Writing given for that Purpose, by such Surveyor or Surveyors, neglect or refuse to lop, top, cut down or remove such Trees, Shrubs or Bushes, or to open, scour, cleanse, widen or deepen such Watercourses or Ditches, or remove such other Annoyances in such Manner as the said Trustees or any Five or more of them, or the said Surveyor or Surveyors shall require, the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered in such Manner as the Penalties and Forfeitures imposed by this Act are herein directed to be recovered; and every Person so neglecting or refusing shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

XLVIII. And

XLVIII. And whereas great Inconveniencies have arisen from erecting Dwelling-houses and other Buildings, and making Hedges, Ditches, and other Fences too near the said Roads; for Remedy whereof, Be it enacted, That if any Person shall from and after the passing of this Act in-croach 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, (except Turnpike Houses erected by Order of the said Trustees) every Person so offending shall forfeit for every such Offence the Sum of Five Pounds to such Person as shall give 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 made at a Publick Meeting or some Adjournment thereof, 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 or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the said Counties of *Lancaster* and *York*, or either of them, 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 of the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattles, rendering the Overplus to the Owner on demand.

XLIX. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees or any Five or more of them) to make and keep in repair, or cause to be made and kept in repair, any Causeway or Causeways for the Use of Foot Passengers along any Part of the said Roads, in such Manner as they shall see convenient, and also Ditches or Drains in and upon the said Roads, and also through any Ground lying contiguous thereto, and erect, rebuild and keep in repair, Bridges and Arches upon the said Roads, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (such Grounds respectively not being the Scite of or Ground whereon any House or Houses stand, nor being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House or any inclosed Ground, planted and set apart as a Nursery for Trees) to be made use of by all Passengers, Cattle and Carriages as a public Highway, whilst such ruinous or narrow Part of the said Roads be repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees or any Five or more of them; but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common or Waste Grounds; and in Case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for the Justices of the Peace, or the major Part of them assembled at the next General Quarter Sessions of the Peace, for the County, Riding, or Place in which such Premises shall lie, or at their Second Quarter Sessions of the Peace at the

Penalty for
erecting In-
croachments
on the Side of
the Road.

Power to
make Cause-
ways and
Drains.

the farthest, on Fourteen Days, Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common or Waste Lands.

Penalty on
Persons riding
or driving
Cattle, &c.
on the Cause-
ways.

L. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Causeways, or any other Way or Ways to be made upon the said Roads for the Use of foot Passengers, or shall lead or drive any Horse or Horses, Carriage or Carriages, 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 Horse or Horses, Cattle or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Roads, the Owner or Owners of such Horse or Horses, Cattle or Swine, shall respectively forfeit and pay any Sum not exceeding Ten Shillings to the said Surveyor or Surveyors, and he and they is and are hereby authorized and required to cause all such Horse or Horses, 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, over and above the usual Fee to the Proprietor or Keeper of the Pound where such Horse or Horses, Cattle or Swine shall be so impounded; and if any Proprietor or Keeper of any such Pound shall refuse to receive, or after being impounded as aforesaid, shall release any such Horse or Horses, Cattle or Swine, without the Consent of such Surveyor or Surveyors, every such Proprietor or Keeper shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and in case any Person or Persons shall molest or disturb the said Surveyor or Surveyors, or any Person or Persons employed by him or them in leading or driving such Horse or Horses, Cattle or Swine, to pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Trustees may
open a Com-
munication
between Ly-
diate and the
Cocking End
and Black
Lane End
Road, and
make Diver-
sions;

LI. And be it further enacted, That it shall be lawful for the Majority of the Trustees present at any Meeting of any Five or more Trustees, at any Time or Times, during the Continuance of this Act, and they are hereby authorized and empowered to make and open, or cause to be made and opened, a Road from or nearly from a certain Place called *Lydiate* or *Lidgett*, in the Township of *Colne* aforesaid, to join or communicate with the said Road leading from *Cocking End* aforesaid, to *Black Lane End* aforesaid, and to make, widen, divert, turn, shorten, vary or alter the Course or Path of any Part or Parts of the Roads to be made or repaired and kept in Repair by this Act, for the Accommodation of Passengers through any private Lands, Grounds or Hereditaments, under such Terms and Satisfaction as are hereinafter mentioned; and also through any Commons or Waste Grounds, without making Satisfaction for such Commons or Waste Grounds; and also that it shall be lawful for the said Trustees, or such Majority as aforesaid, and for their Surveyor or Surveyors, and Workmen, with or without Carriages and Cattle, from Time to Time, to enter upon any private Lands, Grounds, or Hereditaments,

and to enter
upon private
Lands.

ments, through which or whereupon the said Roads hereby authorized to be made, widened, turned, shortened, varied or altered are intended to pass, and to stake out, and make the same in such Manner as the said Trustees, or such Majority as aforesaid, shall think necessary or proper, without being liable or subject to be deemed a Trespasser or Trespassers, or to any Fine, Penalty or Punishment, for entering or continuing upon any Part or Parts of such last mentioned Lands, Grounds and Hereditaments respectively, for any of the Purposes of this Act, first making and tendering Satisfaction to the Owners thereof and Persons interested therein for the Damage they may thereby sustain.

LII. Provided always, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Trustees to divert or turn any Part of the said Roads lying betwixt *Colne* and *Addingham*, or between *Colne* and *Cocking End*, except in Manner hereinafter expressed, without such Consent and Approbation as is hereinafter for that Purpose mentioned.

No Deviation
between
Colne and
Addingham
or Cocking
End, without
Consent.

LIII. Provided always, and be it further enacted, That before any Part or Parts of the said Roads shall be made, diverted, turned or altered, Thirty Days, Notice at least shall be previously given by the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Turnpike-Gates then erected in or upon the said Roads, and also by inserting the same in one of the Newspapers usually circulated in the said Counties of *York* and *Lancaster*, of the Time and Place, and Purpose of the said Meeting.

Notice to be
given before
any Deviation
is made.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, to contract and agree with the Owners of and Persons interested in any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by making, widening, diverting, turning, shortening, varying or altering the said Roads, or any Part thereof, or the Course or Path thereof, or of any Part thereof, through or over such Lands or Hereditaments, and it shall be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbonds, Guardians, Feoffees, Trustees or Committees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Infants, Wards, Cestuique-Trusts, Lunatics, Idiots, Persons of unsound Memory and Understanding, and to and for all Females Covert, who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of, or interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or sell and convey unto them, or any Five or more of them, any such Lands or Hereditaments, or any Part thereof, for any of the Purposes aforesaid; and all Contracts, Sales and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute, Usage or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbonds,

Trustees may
contract for
the Purchase
of Land.

[Loc. & Per.]

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Husbonds,

Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

When Persons neglect or refuse to treat.

Damages to be settled by a Jury.

LV. And be it further enacted, That if such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her or them given, or left in Writing at the Dwelling-house or Houses, or other Place or Places of Abode, of such Person or Persons, or of the principal Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be taken in and added to any of the said Roads, and through which any Part of such Roads is to be made, varied, diverted, turned or altered, shall, for the Space of Ten Days next after such Notice given or left, neglect or refuse to treat, or shall not agree in the Premises, or, by Reason of Absence, shall be prevented from treating, then and in every or any such Case, the said Trustees, or any Five or more of them, shall cause such Damage or Recompense to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County or Riding in which the same shall be situate; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath any One or more of the said Trustees is and are hereby empowered to administer) and such Trustees, or any Five or more of them, shall, by ordering a View or otherwise, use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damage and Recompense, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgement, Order or Determination thereupon; shall be final, binding and conclusive to all Intents and Purposes, against all Parties and Persons whomsoever claiming, or to claim, in Possession, Remainder, Reversion or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots and Persons under any Disability whatsoever, Bodies Politick, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and for the summoning and returning such Jury, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County in which the said Roads shall be situate, requiring him to impanel, summon and return Twenty-four Persons qualified to serve on Juries, to appear before the said Trustees, or any Five or more of them, at such Time or Place as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon and return such Number of Persons accordingly; and out of the Persons so summoned, impaneled and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them,

them, shall, and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid, and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or any Five or more of the said Trustees, shall return other honest and indifferent Men of the Standers by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn, and the said Trustees, or any Five or more of them, shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give, or shall not give a Verdict, or shall in any other Manner wilfully neglect their Duty thereon, contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn or examined, or give Evidence, so that no such Fine be more than Ten Pounds on any One Person for One Offense.

LVI. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her or them sustained, than what shall have been agreed to, and offered by the said Trustees, or any Five or more of them, or their Treasurer, Clerk, Surveyor, or other known Agent before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss or Damage as aforesaid, that then and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference shall be borne and paid by the Treasurer to the said Trustees, out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, which said Costs and Expences, having been ascertained and settled by some Justice of the Peace for the County, Riding or Place in which such Lands or Hereditaments shall be situate, not interested in the Matter in Question, who is hereby required to examine and settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged

How Expences of a Jury shall be paid.

adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees, by such Ways and Means as are hereinafter provided for Recovery of Penalties and Forfeitures. Provided always, That in all Cases where any Person shall by Reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Money
agreed upon
or assessed
how to be
paid or ten-
dered.

Former
Roads may
be sold.

LVII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence or Satisfaction to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England* as hereinafter mentioned, or (as the Case may require) to the Parties or Persons respectively entitled to such Monies, or to their Agents, and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon leaving the same in the Hands of the Treasurer or Treasurers to the said Trustees for the use of such Parties or Persons, and after Ten Days, Notice thereof given to such Parties or Persons, or their Agents, to receive such Money, Consideration, Recompence or Satisfaction, it shall be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen or Agents, to make, extend, widen, divert or turn such Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters and Things, with relation to such Lands or Hereditaments as the said Trustees, or any Five or more of them shall think fit, according to the Directions of this Act, and all the Lands and Hereditaments which shall be made a Part or Parts of any Road, by virtue of this Act, shall to all Intents and Purposes be deemed a Common Highway, and shall be repaired and kept in Repair, as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting any former Road in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor or Waste Ground, or to some Village, Town, Hamlet or Place to which the respective new Roads do not lead, and also all such Toll Houses and other Buildings and Conveniences as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of this Act, shall be vested in, and shall and may be sold either by Public Sale or Private Contract, and conveyed by the said Trustees, or any Five or more of them, for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the making or repairing of the said Roads by this Act directed to be made and repaired, but the Purchaser or Purchasers of such respective Premises shall not be answerable or accountable for any Misapplication or Non-application of such Money, and all Conveyances of such Roads, Toll Houses, Buildings and Conveniences as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees or any Five or more of them, and inrolled with the Clerk of the Peace for the County or Riding in which the said Roads and Premises shall be situate, shall be good and effectual in the Law to all Intents and Purposes, and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees, or any Five or more of them, by Surrender or other Conveyance sanctioned

sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

LVIII. Provided always, and it is hereby enacted and declared, That the Powers and Authorities hereby given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or to the taking of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, first had and obtained; (other than and except so much of a certain Nursery or Plantation, situate at *Lydiate* or *Lidgett*, within the Township of *Colne*, belonging to *Robert Hargreaves*, and in the Occupation of *Samuel Green*; also of a certain small Building and Garden, situate at or near *Laneshaw Bridge* within the said Township, belonging to *John Whittaker*, and in the Occupation of *Joseph Pickels*, *Robert Hartley*, and *Mary Harrison*; also of a certain Wood or Plantation, within the Parish of *Kildwick*, belonging to *Lord George Cavendish*, and in the Occupation of *John Stow*; also of two certain other Woods or Plantations within the same Parish belonging to *William Spencer*, and one of which is in the Occupation of the said *William Spencer*, and the other of *John Ayrton*; also of Three Cottages or Dwelling Houses, situate in *Silsden*, belonging to *Thomas Gill*; and in the several Occupations of *David Tillotson*, *Job Tillotson*, and *Ann Spencer*; also of a certain other Building situate in *Silsden*, belonging to the Right Honourable the Earl of *Thanet*, and in the Occupation of *Joseph Pickard*; also of a certain Garden situate in or near *Silsden*, belonging to *Nancy Hall* and *John Hall*, or to *Ellen Crier*, *William Rushworth*, and *Joseph Tempest*, as Trustees for them, and in the Occupation of *William Berry*; and also of a certain other Garden situate in or near *Silsden*, belonging to the said Earl, and in the Occupation of *William Summerscales*, as shall be necessary for diverting, widening, or turning the said Road, and making the same in such respective Places of the Breadth of Twelve Yards), any thing hereinbefore contained to the contrary in anywise notwithstanding.

Trustees restrained from pulling down Dwelling Houses, and from entering Plantations, &c. without the Consent of the Owner.

LIX. And whereas, by reason of the Purchases which have been made under the said recited Acts, or some of them, or which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Roads they may happen to be seised of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act; Be it therefore enacted, That it shall be lawful for the said Trustees or any Five or more of them to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto, and in case such Person or Persons respectively shall not then and thereupon agree, (except with respect to or on account of the Price thereof

Trustees empowered to sell overplus Grounds, &c.

When Pieces of Land are to be sold the first Offer to be made to the original Proprietor.

[Loc. & Per.]

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In case the Parties cannot agree, the Value to be determined by a Jury.

as hereinafter mentioned), or shall refuse (except with respect to or on account of the Price thereof,) to purchase or repurchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the County in which such Land or Ground shall be situated, (who are hereby empowered and required to take the same), by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, (as the Case may be), and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees, shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied to the purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

Application of Compensation Money, when amounting to 200l.

LX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased for the Purpose of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation aggregate or sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or from any Feme or Females Covert, or other incapacitated Person or Persons, shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, or any two or more of them, 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 or Profits of the said Lands or Hereditaments in the Purchase of the Land Tax, or towards 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 or Hereditaments or affecting other Lands 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 or Hereditaments, which shall be conveyed and settled

settled to, for, and upon, such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands 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 shall by Order of the Court of Chancery upon Application thereto, be vested 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 and Hereditaments so to be purchased in case such Purchase or Settlement were made.

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken or used for the Purposes aforesaid and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two Hundred Pounds, and shall exceed 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 or 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 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 hereinbefore 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 the said Trustees, or any Five or more of them, (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 Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less than 200l.

LXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used as aforesaid, 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.

When less than 20l.

LXIII. Provided

New Roads
to be fenced
within a li-
mited Time.

LXIII. Provided always, and be it further enacted, That the said Trustees shall within the Space of Six Calendar Months next after they shall set out or stake, or cause to be set out or staked any new Road or Roads, or any Diversion of any Road or Roads, by this Act authorized to be made or diverted through the Lands or Inclosures of any Person or Persons whomsoever, and before such Roads or Roads, or Diversion shall be open for the Public, make, or cause to be made on each Side of the said Road through the said Lands or Inclosures for the whole Length of the said Road extending through the same, a good and sufficient Fence, Five Feet high, measuring from the Bottom, and where such Fence shall be a Cop Fence, the same shall be well quicked with seven Quicks in each Yard.

In case of not
making out
Titles.

LXIV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments, to be 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 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 or Hereditaments be not known or discovered, then and in every such Case, it shall and may be lawful for the said Trustees or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the 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 or Hereditaments, (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the 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 same 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 into the Bank as aforesaid.

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

Respecting
disputed Ti-
tles.

LXV. 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 or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in Pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or
Persons

Persons who shall have been in Possession of such Lands 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 or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be 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 Person was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

LXVI. 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 or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and be applied in the Purchase of other Lands 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 the 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 said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may direct the Payment of Expences.

LXVII. And whereas Maps or Plans describing the Lines of the said new Road, and the Lands through which the same is to be carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the respective Offices of the Clerks of the Peace for the said County Palatine and West Riding of the said County of York: Be it therefore enacted, That the said Maps or Plans, and Books of Reference shall remain in the respective Custody of the Clerks of the Peace for the said County Palatine of Lancaster and West Riding of the said County of York, to the End that all Persons may at all seasonable Times have Liberty to pursue and inspect the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerks 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 Maps or Plans and Books of Reference; and that the said Trustees in making the said new Road shall not deviate more than One Hundred Yards or Three Feet each from the Lines described in the said Maps or Plans, without the Consent and Appobation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through or over whose Lands or Grounds such Deviation shall be made.

Restraining the Trustees from deviating beyond certain Distance from the Line described in the Map or Plans.

LXVIII. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said new Road into, through, across or over the several Lands or Grounds of any Person or Persons who is, are or may be Owner or Owners of Lands over which the same is set out and described in the said Maps or Plans as aforesaid, although

Trustees may make Roads through Lands not in the Book of Reference.

[Loc. & Per.]

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the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, or West Riding of the said County of *York*, or either of them, and be certified in Writing under their Hands that such Error or Omission proceeded from Mistake.

Persons now
liable to repair
the Roads to
remain so.

LXIX. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act (subject nevertheless to the Regulations hereinafter expressed concerning the same), and that all and every Person or Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass shall be liable to the Repair of the said Roads, and to perform their respective Works thereon in such and the like Manner in every respect as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District or Place respectively.

For regulat-
ing Statute
Labour.

LXX. Provided always, and be it further enacted, That all Persons who by Law are liable to do Statute Work on any Part of the Roads within the Parishes, Townships, or Places through which the said Roads or any Part thereof pass, shall be liable to do the same on the said Roads, and it shall and may be lawful to and for any Two or more Justices of the Peace acting in the West Riding of the said County of *York*, and in the said County of *Lancaster*, and they are hereby required and empowered upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township 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 their Treasurer or Treasurers, and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or for the Payment of any Money in Lieu of or as 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 Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick 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

and liable to Statute Work as aforesaid to do such Number of Days' Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-Time or Harvest) and 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 they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to Payment thereof in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her or them at his, her, or their last or 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 and liable to by any Law or Statute in Force and Effect for the Repair of the public Highways, and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Persons who shall be found idle or negligent as aforesaid, and in that case every such Person sending such Labourer, Team or Draught shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeiture shall be paid to the Treasurer to the said Trustees and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXI. 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 or the Churchwardens or Overseers of the Poor of any of the said Parishes, Townships or Places, 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 for and in lieu of the

Trustees may
compound
for Statute
Labour.

the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads.

For enforcing
the Payment
of Composi-
tion Money
by Distress
and Sale of
the Goods
and Chattels
of the Sur-
veyor, &c.

LXXII. And be it further enacted, That in case the Composition Money agreed to be paid for passing through any Turnpike or Toll-Gate, or in lieu of any such Repairs for Statute Work as aforesaid, or any Part or Parts of such Composition Money respectively, shall not be paid within Fifteen Days after the same shall become payable, it shall be lawful for the said Trustees or any Five or more of them, or any Justice or Justices of the Peace for the said respective Counties, by Writing under their respective Hands and Seals to empower the Person or Persons authorized to receive such Composition Money (Oath having been first made before such Trustees or any Five or more of them, or such Justice or Justices that the same hath been demanded and remains due, which Oath the said Trustees or any one of them, or their Treasurer or Clerk, or such Justice or Justices are hereby respectively empowered to administer) to levy such Composition Money by Distress and Sale of the Goods and Chattels of the Person or Persons having so compounded or agreed to pay such Composition Money as aforesaid, or of the Surveyor or Surveyors of the Highway so agreeing to make such Composition in lieu of any such Repairs for Statute Work as aforesaid, as the Case may be, returning the Overplus (if any) upon Demand, after deducting such Composition Money, and the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof.

Surveyors,
&c may re-
cover the
same.

LXXIII. And be it further enacted, That the respective Surveyors of the Highways, or the Churchwardens or Overseers of the Poor who shall pay any such Composition Money, or of whom the same shall be recovered as aforesaid, shall be repaid or reimbursed the Composition Money paid by or recovered of them respectively, with the Costs and Charges attending such Recovery by the several Ways and Means, and in such Manner as by the Laws in being Surveyors of the Highways are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the Highways.

Trustees may
contract for
making and
repairing the
Roads, &c.

LXXIV. And be it further enacted, That the said Trustees or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize, delegate or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening or repairing the said Roads, or any Part thereof, and for erecting Mile or Direction Stones or Posts thereon, or for doing any other Work to be performed in the Execution of this Act in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper, and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees or any Five or more of them by their Clerk or Treasurer, Surveyor or other Officer with any Workmen or other Person or Persons relating to any Matter or Thing to be done by Virtue of this Act shall be binding upon all such Parties and Persons as shall sign the same, his, her or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees or any Five or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, and in his or their Name or Names respectively, and Damages

images and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively, and such Sum or Sums of Money as shall or may be requisite for making or repairing the said Roads, or any other Matter or Thing to be done by Virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her or their Contract or Agreement, any Law or Usage to the contrary in anywise notwithstanding.

LXXV. And be it further enacted, That all and every the Occupier and Occupiers of Lands or Grounds adjoining to the several Roads to be made and repaired under this Act shall on Six Days' Notice to be given to him or them respectively by the Surveyor or Surveyors of the said Roads, or any Person or Persons which he or they shall appoint from Time to Time, haul, remove and carry away all such Soil, Earth or other Matter as shall have been gathered, collected, or scraped from off the said Roads, or any of them, as far as the Lands and Grounds of such Occupier and Occupiers shall respectively extend, but not farther; and in case any such Occupier or Occupiers shall neglect or refuse to haul, carry off or remove such Soil, Earth, or other Matter as aforesaid, after such Notice as aforesaid, each and every Person so neglecting or refusing shall for each and every such Offence forfeit and pay any Sum not exceeding Twenty Shillings to be recovered and applied in such Manner and for such Use and Purposes as other Penalties are herein directed to be recovered and applied. Provided always, that no Person shall be liable to any such Penalty for neglecting or refusing to carry away any such Soil, Earth, or other Matter during the Time of Hay or Corn Harvest.

Occupiers of adjoining Lands to carry off the Scrapings on Notice, except in Harvest Time.

LXXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, when and as often as they shall think necessary, to cause the said Roads to be measured, and Stones or Posts to be placed in or near the Sides of the said Roads, with Inscriptions thereon denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully pull up or damage any Direction or Mile-Post, or Stone erected or fixed, or to be erected or fixed in or near the Side or Sides of the said Roads, or shall obliterate or deface any of the Letters, Figures or Marks inscribed thereon; or if any Person or Persons shall cause to be hauled or drawn upon any Part of the said Roads any Timber, Stone or other Thing otherwise than upon Wheeled Carriages, or shall suffer any Timber, Stone or other Thing which shall be carried upon Wheeled Carriages, to drag upon the said Roads to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Roads, shall suffer the same to root up and damage the same, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Roads, and meeting another Carriage, shall not keep his or her Carriage upon his or her left or nearest Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent or Fire-work whatsoever on any Part of the said Roads, or on the Banks or Land adjacent, or lying open thereto; or

Roads to be measured, and Mile-Stones erected.

[Loc. & Per.]

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if any Person shall leave any Carriage (except in case of Accident) upon any Part of the said Roads, or on the Side or Sides thereof, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto, or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance or Inconvenience of Persons travelling thereon; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon the said Roads, or any Part thereof, and shall not within the Space of Fourteen Days take or carry the same away, or cause the same to be taken or carried away; or if the Surveyor or Surveyors of the said Roads, or any Undertaker or Undertakers of the said Roads, or any Part thereof, shall lay or cause to be laid upon the said Roads or the Sides thereof, or upon any Part of the Roads any Heaps of Stones or other Materials for repairing the said Roads, or any Part thereof, and shall permit or suffer the same to remain in Heaps longer than shall be necessary, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees of
Keighley and
Kendal Road
restrained
from erecting
a Turnpike
between
Farnhill and
Stecton.

LXXVII. And whereas an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing, amending and widening the Road from Keighley, in the West-Riding of the County of York, to Kirkby, in Kendal, in the County of Westmorland, which Act was further continued by an Act of the Eighteenth Year of his present Majesty, intituled, An Act for continuing the Term and altering and enlarging the Power of an Act made in the Twenty-sixth Year of the Reign of his late Majesty King George the Second, intituled, An Act for repairing, amending and widening the Road from Keighley, in the West Riding of the County of York, to Kirkby, in Kendal, in the County of Westmorland; and the same Acts were further continued by an Act of the Thirtieth Year of His present Majesty, intituled, An Act for continuing the Term and altering and enlarging the Powers of certain Acts made for repairing the Road from Keighley in the West Riding of the County of York, to Kirkby, in Kendal, in the County of Westmorland, as far as relates to such Part of the said Road as lies within the County of York: And whereas it is in and by the said secondly recited Act of the Twenty-eighth Year of the Reign of His late Majesty King George the Second, enacted, that the Trustees appointed or to be appointed by the said Act passed in the Twenty-sixth Year of His late Majesty's Reign shall not have any Authority or Power to erect or cause to be erected any Toll-Gate or Gates, Turnpike or Turnpikes between *Farnhill and Holme Lane, in Glusburne, in the West Riding of the County of York*: And whereas it is expedient that such Restriction should be continued and further extended, and the Trustees of the said Road from *Keighley* aforesaid to *Kirkby in Kendal* aforesaid, having consented thereto in Consideration of the Benefit and Advantage which they will derive from the said Continuation or Diversion of the said Road from *Colne* aforesaid to *Addingham and Cocking End* aforesaid; Be it therefore further enacted, That the Trustees appointed or to be appointed by the said several recited Acts of the Twenty-sixth Year of the Reign of His said late Majesty and the Eighteenth and Thirtieth Years of the Reign of His present Majesty, and the said Trustees under
this*

this Act or any of them shall not have any Power or Authority to erect or cause to be erected, but they and every of them are hereby restrained and prohibited from erecting or causing to be erected any Toll-Gate or Gates, Turnpike or Turnpikes, Chain or Chains upon or across or on the Side of any Part of the same Road between *Farnhill*, in the Parish of *Kildwick*, in the said West Riding, and the East End of the Township of *Steeton* in the said Riding, any Thing in the said Acts or any of them contained to the contrary thereof in anywise notwithstanding.

LXXVIII. And whereas, an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing and widening the Roads from the Town of Leeds, in the West Riding of the County of York, through Otley, Skipton, Colne, Burnley, and Blackburn, to Burscough Bridge in Walton, in the County of Lancaster, and from Skipton, through Gisburn, and Clitheroe to Preston, in the said County of Lancaster*, which Act was further continued by an Act of the Twenty-first Year of His present Majesty, intituled, *An act for continuing the Term and altering and enlarging the Powers of so much of an Act made in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, for repairing and widening certain Roads therein described, as relate to the Roads from Otley to Skipton, in the County of York, from Skipton to Colne, in the county of Lancaster, and from Skipton to Clitheroe, in the said County*, which Act was also further continued by an Act of the Forty-second Year of His present Majesty, intituled, *An Act for continuing the Term and altering and enlarging the Powers of two Acts passed in the Twenty eighth Year of the Reign of His late Majesty King George the Second, and in the Twenty-first Year of the Reign of His present Majesty, for repairing several Roads therein described, so far as the same relate to the Roads from Otley to Skipton, in the County of York, and from Skipton aforesaid to Colne in the County Palatine of Lancaster; and for altering the Course or Direction of certain Parts of the said Road from Otley to Skipton aforesaid*. And whereas, by the said recited Acts, the Road from *Skipton* in the County of *York*, to *Colne* in the County Palatine of *Lancaster*, is directed to be amended and kept in Repair: And whereas it is expedient that so much of the same Road as lies between *Colne* and a Place at or near *Lydiate* or *Lidgett* in the Township of *Colne*, where the proposed Continuation or Diversion of the said Road to *Addingham* and *Cocking End* is intended to commence, being in the Line of the said intended Road, and in Distance Three Furlongs or thereabouts, shall be discharged from the Trusts and Powers of the said last mentioned Acts, and be made subject to the Trusts and Powers of this Act, and the Trustees of the said Road from *Skipton* to *Colne* having consented thereto: Be it therefore further enacted, That so much of the said Turnpike Road from *Skipton* aforesaid to *Colne* aforesaid, as lies between *Colne* and the Commencement of the said Continuation or Diversion, shall from and after the passing of this Act be and be considered as Part of the Roads to be made, widened, repaired and kept in Repair, under the Authority of this Act, and that the Trustees named and authorised in and by the said recited Acts of the Twenty-eighth Year of King George the Second, and the Twenty-first and Forty-second Years of His present Majesty, and every of them shall be and they are hereby discharged from the Care and Management of, and from all Inter-

That Part of the Road between Colne and Lydiate, to be subject to the Powers of this Act.

Interference in that Part of the same Road which lies between *Colne* and the Commencement of the said Diversion.

A Ticket from any Bar on the Road between Skipton and the Commencement of the Diversion to clear the Bar between that Place and Colne, and vice versa.

The Tickets given at the Bar between Colne and the Commencement of the Diversion to be repaid to the Collector of the Bar cleared by such Tickets.

Penalty on Collectors refusing to deliver Tickets and to prevent Frauds.

LXXIX. Provided always, That every Person or Persons having passed through the Toll-gate or Turnpike called *Howsbay Bar*, or any other Toll-gate or Turnpike now erected or standing, or which shall at any Time hereafter be lawfully erected or standing upon or across the said Road between *Skipton* and the Commencement of the said Diversion, and paid the Toll payable there, and having received a Note or Ticket, Notes or Tickets of the Payment thereof from the Collector or Collectors of such Toll, and passing with the same Coach, Waggon, Cart, or other Carriage, Horse, Mare, Gelding, or other sort of Cattle, the same Day, before Twelve of the Clock at Night, through any Toll-gate or Turnpike which may at any Time or Times hereafter be erected or set up upon or across any Part of the said Road between *Colne* and the Commencement of the said Diversion, shall, on producing such Note or Ticket, Notes or Tickets, be free from Payment of any Toll in respect of passing through such Toll-gate or Turnpike; and every Person or Persons passing through any such last-mentioned Toll-gate or Turnpike, and having paid the Toll payable there, and having received a Note or Ticket, Notes or Tickets, of the Payment thereof from the Collector or Collectors of such Toll, and passing through the said Toll-gate or Turnpike, called *Howsbay Bar*, or any other Toll-gate or Turnpike now erected or standing, or which at any Time hereafter shall be lawfully erected, or be lawfully standing upon or across the said Road between *Skipton* and the Commencement of the said Diversion, or any Part thereof, with the same Coach, Waggon, Cart, or other Carriage, Horse, Mare, Gelding or other sort of Cattle, the same Day before Twelve of the Clock at Night, upon producing the Note or Ticket, Notes or Tickets of such Payment, and leaving the same with the Collector or Collectors of the Tolls payable at such last-mentioned Bar, shall be free from the Payment of any Toll in respect of such passing through the same Bar and the Collector or Collectors of the said Tolls payable at the said last-mentioned Bar shall thereupon be entitled to receive from the Collector or Collectors of the Tolls at any such Toll-gate or Turnpike which may be erected upon the said Road between *Colne* and the Commencement of the said Diversion, or from the Treasurer to the said Trustees hereby appointed, the Sum or Sums of Money for which such last-mentioned Note or Ticket, Notes or Tickets shall be given, provided the same be demanded within Three Calendar Months next following, and such Sum or Sums shall be ascertained by producing such Note or Ticket, Notes or Tickets.

LXXX. And be it further enacted, That if any Collector or Collectors of Tolls shall refuse or neglect to deliver any Note or Ticket, Notes or Tickets, to any Person or Persons who under the Clause lastly hereinbefore enacted shall be entitled to receive the same; or if any Collector or Collectors of the Tolls to arise at any such Toll-gate or Turnpike which shall or may at any Time or Times hereafter be erected or set up between *Colne* and the Commencement of the aforesaid Diversion, or the Treasurer to the said Trustees hereby appointed, shall at any Time or Times, without sufficient Excuse to be allowed of by the Justice before whom the Offence shall be enquired of, and who is hereby authorized to award Costs to either Party if he shall think fit, refuse or neglect immediate Payment

Payment of any such Note or Ticket, Notes or Tickets as aforesaid, on the same being tendered to him, her, or them for Payment; or if any Collector or Collectors of the Toll at any of the Toll-gates or Turnpikes mentioned in the Clause lastly hereinbefore enacted, or any other Person or Persons shall be guilty of any Fraud or Misconduct in giving, obtaining, receiving, or delivering any such Note or Ticket, Notes or Tickets, or in any Matter relating thereto, every such Person so offending shall for each Offence forfeit and pay any Sum not exceeding Twenty Pounds.

LXXXI. And be it further enacted, That if any Person or Persons shall assault, interrupt or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls, or any Surveyor or Surveyors, or any other Person or Persons by them or any of them, or by the said Trustees, or any of them employed in the Execution of this Act, and while doing or performing any Work authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Penalty on obstructing the Execution of this Act.

LXXXII. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in execution, Be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons, as he or they shall call to his or their assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace of the County, Riding, or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance, at the next Petty Sessions to be holden within or for the County, Riding, or Place in which such Offence or Offences shall have been committed, to answer the said Complaint, and the Justices present at such Petty Sessions, or any two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way; and upon the Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they shall be first taken, or by the Justices at such Petty Session as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them to the Common Goal, or any House of Correction for the said County, Riding, or Place, there to remain for any Time not exceeding Six Calendar Months, unless he, she, or they shall sooner pay the respective Penalties, by him, her, or them incurred, (if any) for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Power to Collectors to detain unknown Persons guilty of Offences.

LXXXIII. And be it further enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) with the Costs and Charges attending the Conviction, shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant, under

Recovery and Application of Penalties.

[Loc. & Per.]

the Hand and Seal of some one of His Majesty's Justices of the Peace for the County, Riding, or Place where such Offence shall be committed, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same, which Warrant such Justice is hereby empowered and required to grant, upon Conviction of the Offender, by Confession, or upon the Oath of one or more credible Witness or Witnesses, and such Penalties and Forfeitures when so levied shall be paid, the one half to the Informer, and the other half to the Surveyor of the said Roads, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of the said Roads, and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorised and required by Warrant, under his Hand and Seal, to commit such Offender or Offenders to the Common Goal or House of Correction of the said County, Riding, or Place, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment shall be sooner paid.

Form of Conviction.

LXXXIV. And for the more easy Conviction of Offenders against this Act, Be it further enacted, That all and every the Justices and Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen,) or in any other Form of Words to the same Effect.

County of Lancaster [or West Riding of the
County of York as the Case may be] to wit. } BE it remembered, That on the
in the Day of
Year of His Majesty's Reign, and
in the Year of our Lord A B. is convicted before
of His Majesty's
Justices of the Peace for the said County, [or Riding, as the Case may
be] by virtue of an Act of the Fiftieth Year of the Reign of King George
the Third, intituled, An Act, &c. [here set forth the Title of this Act,
and specify the Offence when and where committed] Given under our
Hands and Seals [or my Hand and Seal] the Day and Year first above
written.

Proceedings
not to be
quashed for
want of
Form.

LXXXV. And be it further enacted, That no Order or Proceeding to be made concerning any of the Matters in this Act contained, or the Conviction or Convictions of any Offender or Offenders by virtue hereof, shall be quashed, set aside, or vacated for want of Form only, nor shall be removed or removeable by Certiorari or otherwise into any of His Majesty's Courts of Record, at Westminster; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed Unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall be afterwards committed by any Person or Persons distraining, he, she, or they, shall not on that account be deemed a Trespasser or Trespassers ab initio, but the Party or Parties aggrieved by such Irregularity, shall and may recover full Satisfaction for the special

Special Damage sustained thereby in an Action upon the Case, but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made by or on behalf of the Party distraining before such Action brought.

LXXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any thing done in pursuance of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Session of the Peace, to be holden for the County, Riding, or Place wherein the Fact touching such Penalties or Forfeitures are incurred or imposed, shall be committed, unless such Complaint shall arise within Twenty-eight Days preceding such Session, in which Case such Appeal may be brought at the Second Session after such Cause shall arise, and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see cause, shall and may by Order of such Session mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the said Justices are hereby authorized and required to Levy, by their Order or Warrant such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress, to commit such Person or Persons to the Common Goal for the County, Riding, or Place where the Appeal shall have been heard and determined for any Time not exceeding Six Calendar Months, or until such Payment of such Costs.

Appeal to
Quarter Ses-
sions.

LXXXVII. Provided always, That the Person or Persons so appealing as aforesaid, shall, and is and are hereby required to give Notice in Writing to the Clerk to the Trustees of the said Road, of such, his, or their Intention of bringing and prosecuting an Appeal, Fourteen Days before the said Quarter Session, and shall, before such Notice given, enter into a sufficient Recognizance before one or more Justice or Justices of the Peace for the County, Riding, or Place where such Appeal shall be intended to be brought, with Two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing.

Notice of
appealing to
be given.

LXXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done or pretended to be done in pursuance of this Act, until after Fifteen Days notice thereof shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof shall be made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every such Action shall be laid and tried in the County in which the same shall be committed, and not elsewhere: and the Defendant or Defendants in every such Action or Suit shall and may plead the general Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the authority

Limitation of
Actions.

authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or, if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Case by Law.

For enforcing
the Payment
of Subscrip-
tions.

LXXXIX. And be. it further enacted, That if any Person or Persons who hath or have already subscribed any Money towards the Expence of obtaining and passing this Act and carrying the same into Execution, or of making, diverting, repairing, widening, or altering the said Roads or any Part thereof, or any other Person or Persons who shall hereafter become or agree to become a Subscriber or Subscribers for the Purposes aforesaid, or any of them, shall, after Twenty Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling-House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any five or more of them, to bring or cause to be brought in the Name of their Treasurer or Clerk, an Action of Debt, or on the Case, Bill, Plaint, or Suit, against such Person or Persons so neglecting or refusing as aforesaid his, her, or their Heirs, Executors or Administrators in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*, wherein no Essoign, Protection or Wager of Law, nor more than One Imparance shall be allowed, and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Person or Persons, his, her, or their Heirs, Executors or Administrators shall be compelled to pay the Sum or Sums of Money so by him, her, or them subscribed or agreed to be subscribed as aforesaid, together with full Costs of Suit.

Publick Act.

XC. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment and
Term of this
Act.

XCI. And be it further enacted, That this Act shall commence upon the Third Friday in the Month next after the passing thereof, and shall continue and be in force for Twenty-One Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1810.