



ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxxvi.

An Act for enlarging the Term and Powers of Two Acts of King *George* the Second, and Two Acts of His present Majesty, for repairing and widening the Road from *Rochdale* in the County Palatine of *Lancaster*, to *Halifax* and *Ealand*, in the West Riding of the County of *York*. [2d May 1815.]

WHEREAS an Act was passed in the Eighth Year of the Reign 8 G. 2. of His late Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Town of Rochdale, in the County Palatine of Lancaster, leading over a certain craggy Mountain called Blackstone Edge, in the same County, and from thence to the Towns of Halifax and Ealand, in the County of York*: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act made in the Eighth Year of the Reign of His present Majesty, for repairing and widening the Road from the Town of Rochdale, in the County Palatine of Lancaster, leading over a certain craggy Mountain called Blackstone Edge, in the same County, and from thence to the Towns of Halifax and Ealand, in the County of York*: And whereas another Act was passed in the Sixth Year of the Reign of His present Majesty, 6 G. 3. intituled *An Act for enlarging the Term and Powers of Two Acts made in the Eighth and Twenty-seventh Years of His late Majesty, for repairing and widening the Road from Rochdale, in the County Palatine of Lancaster, to the Towns of Halifax and Ealand, in the County of York*: And whereas another Act was passed in the Thirty-fifth Year of the Reign of His said present Majesty, intituled *An Act for enlarging the Terms and Powers of* 35 G. 3. c. 160.

[Local.]

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Three

Three Acts made in the Eighth and Twenty-seventh Years of His late Majesty King George the Second, and the Sixth Year of the Reign of His present Majesty, for repairing and widening the Road from Rochdale, in the County Palatine of Lancaster, to the Towns of Halifax and Ealand, in the County of York: And whereas the Trustees appointed by or in pursuance of the said several Acts, have in the Execution thereof borrowed and expended several Sums of Money; and a considerable Progress hath been made in the Amendment of the said Road, but the same cannot be effectually repaired and amended, and the Money so borrowed, with the Interest thereof, cannot be repaid and discharged, unless the Term and Powers in and by the said several Acts given and granted are continued and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Tolls, Duties, Powers, Authorities, Penalties, Forfeitures, Articles, Clauses, Matters, and Things thereby given and granted, and therein mentioned and contained, (except such Clauses, Matters, and Things as are varied, altered, or repealed,) shall be and continue in full Force and Effect, and be executed for and during the Term hereinafter mentioned, in as full and ample Manner, to all Intents and Purposes as if the same were herein particularly repeated and re-enacted; but subject nevertheless to the Amendments, Variations, Alterations, Additions, and Restrictions herein contained; and that the additional Term, and the Tolls or Duties, Powers, Authorities, Articles, Clauses, Matters, and Things, hereby continued, given, and granted, are hereby declared to be subject and liable, in the first Place, to the Payment of all Sums of Money and Interest now due and owing upon the Credit or on Account of the said recited Acts, or which shall or may at any Time hereafter grow due or owing upon the Credit of the said recited Acts or of this Act, any or either of them.

Recited Acts
continued.

Trustees.

II. And be it further enacted, That Sir *Oswald Mosley* Baronet, the Reverend Sir *Thomas Horton* Baronet, Sir *John Beckett* Baronet, *Thomas Ashton*, *Philip Howard Ashworth*, *Richard Ashworth*, *Ireland Blackburne*, *Isaac Blackburne*, *John Beswicke*, *James Bradshaw*, *Joseph Butterworth*, *Charles Butterworth*, *Edward Ball*, *Thomas Barker*, *Edward Brown*, *John Chadwick*, *Samuel Clegg*, *John Crossley*, *Ellis Cunliffe*, *James Dunlop*, *Hugh Entwistle*, *Robert Entwistle*, *Bertin Entwistle*, *Henry Entwistle*, *Philip Bize Entwistle*, *John Elliott*, *John Fenton*, *James Fenton the Younger*, *George Gould*, *William Horton*, *William Horton Clerk*, *Thomas Hardman*, *William Holland the Younger*, *Robert Holt of Cross Field*, *William Hodgson Clerk*, *John Holland*, *John Lever*, *Isaac Leech*, *Robert Leech*, *Thomas Littlewood*, *James Lees*, *Joseph Lees*, *John Lee*, *Abraham Firth Macaulay*, *William Midgley*, *James Midgley of Buerfill*, *James Midgley of Wardleworth*, *William Newall*, *Lawrence Newall of Harehill*, *Samuel Newall*, *George Ormerod*, *Lawrence Ormerod*, *Lawrence Peel*, *Robert Peel*, *Clement Royds*, *John Gilbert Royds*, *John Ramsden of Byrom*, *John Beckwith Smith*, *Peregrine Townley*, *Richard Greaves Townley the Younger*, *William Townley*, *Walter Vavasour*, *John Vavasour*, *Robert Wainhouse*, *William Wainhouse*, *Edmund Yates*, and *Thomas Yates*, being qualified in the Manner directed by the said recited Act passed in the Sixth Year of the

Reign of His present Majesty, shall be and they are hereby added to and joined with the Trustees appointed by or in pursuance of the said recited Acts for putting the said recited Acts and this Act in Execution; and the Trustees herebefore named and appointed are hereby authorized and empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes; as if they had been appointed Trustees by or by virtue of the said recited Acts; and the Trustees appointed by or in pursuance of the said recited Acts and this Act, or any Nine or more of them, shall have the same Power and Authority for electing and appointing new Trustees from Time to Time, in lieu and stead of such of the Trustees already or hereafter to be appointed, who shall die, refuse to act, or remove from the Place of their Residence, or become otherwise disqualified, as is authorized for the Choice of new Trustees by the said recited Acts; or either of them.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of the said recited Acts or this Act, to elect any Number of Persons, not exceeding Ten in the Whole, to be Trustees for the Purposes of this Act and the said recited Acts, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authority for executing this Act and the said recited Acts, as if they had been hereby nominated and appointed.

Power to
appoint ad-
ditional
Trustees.

IV. And be it further enacted, That so much of the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty, as enacts that all Meetings of the Trustees for putting this or the said former Acts in Execution shall be held at *Rochdale* and *Halifax* alternately, and not elsewhere, or in any other Manner, notwithstanding any Thing in the said recited Acts, or any of them, to the contrary, shall be and the same is hereby repealed.

Repealing
Part of
former Act.

V. And be it further enacted, That from and after the passing of this Act, the Meetings of the Trustees for carrying the said recited Acts and this Act into Execution shall be held Twice successively at *Rochdale*, and Twice successively at *Halifax*; and that the First Meeting of the said Trustees shall be held at the *Swan Inn* in *Rochdale* aforesaid, on the Third *Wednesday* after the passing of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, notwithstanding any Adjournment may then have been made by the Trustees acting in Execution of the said recited Acts; and the said Trustees for executing the said recited Acts and this Act, or any Five or more of them, shall and may from Time to Time adjourn and meet in Manner aforesaid, at any Time they shall think proper; provided nevertheless, that no Meeting shall be adjourned to an earlier Hour than Ten in the Morning, or later than Six in the Evening; and that if at any Meeting there shall not appear a sufficient Number of Trustees to act, and to adjourn to another Day, (Three Trustees being deemed sufficient for the Purpose of Adjournment only,) or in case the Trustees at any Time assembled shall omit to adjourn such Meeting, then and in every such

Meetings to
be held Twice
successively,
and not
alternately.

Trustees to defray their own Expences. Orders to be made at a Meeting, and Majority of Trustees to concur. General Quorum of the Trustees.

Justices may administer Oaths.

Orders not to be revoked but by Eleven or more of the Trustees.

No more than One full Toll to be taken for passing through all the Toll Gates.

such Case the Clerk to the Trustees for the Time being shall, by Notice in Writing, to be affixed on all the Turnpikes then erected on the said Road, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where such next Meeting should in Rotation be had on the Day specified in the Notice so to be affixed as aforesaid; and in case the said Clerk shall omit giving Notice as aforesaid, then it shall and may be lawful to and for any Five or more of the said Trustees (although not assembled at a Meeting) at any Time or Times after the Space of Ten Days from such Omissions, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the Trustees to meet at the Place where the next Meeting ought under the Provisions of this Act to be held, not sooner than Ten Days after the Date of their said Notice; and the said Trustees shall at all their Meetings defray their own individual Expences; and that all Orders and Determinations of the said Trustees in the Execution of the said recited Acts and this Act, shall be made at the Meetings held in pursuance thereof, and not otherwise (except in Cases particularly provided for in this Act or the said recited Acts); and that no Order or Determination made at any Meeting under this Act or the said recited Acts shall be valid, unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relative to this Act or the said recited Acts, which are directed to be done, made, or had, by or before the Trustees, shall and may be done, made, or had, by or before any Five or more of the Trustees (except where any other Number is in this Act or the said recited Acts otherwise directed); and all Acts, Orders, and Proceedings so done, made, or had, by or before such Five Trustees, shall have the same Force and Effect as if the same were done, made, or had, by or before all the said Trustees; and in all Cases where any Justice or Justices of the Peace is or are by this Act or the said recited Acts authorized to examine any Person or Persons upon Oath, it shall be lawful for such Justice or Justices of the Peace to administer such Oath; and that no Order or other Proceeding made by Five or more of the said Trustees shall be revoked, altered, or vacated, unless at a Meeting to be held for that Purpose, of which intended Revocation, Alteration, or Vacation, Fourteen Days Notice at the least shall be given at a previous Meeting of the Trustees, and entered in their Book or Minutes of Proceedings, and such Notice (specifying therein the Revocation or Alteration intended to be made) shall be affixed on all the Turnpikes then erected on the said Road, Fourteen Days at least before such Meeting, and unless a Majority of the Trustees present at such Meeting (such Majority to consist of Three Fourths at the least) shall concur therein.

VI. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained or expressed, shall authorize or empower the demanding, taking, or recovering the Tolls or Duties by the said recited Acts granted, and by this Act continued, or any of them, of or from any Person or Persons, for the passing through all or any of the said Turnpikes or Toll Gates erected or to be erected across or on the Sides of the said Road, with any Carriage, Horse, Mule, Beast, Ox, or other Cattle, in one and the same Day more than Once, such Day to be computed from the Hour of Twelve of the Clock at Night, to the Hour of Twelve of the Clock in the next succeeding Night; but

but that all and every Persons and Person having paid the full Tolls and Duties by the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty, and by this Act authorized to be demanded and taken at the Turnpikes or Toll Gates on the said Road, for any Carriage, or any Horse, Mule, Beast, Ox, or other Cattle, shall, upon producing a Note or Ticket to the Person or Persons who for the Time being shall be the Keeper or Keepers of such Turnpikes or Toll Gates, denoting such Payment, be permitted to pass and repass any Number of Times within the Compass or Course of one Day (computed as aforesaid) without paying or being liable to pay any more or additional Toll for the passing through any such Turnpike or Toll Gate whereat the Toll or Duty had previously been paid as aforesaid, or the Turnpike or Toll Gate for which such Note or Ticket was originally given; all which Notes or Tickets the respective Collectors of the said Tolls or Duties are hereby required to give and deliver to the Parties requiring the same *gratis*, at the Time of the Receipt of the said Tolls.

VII. Provided also, and be it further enacted, That no more than One-third Part of the whole Tolls and Duties to be from Time to Time taken by virtue of the said recited Acts or this Act, or any of them, shall be received at the Gate or Gates, Bar or Bars erected or to be erected upon, across, or on the Side or Sides of the said Road within Seven Miles of *Rochdale*; and that no more than One-third Part of such Tolls and Duties shall be received at the Gate or Gates, Bar or Bars erected or to be erected upon, across, or on the Side or Sides of the said Road, within Seven Miles of the Towns of *Halifax* or *Ealand*; and that the Remainder of such Tolls and Duties shall be received at some intermediate Gate or Gates, Bar or Bars upon the said Road; and that none of the said Tolls or Duties shall be paid or payable oftener than Once in one and the same Day, computing from the Hour of Twelve at Night to the Hour of Twelve the succeeding Night, notwithstanding any Thing contained in the said recited Acts or any of them or in this Act to the contrary.

Tolls to be taken One-third in Seven Miles.

VIII. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of the said recited Acts, or either of them, or this Act, the Collector or Receiver shall, and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Notes or Tickets shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought, under the Provisions of the said recited Acts or this Act, to be passed free for one Payment of Toll.

Tickets to be printed, &c.

IX. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Distress, such Disputes shall be heard and determined by some Justice of the Peace for the County, Riding, or Place in which the Cause of Dispute shall arise, who, upon Application to him made for that Purpose, shall examine the Matter upon Oath of the Parties, or other Witness or Witnesses, (which Oath every such Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Tolls due, and other Matters in Dispute between the Parties; and also assess the Charges of such

Disputes concerning Tolls to be settled by a Justice.

[Local.]

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Distress,

Distress, Keeping, and Sale; and also of the Attendance of any Person or Persons for that Purpose on such Justice; and may also award such Costs to be paid by either Party to the other as to such Justice shall seem right and proper; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) after Payment of such Costs, and the Costs of such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained.

Repealing
Part of
8 Geo. 2.
respecting
Evasion of
Tolls.

X. And be it further enacted, That so much of the said recited Act of the Eighth Year of the Reign of King *George* the Second as enacts, “ that
“ if any Person or Persons whatsoever, owning, renting, or occupying
“ any Land near unto any Turnpike to be erected in pursuance of this
“ Act, shall for Gain, Reward, or otherwise, permit any Person or Per-
“ sons whatsoever to pass through any Gate, Passage, Inclosure, or Way,
“ with any Coach, Berlin, Chariot, Calash, Chaise or Chair, Waggon,
“ Wain, Cart, Carriage; or riding or driving any Horse, Ass, Mule,
“ or any Sort of Cattle, and being thereof convicted upon Oath before
“ the said Trustees, or any Five or more of them, (which Oath the said
“ Trustees, or any Five or more of them, are hereby empowered to ad-
“ minister,) or before One Justice or Justices of the Peace for the County
“ wherein such Offence or Offences shall be committed, shall respectively
“ forfeit and pay to the Trustees authorized to put this Act in Execution,
“ the Sum of Twenty Shillings, to be levied by Distress and Sale of the
“ Offender’s Goods, by Warrant under the Hand and Seal, or under
“ the Hands and Seals of the said Trustees, or any Five or more of them,
“ or such Justice or Justices, rendering the Overplus to the Owner, (if
“ any be,) the Charges in levying and Sale of such Goods being first
“ deducted,” shall be and the same is hereby repealed.

To prevent
Evasion of
Toll.

XI. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through or over any Land, Ground, or Place lying by the Side of or near to any Part of the said Road (except the Owner or Occupier of such Land, Ground, or Place, or any of his, her, or their Family or Servants); or if any Person or Persons owning or occupying any such Land, Ground, or Place, the same not being a Public Highway, shall knowingly permit or suffer any Person or Persons (except as aforesaid) to pass with any Horse, Cattle, Beast, or Carriage through or over the same, for the Purpose of evading Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forge or counterfeit, or shall give to or receive from any Person or Persons any Note or Ticket by this Act directed to be given by the Collector of the Tolls; or take off or cause to be taken off any Horse or other Beast from any Carriage, or having passed through any Turnpike, shall afterwards add or put any Horse or other Beast to any such Carriage, in order to evade the Payment of the said Tolls; or if any Person or Persons shall do any other Act in order to avoid the Payment thereof, or any Part thereof; every such Person so offending in any of the Cases aforesaid shall, for each Offence, forfeit any Sum not exceeding Five Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards the Purposes of this Act.

XII. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees, or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname; or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them; or shall, in answer to such Demand, give a false Name or Names; or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded; or, upon the legal Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate; or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then, and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by the said recited Acts or this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls, or misbehaving.

XIII. Provided also, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons, for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road authorized to be made and repaired by virtue of this Act and the said recited Acts, or any other of the Turnpike Roads or Highways lying within the Townships or Places in which the Road by the said recited Acts or this Act directed to be repaired lie, or any of them, or any Part thereof; or with Seed for seeding the Ground lying within the said Townships or Places; or any Hay, Turnips, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or in or upon the Lands or Grounds of the Owner or respective Owners thereof; or for any Horse, Beast, or other Cattle, or any Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed

Exemption from Tolls.

ployed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or other Implements of Husbandry, or any Mould, Dung, Compost, or other Manure (Lime only excepted) employed in Husbandry for manuring, tilling, or improving Land, or any other Thing employed in the Management of any Farm or Lands; or for any Horses or other Beasts or Cattle going to or returning from any ploughing or harrowing, or to or from Pasture or Watering Place or Places, or going to be or returning from being shod or farried; or from any Person or Persons going to or returning from his, her, or their proper Parochial Church, Chapel, or other Place of Religious Worship, on *Sundays* or other Days on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes or Places in which the said Road lies; or from any Clergyman going to visit, or returning from visiting any sick Person, or on other his Parochial or Ministerial Function or Duty; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster-General, either when employed in conveying or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty; or for any Horse or Horses, or other Beast or Cattle, or any Waggon, Cart, or other Carriage whatever, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any such Officers or Soldiers; or employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying any sick, wounded, or disabled Officers, Soldiers, Sailors, or Mariners; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in carrying 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, or returning empty from having been so employed; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for, and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps, at the Time of claiming the Exemption; or for any Horses, Carts, Waggons, or other Carriages travelling with Vagrants sent by legal Passes, or returning empty after having been only so employed; or for any Horse or Horses, Coaches or other Carriages going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Lancaster* or *York*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded, or pending the same; and if any Person shall, by any fraudulent or collusive Means, Course, or Expedient whatsoever, claim or take the Benefit of all or any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety, after deducting the Expences, shall be applied to the Purposes of this Act.

XIV. And

XIV. 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, or 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, or the Horse or Horses, Oxen, Beasts, or other Cattle drawing the same, while so employed, be stopped or detained by reason or on account of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses, Oxen, Beasts, or other Cattle; but that it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses, Oxen, Beasts, or other Cattle, to such Waggon, Wain, Cart, or other Carriage, for the Purpose of drawing the same, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the said recited Acts contained to the contrary thereof notwithstanding.

Exempting Carriages conveying King's Stores from Penalties for Overweight, &c.

XV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate; or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust; or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement; or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing the said recited Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed, limited, and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, or capable of taking Effect; and in the Meantime, and until

Application of Compensation if amounting to 200l.

[Local.]

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such

such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less
than 200l.
and above
20l.

XVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be 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 or amount to the Sum of Twenty Pounds, then and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant-General of the 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 Five or more of the said Trustees for executing the said recited Acts and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner hereinbefore directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under
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XVII. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next hereinbefore mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts or this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such incapacitated Person or Persons, to and for the Use and Benefit of the Person or Persons respectively entitled thereto.

In case of not
making out a

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

of any Lands, Tenements, or Hereditaments to be purchased, taken, or used, under or by virtue of the said recited Acts or this Act, for the Purposes aforesaid, 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 the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then, and in every such Case, it shall 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 Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Control, and Disposition of the said High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

good Title; or Persons cannot be found: the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Petition.

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

In case of disputed Titles.

XX. Pro-

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

XX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used; under the Authority of the said recited Acts or this Act, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as to the said Court shall seem 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, out of the Monies to be received by virtue of the said recited Acts or this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials to repair the Road.

XXI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, and all or any such Persons or Person as he or they shall appoint, to search for, dig, gather, get, and take away, any Stones, Gravel, Chalk, Furze, Heath, Sand, or other Materials, for making, amending, altering, improving, or repairing the said Road, out of any Waste or Common, or out of any Common River or Brook, in any Parish, Hamlet, Township, or Place, in which any Part of the said Road shall lie or be situate, or in any adjoining Parish, Hamlet, Township, or Place, within the said County of *Lancaster*, or the said County of *York*, without paying any Thing for the same; the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks, where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if a sufficient Quantity of such Materials cannot be had or found in or upon any such Waste or Common, or in any such Common River or Brook, then, and in such Case, the Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of any Justice or Justices of the Peace for the County or Place from which such Materials shall be taken, to be made upon the Application of the said Trustees, or any Five or more of them, search for, dig, gather, get, and take away, any such Materials, in and out of the Lands, Fields, or Grounds of any Person or Persons, in any Parish, Hamlet, Township, or Place, in which any Part of the said Road shall lie or be situate, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands, Fields, or Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same or any other Materials, for amending, altering, improving or repairing the said Road, shall be carried, as shall be agreed upon between them and such Owner or Occupier; or in case of their not agreeing, then as any Two or more Justices of the Peace acting in and for the County or Place from which such Materials shall be taken as aforesaid shall or may adjudge and determine to be reasonable; which Judgment

or

or Order of such Justices therein shall be final and conclusive to all Parties; provided also, that no such Stone or other Materials as aforesaid shall be gotten, dug for, or taken away, within the Distance of One hundred Yards of any Bridge, Mill, Mill Weir, or Dam, on any Account or Pretence whatsoever.

XXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any Person or Persons acting under the Authority of the said recited Acts or this Act, to dig, gather, get, take, or carry away, any Materials for repairing such Road, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County, Riding, or Place wherein the Premises shall be situate, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Persons to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath such Justice or Justices is and are hereby empowered to administer,) make such Order therein as he or they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended.

Notice to be given before any Materials taken.

XXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do or perform Statute Work or Duty, or are or shall be chargeable towards repairing and amending the Road by the said recited Acts or this Act directed to be made, widened, repaired, and maintained, or any Part thereof, shall still be and remain liable thereto in like Manner as heretofore; and that it shall and may be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, or for the West Riding of the said County of *York*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Clerk or Surveyor by their Order,) Yearly to adjudge, apportion, and determine what Part or Proportion, and how much of the Statute Work or Duty shall every Year be done and performed upon the said Road by the Inhabitants of the respective Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Road lies, and also what Proportion, and how much of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, District, Division, or Place, in lieu of or as a Composition for such Statute Work or Duty, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in Order thereunto, it shall be lawful for such Justices respectively from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, District, Division, or Place, to bring in Lists unto and before such Justices, at some Place and Time to be expressed in such Summons,

Statute Labour.

Justices to determine Differences touching Statute Work.

[*Local.*]

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(within

(within Ten Days after the serving of such Summons,) containing the Names of the several Persons who within such Parish, Township, Hamlet, District, Division, or Place, are by Law subject and liable to do and perform Statute Work or Duty for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work or Duty, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and specifying the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be limited, directed, and appointed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists the said Justices respectively shall or may allot, appoint, order, and direct such and so many of the Persons who shall appear to be subject and liable to do Statute Work or Duty as aforesaid, to do and perform such Number of Days Statute Work or Duty in every Year upon the said Road, as the said Justices shall respectively think reasonable and proper; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest) and on such Part or Parts of the said Road as the said Trustees, or their Surveyor or Surveyors for the Time being, shall from Time to Time order, direct, and appoint; and the said Justices respectively may also order, apportion, direct, and appoint the Persons who by such Lists shall appear to be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work or Duty as aforesaid, to pay such Proportion thereof as the Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Trustees shall direct; and in Default of Payment thereof, the same shall or may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts or this Act authorized to be recovered; and each and every Person who shall neglect or refuse to do and perform 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, signed by the Surveyor or Surveyors to the said Trustees,) shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to Work as a Labourer, or who shall be sent with any Team or Draught, Horse or Beast, to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that case the Person so coming to work, or sending such Labourer as aforesaid, shall be subject and liable to the respective Forfeitures and Penalties aforesaid, as if he had neglected or refused to come, or send a Labourer, or furnish such Team or Draught, Horse or Beast to work on any Part of the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Districts, Divisions, or Places in which the said Road lies, 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 so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road.

XXIV. And be it further enacted, That the Costs, Charges, and Expences incurred and paid, or to be incurred and paid, in and about the obtaining and passing of this Act, and all Money advanced, or which shall be advanced from Time to Time for that Purpose, together with lawful Interest, shall in the first Place, and in preference to all other Payments whatsoever, be paid and discharged out of any Money already raised or received by virtue of the said recited Acts, or either of them, or out of any Monies which shall be received or raised by virtue of the said recited Acts or this Act, or which shall be borrowed upon the Credit of the Tolls, or upon the Credit of the said recited Acts and this Act.

For paying
the Expences
of this Act

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

Public Act.

XXVI. And be it further enacted, That the Term granted and continued by the said recited Acts, shall on the passing of this Act cease, end, and determine; and that this Act, and the said recited Acts, (except so much thereof as is by this Act varied, altered, amended, or repealed,) shall from thenceforth commence, continue, and be in Force and Effect, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Former Term
to cease, and
the present
Act to com-
mence and
continue for
Twenty-one
Years.

