Anno quarto

Georgii III. Regis.

An Act for continuing and enlarging the Term and Powers 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 Road from* Rochdale *to* Burnley, *in the County of* Lancaster.

WHEREAS by 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 Road from *Rochdale* to *Burnley*, in the County of *Lancaster*, several Tolls, Duties, and Powers were granted to certain Trustees in the said Act mentioned, which were to continue for and during the Term of Twenty Preamble, reciting Act 28 *Geo.* II.

Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the said Trustees have proceeded in the Execution of the said Act, but the said Road cannot be effectually amended, unless the Term and Powers of the said Act be further 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 former Act, and all and every the Tolls or Duties, Powers, and Clauses, therein contained (except such as are by this present Act varied, altered, or repealed) shall be and continue in full Force, and be executed from and after the Expiration of the Term granted by the said former Act, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of his said late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully as if the same were herein again repeated and re-enacted in the Body of this present Act; which said additional Term, and the Tolls or Duties, Powers, and Clauses, hereby continued, granted, and enacted, are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and also of such other Sum or Sums of Money as shall be borrowed for the Purposes of the said former or this present Act, and the Interest due or to grow due on the same.

The recited Act further continued for Twenty one Years.

And be it further enacted by the Authority aforesaid, That the Reverend Richard Atheton of Middleton Clerk,

Trustees Names.

George Ainworth, John Alcock, Henry Alcock, Thomas Foster Buckley of Preston, Samuel Bamford, John Balcroft, William Bertwistle, John Bertwistle, Morris Bellock, Henry Bulcock, Ashton Curzon, John Clayton, John Chadwick of Healy Hall, John Clegg of Heights, Richard Dean of Middleton Clerk, John Eervyd, Richard Eervyd junior, Stephen Eervyd, Abraham Fletcher of Goose Lane, James Farrer, John Foster, William Folds, and also Gofrell of Castleton, Harbord Harbord, James Hummer, Lawrence Halstead, John Halstead, James Hargraves, John Hargraves of New Church, Henry Hargraves, David Hardman, John Hardman, Robert Hardman senior, Robert Hardman junior, Richard Hardman, James Hardman, Robert Holgate, John Holden, Gilbert Holden, Richard Holt of Lowclough, Richard Holt of Blackwater Street, Edward Holt of Broadhelgh, James Howorth, Samuel Howorth, Richard Hoyle, Timothy Hoyle, Robert Jackson, Anthony Lister, Nathaniel Lister, John Law of Banks, John Law of Bridgeclough, George Law of Wardleworth Lane, John Leech, James Leech, James Lord of Shaw, John Lord of Bankside, John Lord of Broadclough, Henry Lord of Greens, Richard Lord of Greafe, Richard Lord of Loom, Thomas Lord of Knotliffe, Josias Morley, Richard Marriot, Thomas Marriot, Robert Marriot, Lawrence Manknowles, William Nowel, the Reverend Thomas Normanton of Rochdale Clerk, Peter Ormerod, William Ormerod, Lawrence Ormerod of Greens-Nook, Lawrence Ormerod of Edgeside, Laurence Ormerod of Botham, John Ormerod of Pearsy Clough, James Parkinson, John Pilling, John Pilling junior, Robert Radelyffe of Foxdenton, John Ramsbotham of Turnstead, John Roydes of Falinge, William Roydes of Brotherod, Edmund Redfern, John Ridehalph, Ralph Townley Standish, James Scholfield of Tongue End, Edmund Smith of Underwood, John Smith, Isaac Smith, Thomas Smith of Castleton, the Reverend Shaw of Rochdale Clerk, John Squire of Airton, William Sager, Henry Sager, Richard Sager, Jonas Shaw, Charles Townly of Townley, George Townley, Edward Townley, Edmund Townley, Laurence Taylor of Waingate, Robert Taylor

of Bolton, Hugh Taylor of New Church, John Tarner, James Tarner of Clegg Hall, James Topper, John Vavisour of Rochdale, William Weddell, James Wigleſworth, Ambroſe Walton, the Reverend Thomas Wray D. D. Vicar of Rochdale, the Reverend Henry Wilſon Clerk, the Reverend William Whitaker of Holmes Clerk, John Whitaker of Holmes, James Whitaker, John Whitaker of Broad Clough, Daniel Whiteley of Mancheſter, John Whaley, Elythorp Waterhouſe, George Walmſley, Benjamin Walmſley, James Walmſley, John Walmſley, Richard Wilkinſon, Edmund Wilkinſon, and James Wilſon, ſhall, from and after the paſſing of this Act, be added to, and joined with the Truſtees appointed by or in purſuance of the ſaid former Act, for putting the ſaid former and this preſent Act in Execution; and the Truſtees herein before nominated are hereby impowered to act, in the Execution of the ſaid former and this preſent Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees by the ſaid former Act; and the Truſtees appointed by or in purſuance of the ſaid former and this preſent Act, or any Nine or more of them, ſhall have the ſame Authority for electing new Truſtees, from time to time, inſtead of ſuch of the Truſtees hereby appointed, and their Succeſſors, who ſhall die, remove, or refuſe to act, as is authorized for the Choice of new Truſtees in the ſaid former Act.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall meet at the Houſe known by the Sign of The Roebuck in Rochdale aforeſaid, upon the Twenty fourth Day of May, in the Year of our Lord One thouſand ſeven hundred and ſixty four, and then and there proceed to the Execution of the ſeveral Powers veſted in them by the ſaid former and this Act, and ſhall and may adjourn themſelves to meet there, or at any other proper Place, when and where the ſaid Truſtees, or any Five or more of them, ſhall think moſt convenient for putting the ſaid former and this Act in Execution; and if a ſufficient Number of Truſtees to act

and adjourn do not attend such Meeting, that then, and in that Case, the said Meeting shall be held on that Day Three Weeks at the same Place; and if a sufficient Number of Trustees to act and adjourn do not then attend, such Meeting shall be and stand adjourned from Three Weeks to Three Weeks, until a sufficient Number of the said Trustees to act and adjourn shall meet; and the Clerk to the said Trustees shall attend at the Time and Place for every such Meeting, and shall make a proper Entry in a Book of the Day of such Meeting, and that a sufficient Number of the Trustees to act and adjourn did not then meet, and shall also sign the same, and shall give Notice in Writing to Five or more of the Trustees residing nearest to the Place of such Meeting, of the Time and Place of the next Meeting.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

And whereas by the said former Act no Person was capable of acting as a Trustee in the Execution thereof, who was not in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, Copyhold, or Customary, lying in the County Palatine of Lancaster, of the yearly Value of One hundred Pounds above Reprizes, or should be Heir apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds, lying in the said County, or was in Possession of or intitled to a Personal Estate alone to the Amount of Three thousand Pounds: And whereas the Qualification limited and prescribed by the said Act has by Experience been found so inconvenient as to obstruct the Execution thereof, for want of a proper Number of Trustees qualified according to the said Act: Therefore be it enacted by the Authority aforesaid, That so much of the said Act as relates to the Qualification of the Trustees, shall be and is hereby declared to be repealed, and that, from and after the passing of this Act, any Person nominated and appointed by the said former or this present Act,

Qualification of Trustees.

Act, or who shall hereafter be elected a Trustee in pursuance thereof, shall be capable of acting as a Trustee in the Execution of the said former and this present Act, who is in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, Copyhold, or Customary, of the yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One hundred and Fifty Pounds, or is in Possession of or intitled to a Personal Estate to the Amount of One thousand Pounds, and not otherwise; but if any Person, not so qualified, shall presume to act in the Execution of the said former and this present Act, every such Person, for every such Offence, shall forfeit the Sum of Fifty Pounds, to be recovered in a summary Way before the Justices of the Peace at their Quarter Sessions, or before the Judge or Judges at the Assizes for the said County of Lancaster.

Penalty on acting if not qualified.

And whereas the Tolls granted by the said former Act will not be sufficient for the Purposes of the said former and this present Act; be it enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for the said Trustees appointed or to be appointed to put the said former Act and this present Act in Execution, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall authorize and appoint, to demand and take the Tolls and Duties herein after mentioned (instead of the Tolls and Duties made payable by the said Act passed in the Twenty eighth Year of the Reign of His late Majesty King George the Second) before any Coach, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Dray, or other Carriage, Horse, Mule, or Ass, or other Beast whatsoever, shall be permitted to pass through any Gate or Turnpike erected or to be erected by virtue of the said former or this present Act; that is to say,

The Tolls following to be taken instead of those granted by the former Act.

For

For every Coach, Chariot, Berlin, Phaeton, Chaise, Calash, Hearse, or Litter, drawn by Six or more Horses, or Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Two Horses, or Beasts of Draught, the Sum of One Shilling and Four Pence; and drawn by One Horse, or other Beast of Draught, the Sum of Eight Pence: And, The Tolls.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, or Beasts of Draught, the Sum of Two Shillings; and drawn by Five or Four Horses, or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Three Horses, or Beasts of Draught, the Sum of One Shilling and Four Pence; and drawn by Two Horses, or Beasts of Draught, the Sum of Eight Pence; and drawn by One Horse, or Beast of Draught, the Sum of Four Pence: And,

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

For every Drove of Cattle, the Sum of Ten Pence a Score, and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Five Pence a Score, and so in Proportion for any greater or less Number.

And the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall authorize and appoint, shall have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, levying, assigning, transferring, leasing, lessening, and compounding, for the Tolls and Duties hereby made payable, as are in and by the said former or this present Act given and prescribed; and the said Tolls and Duties, and every Part thereof, shall be paid, applied, and disposed of, to and for such Uses, Intents, and Purposes, as are by the said former and this present Act directed and appointed, and to and for no other Use, Intent, or Purpose whatsoever. Application of the Monies.

Notice to be given of borrowing Money.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend and advance, or shall have lent and advanced, Money on the Credit of the Tolls or Duties by the said former or this Act granted, shall at any Time be desirous to be repaid the Money due to them, and shall deliver a Notice in Writing, signed by him or them, signifying such his or their Desire, to the Clerk or Clerks to the said Trustees; then and in such Case, unless the Principal and Interest due, and to grow due, on the Security of the said Tolls or Duties, shall be fully paid unto or tendered to such Creditor or Creditors so signing such Notice, within Six Calendar Months next after the Delivery thereof as aforesaid, it shall and may be lawful to and for the said Creditor or Creditors to enter upon and take Possession of the Gates, Turnpikes, and Toll-houses, erected or to be erected by virtue of this or the said former Act, and to receive or collect, or cause to be received or collected, the Tolls or Duties by this Act granted, and to apply the same to the Payment of the Principal and Interest Monies then due to each and every Creditor according to the Priority of his or their Debt; any thing to the contrary thereof notwithstanding.

And whereas by the said former Act, Timber Trees are excepted, and the Surveyors are not impowered to cut down and remove such Timber Trees, though of little or no Value, whereby the proper Execution of the said Act, by widening the narrow Parts of the said Roads, has been prevented; be it therefore further enacted, That it shall and may be lawful to and for the Surveyor or Surveyors, appointed or to be appointed by virtue of the said former or this present Act, to cut down and remove any Trees whatsoever, according to the Powers given by the said Act in like Cases, provided they are not growing in any Garden, Orchard, Yard, planted Walk, or Avenue to any House; and provided also, that the said Road do not exceed in Width Twenty four Feet where any Timber

Trustees may cut down Trees in the Road.

Timber Trees shall be standing or growing; any thing in the said Act to the contrary notwithstanding.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll or Duty shall be demanded or taken by virtue of the said former or this present Act, for Cloth or Woollen Stuff carrying to, or returning from, any Fulling-mill for the Purpose of being fulled only.

Penalty on making illegal Claims.

And be it further enacted by the Authority aforesaid, That if any Person shall claim and take the Benefit of any of the Exemptions contained in the said former or this present Act, not being intitled to the same, such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be applied to the Repair of the said Roads.

Trustees may erect Sidegates.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, or such Person or Persons as they, or any Nine or more of them, shall appoint and direct, to erect, or cause to be erected, One or more Turnpike Gate or Gates on the Side or Sides of the Road directed to be repaired by the said former or this present Act, or in, upon, or cross any Way or Road leading out of the same, and there to receive and take such Tolls as are by the said former or this Act granted and made payable; but so as the same do not extend to a double Charge, in case of passing through any other of the Turnpikes which shall be erected by virtue of the said former or this Act.

Form of Conviction.

And, for the more easy and speedy Conviction of Offenders against this or the said former Act, be it enacted by the Authority aforesaid, That all and every Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this or the said former 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:

BE

County of Lancaster. } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County aforesaid, or before of the Trustees nominated and appointed for putting in Execution the Powers contained in an Act of the Fourth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for continuing and enlarging the Term and Powers 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 Road from *Rochdale* to *Burnley*, in the County of *Lancaster*; (*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.*)

Given under our Hands and Seals the Day and Year aforesaid.

And be it enacted by the Authority aforesaid, That in all Cases where any Summons is by the said former or this Act authorized or required to be made and issued by the Trustees, or any of them, in order for the convening or calling before them any Person or Persons for any Matter, Cause, or Thing, concerning the Execution of the Trusts and Purposes of the same Acts,

Acts, or either of them, it shall and may be lawful to and for the Clerk of the said Trustees for the time being, by Order of the said Trustees, or any Five of them, to sign every such Summons under his Hand; and every such Summons, signed by the Clerk to the said Trustees for the time being, shall be as good and effectual, to all Intents and Purposes, as if the same had been signed by the said Trustees, or any Number of them.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall and they are hereby authorized and required to carry the said Road, from the West End of Saint Mary's Chapel, in the Town of Rochdale, up a certain Lane called Toad Lane, and by or near a certain House called Healey Hall, and by or near the Village of Whitworth, in the Township of Spotland, and to and through the Villages of Backup and Derpley, and through a certain Pasture called Whorlaw Pasture, and from thence along a certain Lane leading to the Four Lane Ends where the Blacksmith's Shop is in the Township of Burnley, and from thence to the Turnpike Road from Blackbourn to Burnley, or otherwise shall and may, and they, or any Eleven or more of them, are hereby authorized and impowered, if they see Occasion, to carry the said Road from near the said Four Lane Ends, through or near certain Inclosures called Pickup Inclosures, to the said Town of Burnley; any thing to the contrary thereof notwithstanding.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act, shall, as soon as conveniently may be, be paid out of the Money raised or to be raised by virtue of the said former or this present Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That in all Cases where any Penalties and Forfeitures are inflicted by this or the said former Act for any Offences, and sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for any Justice of the Peace for the County of Lancaster, and he is hereby

authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and discharged.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any Thing to be done in pursuance of this Act, until Twenty eight Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, nor after sufficient Satisfaction hath been made to the Party or Parties aggrieved, or a Tender thereof; and if any such Action or Suit shall be commenced against any Person or Persons for any Thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Lancaster, and not elsewhere; and the Defendant and Defendants in such Action or Suit to be

General Issue.

brought shall and may plead the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereon, and that the same was done in Pursuance and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought before Twenty eight Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction shall be made to the Party or Parties aggrieved, or a Tender thereof, or after the said Time before limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may

Treble Costs.

recover Treble Costs, and have such Remedy for the

same, as any Defendant or Defendants hath or have in any Case by Law.

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

FINIS.