Anno ſexto

Georgii III. Regis.

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*.



WHEREAS by an Act made in the Eighth Year of the Reign 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*; ſeveral Tolls, Duties, and Powers, were granted to certain Truſtees therein mentioned, which were to continue for and during the Term of Twenty one Years: And whereas by another Act made in the Twenty ſeventh Year of the Reign of His ſaid late Majeſty, 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

Preamble, reciting Clauſe in Act 8 *Geo.* II.

same County; and from thence to the Towns of *Halifax* and *Ealand*, in the County of *York*, the said Term was further continued for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees have proceeded in the Execution of the said Acts; but the said Road cannot be effectually amended and widened, unless the Term and Powers of the said Acts 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 Acts, and all and every the Tolls or Duties, Powers and Clauses, therein contained (except such as are hereby varied, altered, or repealed) shall be and continue in full Force, and be executed from and after the Expiration of the Term granted by the said former Acts; and also of the additional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 and granted, 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 Acts, and of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said former Acts or this Act, and the Interest due and to grow due for the same.

The recited Act further continued for 21 Years.

Trustees Names.

And be it further enacted by the Authority aforesaid, That Sir George Armitage Baronet, Thomas Arrowsmith, Thomas Aked, John Bradshaw the younger, Thomas Birch, Peploe Birch, John Bamford, Thomas Battersby, Edward Byrom, John Butterworth, Sir Ellis Cunliffe Baronet, Asheton Curson, Wenman Roberts Cook, Otho Cooke, Thomas Chadwick, James Cooke, Henry Dyson, Daniel Dyson, Sir Thomas Egerton Baronet, Samuel Egerton, John Edwards, Henry Fielden, the Right Honourable George Harry Grey, commonly

called Lord Grey; the Honourable Booth Grey, Booth Gore, Richard Gore, John Gorell, James Gratrex, John Greenwood, William Greenwood, Thomas Greenwood, James Greenroyd, Sir William Horton Baronet, Harbord Harbord, Francis Holt, John Holt, Robert Holt junior, Robert Holt, James Hamer, John Hardman, James Hodſon, Michael Holroyde, Elkanah Holroide, Jeremiah Holroide, John Hoyle, James Hoyle, John Haigh, Robert Hargreaves Clerk, Marſden Kenyon, Edward Kenyon, Sir John Leiceſter Baronet, Aſhton Lever, Thomas Lees, John Leech, Robert Leech, George Law, Lawrence Law, Sir William Meredith Baronet, James Mill, Thomas Marriott, Robert Marriott, Joſeph Marriott, Thomas Marriott, William Moore, Nathaniel Moore, John Moore, John Moorhouſe, Thomas Milne, Nathaniel Liſter, Lawrence Newall, John Ogden, Thomas Oldfield, Timothy Oldfield, Joſeph Pickford, Thomas Pigot, Edward Parker, Jonathan Patton, Robert Radclyffe, John Royd, William Royd, James Ryley, Samuel Ryley, Sir John Stanley Baronet, the Honourable and Reverend John Stanley Clerk, Radclyffe Sidebotham, John Smith, Iſaac Smith, Thomas Smith, Edmund Smith, Thrub Smithy, Joſeph Smallwood, Roger Sedgwick M. D. John Sutcliffe, Thomas Swaine, James Taylor, Samuel Taylor, Charles Turner, Thomas Tipping, George Taylor, Richard Taylor, John Vavaſour, John Vavaſour junior, the Reverend Thomas Wray D. D. Peregrine Wentworth, George Walmſley, James Walmſley, Benjamin Walmſley, John Walmſley junior, Adam Whitworth, John Wood, James Walton, Richard Walton, John Walker, Joſhua Whittaker, John Wells, William Wells, John Wheelwright, John Welſh Clerk, Sir Joſeph Yates Knight, 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 Acts, for putting the ſaid former Acts and this preſent Act in Execution; and the Truſtees herein before nominated, are hereby impowered to act in the Execution of the ſaid former Acts and this preſent Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees by the ſaid former Acts; and the Truſtees appointed by or in purſuance of the ſaid former Acts 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 or refuſe to act, as is authorized for the Choice of new Truſtees in the ſaid former Acts.

Qualification of Trustees.

And whereas by the said former Acts, any Person was capable of acting as a Trustee, in the Execution thereof, who was, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds; or should have Personal Estate of the Value of Two thousand Pounds; or should be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One hundred and fifty Pounds: And whereas the Qualification limited and prescribed by the said Acts, has by Experience been found inconvenient; therefore be it enacted by the Authority aforesaid, That so much of the said Acts as relates to the Qualification of 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 Acts, or this present 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 Acts, 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, of the yearly Value of One hundred Pounds, above Reprizes; or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Five hundred Pounds; or is in Possession of, or intitled to, a Personal Estate to the Amount of Three thousand Pounds, and not otherwise:

Penalty on acting if not qualified.

But if any Person, not so qualified, shall presume to act in the Execution of the said former Acts, and this present Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of the said former Acts, and this present Act.

Trustees may reduce the Tolls.

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, at any Meeting or Meetings to be held for that Purpose, to lessen or reduce all or any of the Tolls by the said former Acts granted, and for such Time or Times as they the said Trustees, or

any

any Nine or more of them, shall think proper, and may afterwards, from time to time, advance all or any of the Tolls so lessened, to any Sum or Sums of Money not exceeding the respective Rates in the said Acts mentioned; and the said Trustees, or any Nine or more of them, may, from time to time, direct the Tolls thereby granted, or so reduced as aforesaid, to be collected in such Parts and Proportions at the Turnpikes, as they the said Trustees, or any Nine or more of them, shall think fit; and such reduced Tolls shall and may be collected, levied, and applied, in such and the same Manner, as the said Tolls are directed to be collected, levied, and applied; any thing in either of the said former Acts contained to the contrary notwithstanding: But no such Reduction shall be made at any Time, unless the Person or Persons who shall be intitled to Five Sixths of the Money which shall have been lent upon the Credit of the said Tolls, shall be consenting thereto; and that no Meeting shall be held for any of the Purposes aforesaid, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected by virtue of the said former Acts, or this Act, and at the Market Crosses in the Towns of Halifax and Rochdale.

Tolls to be taken for Pit Coal.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to receive and take, at any Gate, Turnpike, or Toll-house, erected or to be erected by virtue of the said former Acts, or this present Act, for every Waggon, Wain, Cart, or Carriage, Horse, Mare, Gelding, Mule, or Ass, laden with Pit Coal, One Third of the Toll by the said Act of the Twenty seventh Year of his late Majesty, imposed upon every Waggon, Wain, Cart, or Carriage, or upon any Horse, Mare, Gelding, Mule, or Ass, laden and not drawing; which said Tolls are hereby vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied, and disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such Manner, as in the said former Act is mentioned and declared; and the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall, and they hereby have the same Powers, Authorities, and Remedies, for demanding, collecting, recovering, levying, lessening, and raising again, the Tolls hereby granted and made payable,

as are in and by the said former Act, or this Act, given and prescribed, in relation to the Tolls and Duties thereby granted, as fully and effectually, as if the said Powers, Authorities, and Remedies, were herein repeated and set forth.

Clearing Doubts of Exceptions in former Acts.

And whereas Doubts have arisen how far the Exceptions in the said former Acts contained, with regard to planted Walks, or Avenues to an House, do extend; be it enacted by the Authority aforesaid, That the said Exception shall extend, and be construed and deemed to extend, to such planted Walks or Avenues only as lead to an House, Mansion, or Tenement, which shall be worth, or be let for, the Value of Twenty Pounds per Annum, or more, and to no other planted Walk or Avenue whatever.

Ascertaining the Extent of the Roads.

And whereas Doubts have arisen how far the Roads by the said former Acts directed to be widened and repaired, do extend; be it further enacted by the Authority aforesaid, That the Roads by the said former Acts, and this present Act, directed to be widened and repaired, shall begin, and be deemed and taken to begin, at the Market Cross in Rochdale aforesaid, and to end at the Market Cross in the Town of Halifax aforesaid, and also at the Market Cross in the Town of Ealand aforesaid; any thing in the said former Acts, or this present Act, contained to the contrary notwithstanding.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall be lawful 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 Causeways for the Use and Convenience of Foot Passengers; and also to make a Road through the Grounds adjoining or lying near to any hollow Way, narrow, or ruinous Part of the said Roads (such Grounds respectively not being the Ground whereon any House stands, or 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 as a publick Highway, whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of the private Grounds respectively, for the Damages they shall or may thereby sustain, as shall be judged reasonable by the said Trustees, or any Five or more of them; but no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Wood or Waste Ground.

and make a temporary Road;

making Satisfaction to the Owners.

And

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall be, and are hereby fully impowered, to divert, turn, or alter, the Course or Path of any Part or Parts of the said Roads, through any Wood or Waste Ground, without making any Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain, according to the several Rules, Orders, Directions, and Provisions, contained in the said former Acts, or this present Act, for the Payment of Damages, or the Purchase of Lands or Hereditaments.

Trustees may contract for the Purchase of Lands to be laid into the Roads.

And be it further enacted by the Authority aforesaid, That every Sum of Money or Recompence to be agreed for or assessed, in case of Refusal to accept the same, shall be left in the Hands of the Clerk or Treasurer to the said Trustees, for the Use of such Parties or Persons as shall be intitled to the same.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Seven or more of them, shall make or cause to be made, any such new Road as aforesaid, that after any such new Road shall be completed, the Lands constituting the former Road, unless leading over some Wood or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Seven or more of them, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repair of the said Roads; and Conveyances of the said old Road, being executed by the said Trustees, or any Seven or more of them, and inrolled with the Clerk of the Peace for the County, Riding, or Division, where the Road so sold and conveyed lies, shall be good and effectual.

Old Road may be sold.

Provided always, That no Person shall act as a Trustee in any Case relating to the valuing, contracting for, or purchasing of any Lands or Hereditaments, wherein he shall be particularly concerned or interested.

Trustees not to act where interested.

And be it further enacted by the Authority aforesaid, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in, and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Seven or more of them,

Expences of the Jury how to be borne.

before the summoning or returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or Loss or Damage as aforesaid; that then, and in such Case, the Costs and Expences of summoning and maintaining the Jury and Witnesses concerning the ascertaining and determining the Value of any such Lands, Grounds, and Hereditaments, or Losses or Damages sustained as aforesaid, shall be borne and paid by the said Trustees, or any Seven or more of them, out of the Tolls or Duties thereby or hereby granted; but if any Jury or Juries to be summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Monies than shall have been agreed to, and offered by the said Trustees, or any Seven or more of them, before the summoning and returning the said Jury or Juries, as a Recompence or Satisfaction for any such Lands, Grounds, or Hereditaments, or Losses or Damages as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

Ditches to be made to prevent evading the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make, erect, or continue, or to cause to be made, erected, and continued, any Ditches or Fences, on the Side or Sides of any Part or Parts of the said Roads, as they shall think proper, to prevent the evading the Payment of the said Tolls, or any Part thereof; and if any Person or Persons shall damage or destroy or open any Passage through such Ditches or Fences, every such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds; to be recovered, levied, and applied, in such Manner as the Penalties and Forfeitures are herein directed to be recovered, levied, and applied.

Penalty on drawing Timber otherwise than upon Wheel Carriages.

And be it further enacted by the Authority aforesaid, That if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (Mill Stones excepted) otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon Wheel Carriages, to drag upon any Part of such Roads, to the Prejudice thereof; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

And

And be it further enacted by the Authority aforesaid, That all Orders and Determinations of the said Trustees in Execution of the said former Acts, or this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made unless the Majority of the Trustees present at a Meeting shall concur therein, such Majority not being less than the Number of Trustees by the said former Acts, or this Act, authorized to make any such Order or Determination; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Eleven Trustees shall be present, or unless Notice in Writing of the Time and Place of Meeting for such Purpose, shall have been fixed upon all the Turnpikes erected by virtue of the said former Acts, or this Act, and upon the Market Crosses in the Towns of Halifax and Rochdale, at least Ten Days before every such Meeting. No Order made to be repealed, &c. but at a publick Meeting.

Provided also, and it is hereby enacted by the Authority aforesaid, That no Gate or Turnpike erected or set up by virtue of the said former Acts, or this Act, shall at any Time after the same shall be so set up, be taken down or removed to any other Place, except by Order of the said Trustees, or any Eleven or more of them, at a publick Meeting assembled, whereof Fourteen Days Notice shall be given in Writing to be affixed on all the Turnpikes which shall be then erected by virtue of the said former Acts, or this Act, and upon the Market Crosses in the Towns of Halifax and Rochdale, nor without the Consent of the Person or Persons who shall be intitled to Five Sixths of the Money lent on the Credit of the Tolls, first had and obtained. No Turnpike to be removed without Order of Trustees.

And be it further enacted by the Authority aforesaid, That every Person who shall come as a Labourer, or with any Team, to work on the said Roads, and be found idle or negligent by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors may, and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, Draught, or Cart, shall be liable to the respective Forfeitures in the said former Acts mentioned. Penalty on Persons not performing Statute-work.

Provided always, and be it enacted, That no Part of the Money arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in, or applied to, the paving or repairing any Pavements or Causeways Trustees not liable to repair Pavements.

ways in any Town or Street through which any Part of the Roads, by the said former Acts directed to be widened and repaired, shall lead.

Penalty on permitting or going thro' private Passage, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Land, Ground, or Hereditament, lying near any Turnpike which shall be erected by virtue of the said former Acts, or this Act (the same not being a publick Highway) with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof; every Person so offending shall, for every such Offence, forfeit the Sum of Forty Shillings; whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties are in and by the said former Acts directed to be applied.

Surveyors, with Consent of Inhabitants, may compound for Statute-work.

Provided always, and be it enacted by the Authority aforesaid, That it shall be lawful for the said Trustees, or any Seven or more of them, to compound or 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 with any Person or Persons for the Performance of his or their Statute-work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, or Places, or the Churchwardens or Overseers of the Poor respectively as aforesaid, by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, or Places, first had at any Vestry or other publick Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by such Inhabitants upon any Part of the said Roads; all which Composition-monies shall be from time to time paid in Advance, and shall be applied in the Repair of the said Roads; And all such Surveyors, Churchwardens, or Overseers of the Poor, shall be reimbursed the Monies so by them paid, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways; and that all Compositions and Agreements shall be entered at Length in the Book or Books to be kept by the said Trustees, or their Clerk or Clerks, Treasurer or Treasurers, for entering their Orders and other Proceedings.

Surveyors paying the Composition-money how to be reimbursed.

Provided

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground where any Materials shall be dug and gathered for the Purposes of this Act, or of the said former Acts, shall lead, take, or carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor acting as aforesaid, or any Person or Persons by him appointed, shall have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall dig, gather, get, take, lead, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made and opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground, for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale) every Person or Persons so offending, and being thereof convicted, by the Confession of the Party, or by the Oath of One credible Witness, before One or more Justice or Justices of the Peace for the County, Riding, or Division, where the Offence shall be committed, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Penalty on taking away Materials got by the Surveyors, &c.

Surveyors, with Consent of Inhabitants, may compound for Materials.

And whereas the said Roads are frequently rendered impassable by violent and sudden Snows; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, though not assembled at a Meeting, or for the Turnpike Surveyor or Surveyors belonging to the said Trustees, to remove, or cause to be removed, all such Obstructions with all convenient Speed; the Expence thereof to be paid out of any of the Monies arising by the said former Acts, or this present Act.

Three Trustees may remove Obstructions by Snow.

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, any Money on the Credit of the Tolls or Duties by the said former Acts, or this Act granted, or such Person or Persons to whom any such Loans shall become due and payable, shall at any Time be desirous to be repaid the Money

On Non-payment of Monies lent,

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 and 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, at some publick House in the Town of Rochdale, or in the Town of Halifax; 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 Act, or the said former Acts, and to receive or collect, or cause to be received or collected, the Tolls or Duties by the said former Acts, or 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.

Creditors may take Possession of Turnpikes, &c.

Provided always, That every such Creditor or Creditors, so entering upon and taking Possession of such Gates, Turnpikes, and Toll-houses, shall, if thereunto required by the said Trustees, or any Seven or more of them, give monthly Accounts of all the Monies collected at such Gates, Turnpikes, and Toll-houses, during such Time as he or they shall continue in Possession thereof, to the said Trustees, or any Seven or more of them, or to their Clerk or Treasurer.

and account with the Trustees.

And whereas in and by a Clause contained in the said Act of the Twenty seventh Year of His said late Majesty's Reign, it is enacted, That all Meetings of the Trustees to be held for the putting in Execution of the said Act, and the said Act of the Eighth Year of His said late Majesty's Reign, and for settling the Accounts relating thereto, are to be held alternately at the Towns of Rochdale and Halifax: And whereas such alternate Meetings have been found to be inconvenient and difficult; be it therefore enacted, That instead of such alternate Meetings, from and after the First Day of June, One thousand seven hundred and sixty six, the Two next Meetings shall be held at Rochdale aforesaid, and the Two then next succeeding Meetings shall be held at the Town of Halifax aforesaid, and so in constant Rotation by Two successive Meetings at each of the said Towns.

Meetings at *Rochdale* and *Halifax*, how to be held.

And, for the more easy and speedy Conviction of Offenders against the said former Acts, or this present Act, be it enacted by the Authority aforesaid, That all

and

and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt the ſaid former Acts, or this preſent 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:

Form of Conviction.

County of } 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 by virtue of an Act of the Sixth Year of the Reign of His Majeſty King *George* the Third, 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 (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, or Hand and Seal, the Day and Year aforeſaid.

Clerk to ſign Summons.

And be it enacted by the Authority aforeſaid, That in all Caſes where any Summons is by the ſaid former Acts, or this preſent Act, authorized or required to be made and iſſued by the Truſtees, or any of them, in order for the convicting 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, 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.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon ſhall think himſelf or herſelf aggrieved by any thing done in purſuance of the ſaid former Acts, or this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General Quarter Seſſion of the Peace to be held

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for the County or Place wherein the Cause of Complaint shall arise, and within Four Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving, or causing to be given, Ten intire Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Trustees, and within Four Days after such Notice, entering into a Recognizance, before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Quarter Session; and the said Justices, at the said Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Session shall be final, binding, and conclusive, to all Intents and Purposes.

Notice of Appeal to be given.

Distress not to be deemed unlawful for want of Form;

And be it further enacted by the Authority aforesaid, That 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, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action upon the Case.

nor the Party distraining be deemed a Trespasser *ab initio*.

Writings to be without Stamps.

Provided always, and be it enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, or any Nomination, Information, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or Justice or Justices of the Peace, or exhibited before them, relating to the Execution of the said former Acts, or of this Act, shall be chargeable with any Stamp Duty whatsoever.

Proceedings to be entered in a Book.

Provided also, and it is hereby further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Trustees, or any Five or more of them, shall be

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 Clerk or Clerks at any Meeting of Five or more of the said Trustees assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders; which said Book or Books, and also the said Book directed to be kept for registering the said Mortgages, Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Books may be read in Evidence.

And be it further enacted by the Authority aforesaid, That no Proceeding to be had touching the Conviction of any Offender or Offenders against the said former Acts or of this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of the said former Acts or of this Act, shall be vacated or quashed for want of Form, or be liable to be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Proceeding not to be quashed for want of Form, nor removable by *Certiorari*,

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 Acts or this present Act.

Expences of this Act to be paid.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, by the said former Acts or this present Act inflicted, or authorized to be imposed, may, upon Proof of the Offences respectively before any One Justice of the Peace for the County, Riding, or Place, wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice of the Peace is hereby impowered and required to administer without Fee or Reward) be levied by Distress and Sale of the Goods and Chattles of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby impowered to grant for those Purposes;) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattles; and the Penalties, Forfeitures, and Fines, when paid or levied, shall be (if not otherwise directed to be applied by the said former Acts or this Act) from time to time, paid to any Five or more of the said Trustees, or

Penalties and Forfeitures how to be recovered and applied.

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to their Treasurer, and applied in the Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, 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 Two Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

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 done in pursuance of the said former Acts or this Act, until Twenty Days Notice shall be thereof given to the Clerk or Clerks to the said Trustees, or after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue, Not Guilty, 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 of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or 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 discontinue his, her, or their Action or Suit, 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 recover Treble Costs, and have such other Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, 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.

FINIS.