



ANNO SEXTO

GEORGIIV. REGIS.

Cap. xcii.

An Act for making and maintaining a Road from *Bradshaw Brow*, near the Town of *Bolton-le-Moors* in the County of *Lancaster*, to the *Bury* and *Blackburn* Turnpike Road in the Township of *Haslingden* in the same County, and Three Branches of Road communicating therewith.

[20th May 1825.]

WHEREAS the making and maintaining a public Carriage Road leading from the *Little Bolton* and *Edenfield* Turnpike Road, at or near *Bradshaw Brow*, in the Township of *Turton*, in the Parish of *Bolton-le-Moors*, in the County Palatine of *Lancaster*, through the several Townships of *Turton* and *Edgworth*, all in the Parish of *Bolton-le-Moors* aforesaid, and through the several Townships or Districts of *Musden-head*, *Musbury*, and *Tripet of Ogden*, in the Parish of *Bury*, and *Haslingden*, in the Parish of *Whalley*, in the said County of *Lancaster* respectively, to join the *Bury* and *Blackburn* Turnpike Road near a Place called *Holden Hall*, in the Township of *Haslingden*, with a Branch therefrom at or near a Place in *Turton* called *Bromiley Cross*, through Part of *Turton* aforesaid, to or near the South-easterly End of the Turnpike Road leading from *Mather Fold* to *Hardmans* in *Turton* aforesaid, and with another Branch from the said Place called *Bromiley Cross*, through Part of *Turton* aforesaid, and the Township of *Bradshaw*, also in the said Parish of *Bolton-le-Moors* aforesaid, to join the *Little Bolton* and *Edenfield* Turnpike

[Local.]

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Powers of
General
Turnpike
Acts to apply
to this Act.

Turnpike Road at or near a certain Chapel called *Bradshaw Chapel*, and with another Branch from or nearly from a certain Stream or Brook in *Turton* aforesaid, called *Billy Brook*, through another Part of *Turton* aforesaid, to join the Turnpike Road leading from *Bolton-le-Moors* to *Blackburn*, at or near a certain Inn called the *Greene's Arms*, in *Turton* aforesaid, would be of great Advantage and Convenience to the Owners and Occupiers of Estates, and Inhabitants within the said Townships and Districts and Places adjacent, and will also be of public Utility: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Roads divid-
ed into sepa-
rate Districts
or Trusts.

II. And be it further enacted, That the several Roads comprised in this Act shall be divided into Two separate Districts or Trusts, and that the said Roads in the Townships of *Turton* and *Bradshaw* shall be One of such Districts or Trusts, and be called or described the *Turton District*; and all the said Roads in the Townships or Districts of *Edgworth*, *Musbury*, *Musden-head*, *Tripet of Ogdén*, and *Haslingden*, shall be the other of such Districts or Trusts, and shall be called *The Musbury District*.

Trustees for
the Turton
District.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *Edward Frere*, *Peter Richard Hoare*, *George Matthew Hoare*, *John Clowes Clerk*, *James Spencer Clerk*, *John Ashworth*, *Henry Ashworth*, *John Ashworth the younger*, *Edmund Ashworth the younger*, *Thomas Ashworth*,

Ashworth, Giles Ashworth, Andrew Knowles, John Kershaw, Samuel Scowcroft, Edmund Ashworth, John Knowles, Thomas Wood, Thomas Scowcroft, John Haworth, Adam Lomax Haworth, Edmund Haworth, John Barlow, James Barlow, Peter Rothwell, Thomas Hutchinson, Samuel Duckworth, George Smith, James Smith, Edward Holme M. D., Charles Mawson, William Johnson, Josiah Twyford, Robert Say, and John Piccope Clerk, being duly qualified in Manner directed by the said recited Acts, shall be and they are hereby appointed Trustees for making, amending, widening, altering, improving, and keeping in repair all the said Roads comprised in the said Turton District, and for carrying into Execution the several Powers, Purposes, and Trusts of this Act, so far as the same relate to that District.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of Lancaster, together with *Thomas Hutchinson, the Reverend William Hutchinson, William Heap Hutchinson, John Hutchinson, James Hutchinson, Edward Frere, Peter Richard Hoare, George Matthew Hoare, Samuel Duckworth, Allen Morris, Thomas Morris the younger, John Grundy, Edmund Grundy, Samuel Holker the younger, Charles Kenyon, John Ashworth, John Ashworth the younger, Henry Ashworth, Thomas Ashworth, Edmund Ashworth, John Greenwood, William Turner, Ralph Turner, John Hoyle senior, John Hoyle junior, Oliver Hargreaves, George Ashworth, John Ramsbottom the elder, John Ramsbottom the younger, James Ratcliffe, William Woodcock, John Rostron, John Ramsbottom, John Duckworth, John Elton, Edmund Harwood, John Holden, Ralph Holden, John Barnes, Ellis Schofield, John Grant, Charles Grant, Lucas Hargreaves, John Townsend, Giles Ashworth, John Haworth, Adam Lomax Haworth, John Heywood, Samuel Heywood, John Winder Clerk, John Barlow, James Barlow, William Barlow, Thomas Fogg, William Spencer, William Pickering, Robert Halstead Hargreaves, James Orrell, Ralph Knowles, William Nuttall Clerk, Peter Rothwell, and William Barnes, being duly qualified in Manner directed by the said recited Acts, shall be and they are hereby appointed Trustees for making, amending, widening, improving, and keeping in repair all the Roads comprised in the said Musbury District, and for carrying into Execution the several Powers, Purposes, and Trusts of this Act, so far as the same relate to that District.*

Trustees for
the Musbury
District.

V. And be it further enacted, That it shall be lawful for the Trustees of each of the said Districts of Road, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, to elect and appoint any Number of Persons, not exceeding Two in the whole for each of the said Districts, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed, and being qualified according to the Directions of the said recited Acts, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed by this Act.

Appointment
of additional
Trustees for
each District.

VI. And be it further enacted, That the First Meeting of the Trustees for the *Turton* District shall be held at the *Cheetham's Arms* in *Turton*, or at some other convenient Place, on the Second Monday next after the passing of this Act; and the First Meeting of the Trustees of the *Musbury* District shall

Meetings of
Trustees.

shall be held at the *Cheetham's Arms* aforesaid, or at some other convenient Place, on the Second *Tuesday* next after the passing of this Act, and the said Trustees shall then and there proceed to carry this Act into Execution, and shall then and from Time to Time afterwards adjourn to and meet at such Times and Places as they may think proper.

Appointment
of Officers.

VII. And be it further enacted, That it shall and may be lawful for the Trustees for each of the said Districts, at their First or at any subsequent Meeting, by Writing under their respective Hands, to appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the Roads, and such other Officers as the Trustees shall think necessary, and the said Trustees shall and may from Time to Time remove all such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, and on such Removal, or on Death or Resignation, to appoint others in their Stead; and it shall be lawful for the said Trustees, out of any of the Monies arising by virtue of this Act, to make such Allowance to such Clerks, Treasurers, Collectors, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of this Act, as the said Trustees shall think reasonable: Provided always, that no Removal of any Clerk or Treasurer shall take place, unless Twenty-eight Days Notice of the Intention of proposing such Removal shall have been given in some Newspaper or Newspapers published in *Manchester* and *Bolton*, and affixed on all the Turnpike Gates on the said Roads then standing and being on that District of the said Road from which such Clerk or Treasurer is proposed to be removed.

Treasurer
and Clerk
not to be the
same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees for either of the said Districts to appoint the Person or Persons who shall be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Trustees; every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's

Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

IX. And be it further enacted, That it shall be lawful for the said Trustees, within their respective Districts, to set out and make the several Roads herein-before described, and for that Purpose to take and use any Lands, Tenements, and Hereditaments, first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments, to be settled and ascertained in manner directed by the said recited Acts.

Trustees to make and set out Roads.

X. And whereas a Map or Plan, describing the Line of the said Roads, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or Occupiers of such Lands and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent, testified in Writing, of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Roads to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

XI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands described in the said Map or Plan, although the Name or Names of the Owner or Owners thereof may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees for either of the said Districts to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned or specified in the Schedule to this Act annexed.

Trustees restrained from pulling down Houses, &c. without Consent.

Trustees empowered to take down certain Buildings.

XIII. And whereas for the Purpose of making, widening, altering, diverting, and otherwise improving the Roads comprised in this Act, or some of them, it will be necessary to purchase, take, and use (among other Tenements) the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations specified or mentioned in the Schedule to this Act; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for any of the Purposes aforesaid, to purchase, take, and use all or any of the Houses, Buildings, Gardens, Yards, Paddocks, Plantations, and other Tenements mentioned in the Schedule to this Act, and to pull down such Buildings, and to lay the Sites thereof into the said Roads; provided nevertheless, that if the said Trustees shall not, within the Space of Five Years (to be computed from the passing of this Act) agree for, or cause to be valued and paid for, in manner directed by the said first recited Act, the several Messuages, and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Trustees may erect Toll Gates, &c.

XIV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized to erect and set up, or cause to be erected or set up, within their respective Districts, such and so many Toll Gates or Toll Bars upon, across, or on the Sides of the said Roads as the said Trustees shall think proper, and from Time to Time to remove the same or any of them, and to erect another or others in the Room or Stead thereof, or to discontinue the same, as the said Trustees shall think proper and expedient; and also shall or may erect and provide so many Toll Houses, with suitable Outhouses and other Conveniences, and take in and inclose from the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre to each Toll House, at or near to such Toll Gates or Toll Bars, and also so many Weighing Machines at or near such Toll Houses, as to the said Trustees shall seem expedient; provided, that none of the said Toll Gates, or Toll Bars, or Weighing Machines in either of the said Districts, shall be removed or discontinued as aforesaid, unless Twenty-eight Days previous Notice of the Intention to remove or discontinue the same shall have been given by Advertisement, to be inserted Twice in some Newspaper or Newspapers published in *Manchester* or *Bolton* aforesaid, and affixed in Writing to or upon all the Toll Gates then standing in that District of the said Roads; provided also, that there shall at all Times, during the Continuance of this Act, be at least One Toll Gate or Toll Bar upon each of the several Branches of Road hereby authorized to be made and repaired.

Power to take Tolls.

XV. And be it further enacted, That it shall be lawful for the Trustees of each of the said Districts of Road, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees, to demand and take, at each and every of the Toll Gates or Toll Bars, Side Gates or Side Bars, which shall be erected in, upon, across, or on the

the Side or Sides of the said Roads, the several Tolls following; (that is to say),

For every Horse or other Beast drawing any Coach, Landau, Berlin, Chair, Gig, Waggon, Wain, Cart, Dray, or other such like Carriage, the Sum of Two-pence:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five-pence *per* Score, and so in poportion for any greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Two-pence Halfpenny *per* Score, and so in proportion for any greater or less Number.

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse or Horses, or other Beasts or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Toll Bar, Side Gate or Side Bar; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said respective Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

XVI. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

XVII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken in any One Day within the said *Turton* District, for or in respect of the Passage of any Horse or Horses, or other Cattle, through all or any of the Toll Gates, Turnpikes, or Side Gates to be set up, erected, or placed between *Bradshaw Brow* aforesaid and the Junction of the said *Turton* District with the said *Musbury* District, nor more than One full Toll in any One Day on any One of the said Branches within the said *Turton* District, nor more than Three such Tolls in any One Day within the said *Musbury* District; provided also, that only One of the said Tolls shall be demanded or taken between *Bradshaw Brow* aforesaid and the Village of *Chapel Town* in *Turton* aforesaid.

XVIII. Provided always, and be it further enacted, That if any Person shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of such Toll Gates, Turnpikes, or Side Gates in either of the said Districts, such Horse, Cattle, Beast, or Carriage shall, during the same Day on which Toll has been so paid, upon Production of a Ticket denoting such Payment, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through any other Gate or Gates upon the same District freed by such Payment and Ticket, except as herein-after is provided.

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other

Tolls.

Tolls vested in Trustees.

A Halfpenny to be taken when the Tolls amount to a fractional Part of a Halfpenny.

Limiting the Number of Tolls on the Road and Branches.

Tolls to be paid but Once a Day.

Stage Coaches, &c. to pay each Time of passing.

other Beasts drawing any Stage Coach, Van, Caravan, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads.

Post Chaises,
&c. to pay
every Time of
new Hiring.

XX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Roads, whenever any new Hiring thereof shall take place.

50 G.3.c.137.

Trustees of
Musbury
District, and
Trustees of
First Dis-
trict, under
recited Act,
may make
Agreement
herein men-
tioned.

XXI. And whereas an Act of Parliament was passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining a Road from Brandlesome Moss Gate in the Township of Elton, to the Duke of York's Public House in the Township of Blackburn, and Three several Branches of Road therefrom, all in the County Palatine of Lancaster*; and by the said Act the said last-mentioned Roads and the Branches therefrom were divided into Two Districts respectively, called the First and Second Districts: And whereas it would be mutually beneficial to the *Musbury* District and the said District called the First District in the said last-recited Act, that the Trustees of the said *Musbury* District should have Power to make an Agreement with the Trustees of the said District called the First District, to the Effect herein-after mentioned; be it therefore enacted, That it shall be lawful for the Trustees of the said *Musbury* District (with the Consent of Two-thirds in Value of the Person or Persons for the Time being entitled in Possession to the Receipt of the Interest and Income of the Money owing on the Security of the same District) to make an Agreement with the Trustees of the said District called the First District in the said last-recited Act, to the Effect that any Horse, Cattle, or Beast having passed through any Toll Gate or Toll Gates, Side Gate or Side Gates, in the said District called the First District, or the Branches thereof, or any of them, and afterwards passing the same Day through any Toll Gate or Toll Gates, Side Gate or Side Gates in the said *Musbury* District, shall on the same Day be exempted from the Payment of all or any Part or Parts of the Tolls payable at all or any One or more of such last-mentioned Gates; and also that any Horse, Cattle, or Beast having passed through any Toll Gate or Toll Gates, Side Gate or Side Gates in the said *Musbury* District, and afterwards passing the same Day through any Toll Gate or Toll Gates, Side Gate or Side Gates in the said District called the First District, or the Branches thereof, or any of them, shall the same Day be exempted from the Payment of all or any Part or Parts of the Tolls payable at all or any One or more of such last-mentioned Toll Gates or Side Gates; and moreover, that it shall be lawful for the Trustees of the said *Musbury* District, by any subsequent Agreement (to be made with such Consent as aforesaid) to rescind any Agreement which may be made by virtue of this Act, and again from Time to Time and at any Time (with such Consent as aforesaid) to make any new Agreement of the same Nature and Description as the Agreement before mentioned.

Subscribers
to pay Sub-
scriptions.

XXII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making and maintaining the said Roads, or any of them, shall and they are hereby required to pay the Sum or Sums of Money so subscribed

subscribed within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them, or as the Majority of the Trustees of each of the said Districts respectively, who shall be present at any Meeting held by virtue of this Act, as to the respective Sum or Sums of Money applicable for making the Roads in such respective Districts, shall respectively order and direct, and the same shall be paid to such Person and Persons as the said Trustees of each of the said Districts shall, by any Writing under their Hands, authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees of each of the said Districts to sue for and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanche, shall be allowed, and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

XXIII. And be it further enacted, That any Person or Persons who hath or have agreed to advance and lend, or hath or have already advanced and lent, any Money for the Purpose of being applied in or towards making the said Roads, or any of them, and his, her, or their Executors, Administrators, or Assigns, may at any Time or Times within Two Calendar Months from the Commencement of this Act, by Notice in Writing under his, her, or their Hand or Hands, to be delivered to the Clerks to the said Trustees, elect whether the Sum or Sums of Money which he, she, or they hath or have so agreed to advance and lend, or hath or have already advanced and lent as aforesaid, shall be applied for the Purpose of making the said intended Roads in the said *Turton* District, or whether the same shall be applied for the Purpose of making the said intended Roads in the said *Musbury* District; and in case of no such Election, the said Subscriptions shall be deemed and taken to be made, as to One Half thereof, for the Roads in the *Turton* District, and the other Half for the Roads in the *Musbury* District.

Subscribers may direct to which District their Subscriptions shall be applied.

XXIV. And be it further enacted, That all the Tolls and other Monies to be borrowed, collected, or received by virtue of this Act, from or in respect of the said Roads in the said *Turton* District, shall be applied and disposed of in manner following; (that is to say), in the first place, in Payment and Discharge of One Half Part of the Expences of procuring this Act, and all incidental Expences relating thereto and attending the same; and in the next place, in paying and satisfying the Salaries and Compensation to the Clerk, Treasurer, and other Officers assisting in the Execution of this Act in that District; and in the next place, in defraying the Expences of the Purchase of Lands for the Roads comprised in the said *Turton* District, and of forming, making, and finishing the said Roads, together with the Fences thereof, and in erecting Toll Gates, Milestones, Guide Posts, Weighing Machines, and other Matters necessary or requisite in that District of the said Roads; and from and after the making and Completion thereof, the said several Tolls and Monies to arise in that District shall from Time to Time be applied, first in paying the Interest on the several Sums of Money subscribed and advanced on the Credit of the Tolls in that District; and secondly, in and towards

Application of the Monies in the *Turton* District.

[Local.]

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the Repair of the said last-mentioned Roads, with the several Toll Houses, Weighing Machines, and other Erections necessary for the same; and in repaying all or any of the Principal Monies borrowed under the Powers of this Act for the Use of the same District.

Application
of the Monies
in the Mus-
bury District.

XXV. And be it further enacted, That all the Tolls and other Monies to be borrowed, collected, or received by virtue of this Act from or in respect of the said Roads in the *Musbury* District, shall be applied and disposed of in manner following; (that is to say), in the first place, in Payment and Discharge of Half of the Expences of procuring this Act, and all incidental Expences relating thereto, and attending the same; and in the next place, in paying and satisfying the Salaries and Compensation to the Clerk, Treasurer, and other Officers assisting in the Execution of this Act in that District, and in the next place, in defraying the Expences of the Purchase of Lands for the Roads comprised in the said *Musbury* District, and of forming, making, and finishing the same Roads, together with the Fences thereof, and in erecting Toll Gates, Milestones, Guide Posts, Weighing Machines, and other Matters necessary or requisite in that District of the said Roads; and from and after the Making and Completion thereof, the said several Tolls and Monies to arise in that District shall from Time to Time be applied, first, in paying the Interest on the several Sums of Money subscribed and advanced on the Credit of the Tolls in that District; and secondly, in and towards the Repair of the said last-mentioned Roads, with the several Toll Houses, Weighing Machines, and other Erections necessary for the same, and in repaying all or any of the Principal Monies borrowed under the Powers of this Act for the Use of the same District.

Application
of Com-
pensation
Money when
amounting to
200*l*.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts, or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Acts or this Act particularly mentioned, 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing the said recited Acts or this Act, and pursuant to the Method prescribed by an Act of the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*; and the General Orders of the said Court, and without Fee or Reward, 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, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or

1 G. 4. c. 35.

affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the 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 or Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereunto, 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 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, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

XXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in Manner before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the 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 arising thereon, may be applied in Manner herein before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

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

When less than 200l. and amounting to 20l.

When less than 20l.

purchased, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in
Cases of not
making out
Titles.

XXIX. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, and Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees 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 said Court, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court; 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 the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests 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 the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XXX. 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 Court of Exchequer, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, 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,

session, 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.

XXXI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Exchequer may order Trustees to pay Expences.

XXXII. 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.

XXXIII. And be it further enacted, That this Act shall commence from the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Act.

The SCHEDULE referred to by the foregoing Act.

| Description of Property. | Owners. | Occupiers. |
|--|--|--|
| <i>Turton Township.</i> | | |
| Plantation - - - | { Coheirs of the late James Greene, Esq. - - - } | John Ashworth. |
| Two Gardens and One Reservoir - - - | { Do. - - - } | { Thomas Ainsworth and Peter Cort. |
| Wood - - - | { Do. - - - } | Giles Ashworth. |
| Plantation - - - | { Do. - - - } | { Coheirs of James Green, Esq. |
| <i>Edgworth Township.</i> | | |
| Two Plantations - - - | William Woodcock - - - | Ellen Roscow. |
| Two Reservoirs, One Garden, and One Plantation } - - - | { Heirs of late Jonathan Hatfield - - - } | { William Spencer, John Fairclough, and James Smith. |
| One Plantation - - - | Samuel Haydock - - - | Thomas Haworth. |
| One Garden - - - | Andrew Orrel - - - | James Isherwood. |
| One Garden and One Plantation } - - - | John Winder - - - | John Winder. |
| Plantation - - - | { Heirs of the late James Bradshaw - - - } | { Heirs of the late James Bradshaw. |
| One Garden - - - | James Brandwood - - - | James Brandwood.. |
| <i>Musden-head.</i> | | |
| One Garden - - - | { Edmund Harwood and Thomas Bond - - - } | Edmund Harwood. |
| <i>Musbury.</i> | | |
| One Garden - - - | Robert Holden - - - | Robert Holden. |
| Plantation - - - | Samuel Duckworth - - - | Samuel Duckworth. |
| <i>Tripet of Ogden.</i> | | |
| Wood - - - | John Greenwood - - - | Richard Emmet. |
| <i>Branch to Green's Arms.</i> | | |
| Garden - - - | { Coheirs of late James Green, Esq. - - - } | James Brandwood. |
| Garden - - - | { Do. - - - } | James Spencer. |
| <i>Branch to Bradshaw Chapel.</i> | | |
| Reservoir - - - | John Isherwood - - - | James and John Slater. |
| Garden - - - | Do. - - - | Geo. Brownson. |
| Garden - - - | Do. - - - | Thos Scowcroft. |