



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. xlvii.

An Act for more effectually repairing and improving the Road from *Edenfield Chapel* to *Little Bolton*, and certain Branch Roads connected therewith, all in the County Palatine of *Lancaster*.
 [1st July 1839.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from or near Edenfield Chapel to Little Bolton, and the Road leading from and out of the said Road at Booth Pits to or near Bury Bridge, in the County Palatine of Lancaster, and for making and maintaining Three several Branches of Road communicating therewith*: And whereas the Trustees acting under and by virtue of the said recited Act have proceeded to put the same into execution, but Two of the Branch Roads by the said recited Act authorized to be made, (that is to say,) the Branch of Road from and out of the Road leading from *Booth Pits* to or near *Bury Bridge* commencing at or near a certain Field called the "*Higher Meadow*," in the Township of *Elton*, and terminating at or near a certain Field called the "*Five Acre*," in *Elton* aforesaid, and also the Branch of Road from and out of the old Highway leading from the Village of *Tottington* to *Bury*, commencing at or near a certain Field called

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[Local.]

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the

Recited Act
repealed.

the "*Long Lands*," in *Elton* aforesaid, and terminating at or near *Woolfold* in the Township of *Tottington Lower End*, are found to be unnecessary for the Use of the Public, and it is therefore expedient that the said Trustees should be relieved from the making thereof: And whereas considerable Sums of Money are now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads: And whereas it is expedient that the said recited Act should be repealed, and further and other Powers and Provisions granted and made in lieu thereof; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act of the Eleventh Year of the Reign of His said Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

Defining
Powers of
this Act.

II. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, diverting, altering, improving, maintaining, and keeping in repair the Road leading from or near *Edenfield Chapel* in *Tottington Higher End* to the Westerly End of *Turner Bridge* in *Little Bolton*, and the Branch of Road leading from and out of the said Road at or near *Booth Pits* in *Tottington Lower End* to or near *Bury Bridge* in *Elton*, and also the Branch of Road from and out of the said Road leading from *Edenfield Chapel* to *Little Bolton*, commencing at or near the *Bull's Head* Public House in *Bradshaw*, and terminating at or near *Croston Brow* in *Elton* aforesaid, all in the County Palatine of *Lancaster*.

Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *John Horrocks Ainsworth*, *John Ashworth*, *Edmund Ashworth*, *Edmund Ashworth* the younger, *Samuel Ashton*, *Richard Ashton*, *Giles Ashworth*, *Charles Ainsworth*, *Edward Bolling*, *William Bolling*, *John Bolling*, *Robert Barlow*, *Robert Sharp Barlow*, *William Barlow*, *William Benson*, *Stephen Blair*, *Harrison Blair*, *Charles Barrett*, *William Balshaw*, *Edward Balshaw*, *Thomas Baron*, *Christopher Briggs*, *William Calrow*, *Thomas Calrow*, *Thomas Calrow* the younger, *James Richard Calrow*, *John Cartwright*, *William Crompton*, *Ellis Chantler*, *James Cross*, *Richard Calrow*, *Richard Calrow* the younger, *William Thomas Carr*, *John Cross*, *Thomas Cross*, *Reverend Birkett Dawson*, *Richard Denham*, *Charles James Darbishire*, *Richard Earle*, *Edward Frere*, *John Grundy*, *John Grundy* the younger, *Edmund Grundy* of *Bury*, *Edmund Grundy* the younger, *Thomas Gotton*, *John Grant*, *William Goodlad*, *Thomas Greenhalgh*, *James Green*, *Thomas Hardcastle*, *James Hardcastle*, *Thomas Hardcastle* the younger, *John Hargreaves* the younger, *John Haslam* of *Chesham*, *James Haslam*, *William Heap Hutchinson*, *Thomas Hutchinson*, *Richard Hodgson*, *John Hutchinson*, *John Hutchinson* the younger, *James Hutchinson*,

*William Hutchinson, James Hutchinson the younger, Authur Hutchinson, Charles Hutchinson, Samuel Heywood, Samuel Heywood the younger, Thomas Howell, Benjamin Hick, Abraham Haigh, Richard Hall, William Hall, John Hall, John Hall the younger, Thomas Potter Hutchinson, Edward Smalley Hutchinson, Richard Hamer, Richard Hamer the younger, Daniel Hamer, Geoffrey Hornby Clerk, William Hardman, William Hardman the younger, Henry Hardman, Edmond Hardman, Robert Holt, Robert Haslam, George Matthew Hoare, Peter Richard Hoare, Thomas Gardner Horridge, John Horrocks, Lawrence Horrocks, William Hampson of Radcliffe, John Hampson, William Hampson the younger, Stephen Heelis, Andrew Knowles, Robert Knowles, James Knowles Solicitor, Robert Kay of Holcome Mill, John Knowles of Turton, Joshua Knowles, James Kay of Turton Tower, Thomas Kay, John Kay, James Lomax of Elton, Richard Lomax of Bury, Charles Rothwell Lomax, John Moore, John Mason, John Mawdsley, George Millington, Thomas Norris of Redvales, Thomas Norris of Bury, Thomas Norris the younger, of Bury, William Hutchinson Norris, Joseph Newbold, Allen Norris, Peter Ormrod of Bolton, James Ormrod, James Orrell, Charles Openshaw, Thomas Oram, Robert Parks, John Parks, Benjamin Rawson, Peter Rothwell, John Rothwell, Peter Rothwell of Holcome, Thomas Ridgway, John Rostron of Holcome, Lawrence Rostron, John Rostron of Edenfield, Thomas Rothwell, Thomas Lever Rushton, Le Gendre Nicholas Starkie, Le Gendre Starkie, Thomas Sandiford, Samuel Scowcroft, Thomas Scowcroft, James Spenser Clerk, John Sandiford, James Scowcroft, James Slade Clerk, William Slade, James Smith, George Slater, James Slater, William Slater of Manchester, William Sudren, Joseph Schofield, William Garnett Taylor, George Taylor, John Turner, Thomas Wright, Henry Wright Clerk, Abraham Wood, John Winder, James Winder, John Woodcock, William Woodcock, John Whitehead, Samuel Woodcock, Oliver Ormrod Walker, William Walker, John Scholes Walker, Richard Walker the younger, and their Successors, being qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.*

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be held for that Purpose, to elect and appoint any Number of Persons, not exceeding Five in the whole, 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 shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Grant's Arms* in *Tottington Lower End* in the County Palatine of *Lancaster*, or at some other convenient House or Place in *Tottington Lower End* aforesaid, on the Day of the Commencement of this Act, or as soon after as conveniently may be; and the said Trustees shall then and there proceed to carry this Act into execution, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Time and Times and at such

First Meeting
of Trustees.

Place

Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Tolls to be collected.

VI. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, at each and every of the Toll Gates, Toll Bars, or Chains now erected or hereafter to be erected across or on the Sides of the said respective Roads, (unless the said Trustees shall otherwise order and direct,) the several Tolls or Sums of Money following; (that is to say,)

Tolls.

For Six or more Horses or other Beasts drawing any Coach, Berlin, Landau, Chariot, Barouche, Phæton, Chaise, Chair, Curricule, Sociable, Gig, Van, Caravan, Calash, Hearse, Litter, or other such Carriage, the Sum of Two Shillings :

For Four or Five Horses or other Beasts drawing any such Carriage, the Sum of One Shilling and Sixpence :

For Two or Three Horses or other Beasts drawing any such Carriage, the Sum of Nine-pence :

For One Horse or other Beast drawing any such Carriage, the Sum of Sixpence :

For Seven or Eight Horses or other Beasts drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Three Shillings and Nine-pence :

For Five or Six Horses or other Beasts drawing any such Waggon, Wain, or other such Four-wheeled Carriage, the Sum of Two Shillings and Sixpence :

For Four or any less Number of Horses or other Beasts drawing any such Waggon, Wain, or other such Four-wheeled Carriage, the Sum of One Shilling and Three-pence :

For Six or more Horses or other Beasts drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid or upwards, and not so broad as Nine Inches, the Sum of Three Shillings and Two-pence :

For Four or Five Horses or other Beasts drawing any such Waggon, Wain, or other such Four-wheeled Carriage, the Sum of Two Shillings and Sixpence :

For Three or any less Number of Horses or other Beasts drawing any such Waggon, Wain, or other such Four-wheeled Carriage, the Sum of Two Shillings :

For Four or any greater or less Number of Horses or other Beasts drawing any Waggon, Wain, or other such Four-wheeled Carriage, with any of the Wheels of less Breadth than Six Inches, the Sum of Three Shillings and Nine-pence :

For Four or more Horses or other Beasts drawing any Cart or other such Two-wheeled Carriage, with Wheels of the Breadth of Nine Inches as aforesaid, the Sum of One Shilling :

For Three Horses or other Beasts drawing any such Cart or other such Two-wheeled Carriage, the Sum of Ten-pence :

For Two or a less Number of Horses or other Beasts drawing any such Cart or other such Two-wheeled Carriage, the Sum of Eight-pence :

For

For Four or more Horses or other Beasts drawing any Cart or other such Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, the Sum of One Shilling and Three-pence :

For Three Horses or other Beasts drawing any such Cart or other such Two-wheeled Carriage, the Sum of One Shilling :

For Two or a less Number of Horses or other Beasts drawing any such Cart or other such Two-wheeled Carriage, the Sum of Eight-pence :

For Three or more Horses or other Beasts drawing any Cart or other such Two-wheeled Carriage, with Wheels of less Breadth than Six Inches as aforesaid, the Sum of Two Shillings :

For Two Horses or other Beasts drawing any such Cart or other such Two-wheeled Carriage, the Sum of One Shilling and Three-pence :

For One Horse or other Beast drawing any such Cart or other such Two-wheeled Carriage, the Sum of Eight-pence :

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

For every Score of Oxen or Neat Cattle, the Sum of One Shilling, and so in proportion for any less Number :

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Six-pence, and so in proportion for any less Number :

For every Four-wheeled Carriage, not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of One Shilling and Sixpence :

And for every Two or Three-wheeled Carriage, not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of One Shilling.

VII. 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.

Fractional Part of a Halfpenny in Tolls.

VIII. Provided always, and be it further enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road, for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, laden with, or employed in leading or conveying, any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, shall be allowed in respect of the Tolls by this Act granted, when such Waggon, Wain, Cart, or other Carriage shall have the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches ; any Law or Statute to the contrary notwithstanding.

Horses, &c. drawing Road Materials in Carriages with narrow Wheels to be liable to Toll ;

IX. And be it further enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted, for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with, or employed in

or if Road Materials are to be used in distant Townships.

leading or conveying, any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are to be used for making or repairing a Highway within some Township, Hamlet, or Place which is or may be liable to contribute to the Repair of some Part of the Roads comprised in this Act.

Carriages laden with Road Materials to be liable to Toll during the Winter Months.

X. Provided always, and be it further enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Toll on any Turnpike Road, for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, shall in any Case be allowed in respect of the Tolls by this Act granted for any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage so employed upon any Part of the Roads comprised in this Act during the Winter Months, that is to say, between the Thirtieth Day of *September* in every Year and the First Day of *April* in the next succeeding Year; any Law or Statute to the contrary notwithstanding.

Regulations and Penalties relating to weighing of Carriages to extend to Carriages subject to Toll by the preceding Clauses.

XI. Provided also, and be it further enacted, That all the Powers, Provisions, Regulations, and Penalties imposed by any Law or Statute now in force or hereafter to be made relating to the measuring and gauging of the Breadth of Wheels, and the weighing of any Carts or other Carriages, or relating to the Owners or Drivers of such Carts and other Carriages, shall be applicable, and shall extend and be deemed and taken to extend, to all Carts and other Carriages passing over or along the said Roads, which by the Provisions herein-before contained are made liable and subject to the Payment of Toll, and to the Owners and Drivers thereof.

Not less than Two Tolls to be taken on the Branch Road from Bull's Head, so long as any Money remains due.

XII. And whereas under the Authority of the said recited Act a considerable Sum of Money was borrowed upon the Credit of the Tolls by the said Act granted, for the Purpose of making the said Branch Road from the *Bull's Head* Public House to *Croston Brow*, and the same Principal Money, together with an Arrear of Interest thereon, still remains due and owing; be it therefore further enacted, That so long as any Portion of the said last-mentioned Principal Money, or any Interest thereon, or any Money which shall hereafter be borrowed or owing in lieu of such last-mentioned Principal Money or Interest thereon, or any Part or Parts thereof, shall remain unpaid, not less than Two Toll Gates, Toll Bars, or Chains shall be erected and continued across the said last-mentioned Branch Road; that is to say, One of such Toll Gates, Toll Bars, or Chains across that Part of the said Branch Road as lies between *Croston Brow* aforesaid and *Tottington Hall* in the Village of *Tottington*, and the other of such Gates across that Part of the said Branch Road as lies between *Tottington Hall* aforesaid and the *Bull's Head* aforesaid; and a full Toll shall be demanded and taken at each of such Two Toll Gates, Toll Bars, or Chains.

XIII. Pro-

XIII. Provided also, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse or Horses, Cattle, Beast, Carriage or Carriages, through any of the Toll Gates, Toll Bars, or Chains erected or to be erected across or upon the Sides of the said respective Roads, the same Horse or Horses, Cattle, Beast, Carriage or Carriages, shall (upon a Ticket denoting the Payment thereof on that Day being produced) be permitted to pass Toll-free (except as herein-after mentioned) through the same Toll Gate, Toll Bar, or Chain, and also through such other Gate or Gates, Bars or Chains, (if any,) as the Ticket for such Payment shall free, at any Time or Times and from Time to Time during the Remainder of the same Day; any thing herein contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but once a Day

XIV. Provided always, and be it further enacted, That no more than Six full Tolls (except as herein-after provided to the contrary) shall be demanded or taken for or in respect of the same Horses, Beasts, Cattle, or Carriages, in any One Day, for passing and repassing through all or any of the Toll Gates, Toll Bars, or Chains erected or to be erected across or upon the Sides of the said respective Roads; that is to say, not more than Three full Tolls on the said Road leading from *Edenfield Chapel* to *Little Bolton*, nor more than One full Toll on the said Road leading from *Booth Pits* to or near *Bury Bridge*, nor more than Two full Tolls on the said Road leading from *Bull's Head* to *Croston Brow*.

Limiting the Number of Tolls to be taken on the same Day.

XV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, and for or in respect of any Carriage drawn or propelled by Steam or Machinery, for each Time of passing and for each Time of repassing along the said respective Roads: Provided nevertheless, that no further or additional Tolls shall be payable in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Horses drawing Stage Coaches, &c. to be subject to Toll for every Time of passing;

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

Post Chaises on every new Hiring.

XVII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act upon or on the Sides of such Part of the said Road leading from *Edenfield Chapel* to *Little Bolton* as lies in the District of *Tonge*, nor upon or on the Sides of such Part of the present Line of the said Road leading from *Booth Pits* to *Bury Bridge* as lies between *Bury Bridge* aforesaid and the Northerly End of a certain Mill occupied by *James Hutchinson Esquire*, situate in *Elton* aforesaid, nor upon or on the Sides

No Toll to be collected on certain Parts of the Roads or Money expended in repair thereof.

Sides of such Part of the said Road leading from *Bull's Head* to *Croston Brow* as lies within Fifty Yards from the Northerly End of a certain Dwelling House occupied by *Martha Hulme*, situate at or near *Croston Brow* aforesaid; nor shall any of the Tolls to be collected or received by virtue of this Act, or any of the Money borrowed or raised on the Credit thereof, be expended in the Repair of such Part of the said Road leading from *Edenfield Chapel* to *Little Bolton* as lies within the said District of *Tonge*, or in the Repair of such Part of the present Line of the said Road leading from *Booth Pits* to *Bury Bridge* as lies between *Bury Bridge* aforesaid and the Northerly End of the said Mill occupied by the said *James Hutchinson*, or in the Repair of such Part of the said Road leading from *Bull's Head* to *Croston Brow* as lies within Fifty Yards from the Northerly End of the said Dwelling House occupied by the said *Martha Hulme*: Provided nevertheless, that nothing hereinbefore contained shall be construed to prevent or hinder the said Trustees from demanding or taking Toll upon the intended Diversion of the said Road leading from *Booth Pits* as herein described.

One-horse
Carts may be
weighed.

XVIII. And whereas it frequently happens that Carts drawn by One Horse passing along the said Roads carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore enacted, That all Carts passing along the said Roads, drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn by more than One Horse shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Diversion to
be made in
the Road be-
tween Booth
Pits and Bury
Bridge, if
Owners of
Buildings,
&c. consent.

XIX. And whereas it would be beneficial to the Public if a Diversion were made in the said Road leading from *Booth Pits* to or near *Bury Bridge*, commencing at or near a certain Dwelling House occupied by *John Haworth*, situate in the Township of *Elton* aforesaid, and terminating at or near a certain Field called the *Higher Meadow*, occupied by *John Howcroft*, situate in the same Township, and if the said Road from the Northerly End of the said Diversion were paved to the Point where the present Pavement terminates below the House of *James Hutchinson* Esquire: And inasmuch as the said Diversion is of less Extent than One hundred Yards from the Line of the present Turnpike Road, the Trustees acting under the said recited Act were authorized to make the same under and by virtue of the Provisions of the several Acts for regulating Turnpike Roads in *England*, with the Consent of the Owners and Occupiers of the Buildings, Gardens, and Yards necessary to be taken for such Diversion; be it therefore further enacted, That the Trustees acting under and by virtue of this Act shall and they are hereby required, within Two Years after the passing of this Act, to make the

the said Diversion of Road commencing at or near the said Dwelling House occupied by the said *John Haworth*, and terminating at or near the said Field called the *Higher Meadow*, occupied by the said *John Howcroft*, as herein-before mentioned, provided the Owners and Occupiers of the Buildings and other Property necessary to be taken for such Diversion consent to the same, and agree to yield up Possession of such Property, under the Provisions of the several Acts for regulating Turnpike Roads in *England*, within the Space of Six Calendar Months after the passing of this Act: Provided always, that such Diversion shall be not less than Forty Feet wide, and shall be paved the whole Length thereof, to the Width of Fifteen Feet, with square Stones of a Size and Quality similar to the Stones used in the Pavement below the House of the said *James Hutchinson*, and such Pavement shall be laid down in an equally substantial Manner, and the remaining Part in Width of the said Diversion of Road shall be made with broken Stone; and that no Part of the said Diversion of Road shall have a greater Rise than One Inch and a Half in the Yard, and the Pavement herein directed to be laid down shall be continued in a similar Manner to the Point where the present Pavement terminates below the House of the said *James Hutchinson*: Provided also, that the said Diversion of Road shall be made in such a Manner as not to impede the travelling on so much of the present Line of the said Road as lies between the Commencement and Termination of the said intended Diversion.

XX. Provided always, and be it further enacted, That the Powers herein contained relative to the making the said Diversion of Road, and laying down the Pavement herein-before described, shall not extend or be construed to extend to defeat, suspend or affect the Execution of any other of the Powers and Provisions of this Act, or to suspend or annul or in any Manner affect the collecting of Tolls, or to suspend, annul, or in any Manner affect any Liabilities imposed by any Law or Statute relating to Turnpike Roads or Highways in *England* on the Inhabitants of any Township, District, or Parish in which any Part of any of the existing Turnpike Roads by this Act put under the Care of the said Trustees lies, although such Diversion of Road or laying down the Pavement as aforesaid shall not be commenced, or although the same shall not at any Time be made or completed; but all such Powers and Provisions for the collecting and recovering of Tolls and otherwise, and all Liabilities, Laws, and Statutes now in force, shall nevertheless be and continue in as full Force and Effect, for and towards the Maintenance and Repair of each and every and all the Lines of Turnpike Roads comprised in this Act, and all the Powers and Authorities by this Act, or by any Law or Statute now in force relating to Turnpike Roads in *England*, given to the said Trustees, and their Collectors and Surveyors and other Officers, for any of the Purposes of this Act, may be put into execution as fully and effectually as if the said Trustees had not been required to make the said Diversion of Road or to lay down the said Pavement.

Power to make Diversion, &c. not to affect other Powers of this Act.

XXI. And be it further enacted, That it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of any

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Toll Houses becoming useless may be sold.
Toll

Toll House or Toll Houses now standing and being upon the Sides of the said Roads, or which may hereafter be erected upon the Sides of the said Roads, or any Part thereof, by virtue of this Act, which shall have been purchased or erected by the said Trustees, together with the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be considered by the said Trustees to be useless or unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as the said Trustees can obtain for the same; and in case of any such Sale being made as aforesaid, it shall be lawful for the said Trustees to convey the said Toll Houses, Gardens, and Premises to the Purchaser or Purchasers thereof; and upon Payment of the Purchase Money to the Treasurer for the Time being of the said Trustees, and upon and from and after the Execution of the Conveyance, such Purchaser or Purchasers shall hold and enjoy the Premises in Fee Simple, discharged from all Trusts, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of the Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such and the like Preference and Priority of purchasing the Premises so to be sold shall always be given to the Owner or Owners of the next adjoining Land, as is by the Statute for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road.

Application
of the
Monies.

XXII. And be it further enacted, That all the Monies which shall remain undisposed of at the Commencement of this Act, and also all the Tolls and other Monies to be collected, borrowed, or received by virtue of this Act, shall be vested in the said Trustees, and be applied and disposed of in manner following; (that is to say,) in the first place, in Payment of the Expences of procuring and passing this Act, and all incidental Charges relating thereto; secondly, in paying and satisfying the floating Debt due and owing before the Commencement of this Act, and the Salaries and Compensation to be made to Officers and other Persons assisting in the Execution of this Act, and in erecting and providing, altering and repairing, Toll Gates, Weighing Machines, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said respective Roads, and in paying the Interest and Principal of all such Sums of Money as have been advanced by the Treasurer of the Roads comprised in the said recited Act, or any of them, or as have been borrowed for the Use of the same Roads, upon the individual Security of any of the Trustees acting under any Act passed relating to the said Roads or any of them, and in making the said Diversion of Road, and laying down the Pavement herein-before described; thirdly, in paying the Interest due and to grow due on all such other Sums of Money as have been borrowed for the Use of the said Roads, or any of them, previous to the passing of the said recited Act, or as may have been added thereto in respect of Arrears of Interest, and also the Interest on any Money that may be borrowed for the Purpose of paying the Expences of procuring and passing this Act, and the incidental Charges relating thereto,

thereto, or for the Purpose of making the said Diversion and laying down the said Pavement; fourthly, in paying the Interest due and to grow due on the several Sums of Money borrowed upon the Credit of the said recited Act, or as may be added thereto in respect of Arrears of Interest, and also the Interest on all such other Sums of Money as may be borrowed under or by virtue of this Act; and, lastly, in defraying the Expences of amending, widening, altering, diverting, improving, and repairing the Roads comprised in this Act, and otherwise putting this Act into execution, and in reducing, paying off, and discharging the several Principal Monies which have been borrowed previous to the passing of the said recited Act, and which have been borrowed upon the Credit of the said recited Act as aforesaid, and which may be borrowed under or by virtue of this Act: Provided always, that, subject as aforesaid, the Expences of amending, widening, altering, diverting, improving, and repairing the said Road from *Edenfield Chapel* to *Little Bolton*, and the said Road from *Booth Pits* to or near *Bury Bridge*, shall from Time to Time be defrayed out of the Tolls received at the Toll Gates, Toll Bars, and Chains across or on the Sides of the said Two last-mentioned Roads, before any Part of the said last-mentioned Tolls shall be applied in or towards the Expences of amending, widening, altering, diverting, improving, or repairing the said Road from the *Bull's Head* to *Croston Brow*: Provided also, that no greater Part of the Tolls received at the Toll Gates, Toll Bars, and Chains across or on the Side of the said Road from the *Bull's Head* to *Croston Brow* in any One Year shall be applied by the said Trustees in or towards the Expences of amending, widening, altering, diverting, improving, or repairing the said last-mentioned Road than what shall remain of such last-mentioned Tolls in such Year after the following Deductions shall have been made therefrom; that is to say, after deducting a Sum equal to the Interest which shall for the Time being accrue due in respect of the said Principal Money borrowed as herein-before mentioned for the Purpose of making the said last-mentioned Road, or which shall be added thereto for Arrears of Interest, or in respect of any Money which shall hereafter be borrowed in lieu of such last-mentioned Principal and added Arrears of Interest, or any Part or Parts thereof, and after deducting a Sum equal to such Portion (if any) of the said last-mentioned Principal Sum or added Arrears of Interest, or such Portion (if any) of such Money which shall hereafter be borrowed in lieu thereof as aforesaid, as may in such Year be paid off and discharged: Provided also, that no Money which shall hereafter be borrowed on the Credit of the Tolls granted by this Act shall be applied in or towards the Expences of amending, widening, altering, diverting, improving; or repairing the said last-mentioned Road, unless such Money shall be borrowed and secured solely and exclusively on the Credit of the Tolls arising on the said last-mentioned Road.

XXIII. And whereas no Mortgages have been executed in respect of divers Sums of Money borrowed before as well as since the passing of the said recited Act, and the Interest upon several of such Sums is in arrear and unpaid; be it therefore enacted, That it shall be lawful for the said Trustees, at any of their Meetings, to make and execute Mortgages of the Tolls by this Act granted or authorized to be

Trustees to execute Mortgages for Money borrowed before the passing of this Act.

be collected upon the said Roads, and the Turnpikes and Toll Houses for collecting the same, unto any Person or Persons from whom any such Sum or Sums shall have been borrowed, his, her, or their Executors, Administrators, or Assigns, as a Security for the Sum or Sums mentioned in such Mortgages, with Interest thereon; and the Sum or Sums so borrowed as aforesaid, and remaining unpaid, and such Arrears of Interest thereon as have been or shall be agreed to be added to the Principal, shall be the Principal Money for which such Mortgages shall be given; and every such Mortgage may be made in the Manner and Form directed by any Law or Statute relating to Turnpike Roads in *England*, or as near thereto as the Circumstances of the Case will admit, and the Act or Acts under or by virtue of which such Sum or Sums of Money was or were borrowed shall be therein recited; and the Holder of any such Mortgage shall receive Payment of the Interest and Repayment of the Principal Money respectively secured thereby, in such Order and Manner as such Holder would have been entitled to in case such Mortgage had been made and executed by the Trustees acting under the Act or Acts by virtue of which such Money was borrowed.

Tolls not to be applied to repair Roads, unless a Toll Gate is erected thereon.

XXIV. Provided always, and be it further enacted, That no Money arising from any of the Tolls by this Act granted shall be applied in or towards the Repair of any Road comprised in this Act, unless some Toll Gate, Toll Bar, or Chain shall be erected or continued across or upon the Side of such Road, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be received at the Toll Gates, Toll Bars, or Chains erected across or on the Side thereof, or borrowed on the Credit of the Tolls collected thereon.

No Money to be applied in repairing Streets of Towns.

XXV. And be it further enacted, That nothing in this Act contained shall empower the said Trustees to apply any of the Tolls received by virtue of this Act in repairing any Part of the said Roads in any Town or Place the Roads of which shall be maintained under the Provisions of a Local Act, nor to erect any Toll Gate, Toll Bar, or Chain on such Parts of the Roads or any of them.

Public Act.

XXVI. 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.

Commencement and Continuance of this Act.

XXVII. And be it further enacted, That this Act shall commence and take effect upon the Third *Friday* next after the passing thereof, and shall thenceforth 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.