



ANNO DECIMO QUINTO & DECIMO SEXTO

# VICTORIÆ REGINÆ.

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## *Cap. cxix.*

An Act for maintaining the Road from *Blackburn* to *Preston* and the Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River *Ribble*, all in the County Palatine of *Lancaster*. [30th June 1852.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Road from Blackburn to Preston and Two Branches therefrom, and erecting a Bridge on the Line of the said Road over the River Ribble, all in the County Palatine of Lancaster*: And whereas the Trustees acting by virtue of the said recited Act have made and completed the Road and Branches thereby authorized to be made, and have constructed a temporary Bridge over the River *Ribble* to be used until a more substantial Bridge shall be erected over the said River: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized by the said Act to be collected, which Sums (except the Sum of Ten thousand Pounds borrowed of the Exchequer Bill Loan Commissioners, and other Sums borrowed from other  
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Persons, and amounting in the whole to the Sum of Four thousand five hundred and fifty Pounds, and which Sums so borrowed have, with Interest thereon, been fully paid off and discharged,) are still due and owing, but no Mortgage has been executed in respect of any of the Monies so borrowed and still owing; and several other considerable Sums of Money payable for the Purchase of Lands and Hereditaments taken and used by the Trustees for the Purposes of the said recited Act have not yet been paid, but are also still due and owing to the several Persons Proprietors of or interested in such Lands and Hereditaments, or to the Representatives of such several Persons: And whereas the Term granted by the said Act, and since continued or enlarged from Time to Time by virtue of divers Public General Acts for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless Parliament shall in the meantime continue the same: And whereas the several Debts aforesaid cannot be discharged, nor can the said Roads be maintained in sufficient Repair, or the Works authorized by the said recited Act completed, unless a further Term and further Powers are granted, and the Tolls thereby authorized to be collected are altered or increased: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, but such Purposes 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,

Recited Act repealed, and this Act to be put in force.

I. That from and after the Commencement of this Act the said recited Act of the Fifth Year of the Reign of King *George* the Fourth shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

Interpretation of Terms.

II. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in execution of this Act:

The Expression "the Roads," or "the said Roads," or "the Road," or "the said Road," shall mean the Roads and Branches, and each or any of them, to which this Act applies:

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The Expression "Toll Gate" or "Toll Gates" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Blackburn and Preston Turnpike Road Act, 1852.*" Short Title.

IV. That the Roads comprised in this Act shall be distinguished and known by the Name of "The *Blackburn and Preston Road,*" and the Trustees for executing this Act shall be styled "The Trustees of the *Blackburn and Preston Road.*" Style of the Trust.

V. That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Act; and the Trustees for executing this Act shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act virtually extinguished. Monies due under recited Act vested in Trustees of this Act.

VI. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *Thomas Ainsworth, Barton Fletcher Allen, John Alston, John Anderton Alston, Thomas Birchall, James Brandwood, John Brandwood, Thomas Boardman, Benjamin Brierley, William Calvert, John Catterall, Peter Catterall, Lawrence Charnley, John Cooper, John Cowban, Richard Barton Dodgson, Thomas Dutton, Henry Eccles, Thomas Eccles, William Eccles, Peter Ellingthorpe, Henry Paul Fleetwood, Doctor William Forrest, James Forrest, Jonathan Gate, Edward Gorst, John Gorst, Charles Greenway (Clerk), James Greenway, Henry Hargreaves (Mellor), Henry Hargreaves (Beardwood), Joseph Harrison, Thomas Hart, William Hart, James Hartley, Henry Haworth, John Hindle, Henry Brock Hollingshead, Robert Hopwood the elder, Robert Hopwood the younger, Henry Hoyle, Richard Johnson, Henry Kenyon, John Lewis, James Lewis, John Livesey, Richard Nixon Livesey, James Lomax, Thomas Lund, Robert Thomas Martland (Doctor in Medicine), William Miller, Christopher Parkinson, James Parkinson, John Parkinson, Robert Parkinson, William Bradley Parkinson, Eli Pickop, George Pickup, James Pickup, Thomas Hartley Pickup, William Pilkington, John Polding the elder, John Polding the younger, William Sames, Moses Sharples, Henry Shaw, James* Appointment of Trustees.

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*James Shorrock, John Shorrock, John Slater, Robert Slater, William Boocock Slater, Joshua Smithson, William Stones, James Barlow Stewardson Sturdy, Charles Swainson, William Bradshaw Swainson, William Taylor, James Teebay, Charles Threlfall, Daniel Thwaites, John Thwaites, Thomas Thwaites (Cotton Spinner), Thomas Thwaites (Spirit Merchant), Wilkinson Thwaites, Thomas Veevers, George Walmsley, Leonard Wilkinson, John Winstanley, John Master Whalley (Clerk), William Whalley, John William Whittaker (Doctor in Divinity), and Hargrave Wraith, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for putting this Act into execution.*

Power to appoint additional Trustees.

VII. That it shall be lawful for the Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VIII. That the Trustees shall hold their First Meeting at the Sessions Room in the Town of *Blackburn* or at some other convenient Place within the said Town, upon the Second *Thursday* in the Month of *November* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

IX. That the said Trustees may appoint Committees, each Committee to consist of not less than Three out of their own Number, to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting, and the said Trustees may prescribe any Number to be a Quorum at Meetings of any such Committee, and such Committees and their Officers may proceed and act according to such Appointment, but shall always be accountable according to such Instructions and Regulations so to be laid down.

Roads to which this Act is applicable.

X. That this Act shall be put into execution for the Purpose of maintaining, repairing, widening, and improving the Road and Branches and erecting the Bridge herein-after respectively mentioned; that is to say, the Road now leading from the *Old Market Place* through *Church Street* and *North Gate*, all in the Town of *Blackburn*, through the several Townships of *Blackburn*, *Mellor*, and *Samlesbury*, all in the Parish of *Blackburn*, and the several Townships of *Brockholes* otherwise *Grimsargh* with *Brockholes* and *Ribbleton*, all in the Parish of *Preston* in the County Palatine of *Lancaster*, to the Boundary  
of

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of the Borough of *Preston*, and for erecting a Bridge in the Line of such Road over the River *Ribble*, and continuing the present temporary Bridge over the said River until the Erection of such Bridge, in the Townships of *Samlesbury* and *Brockholes* otherwise *Grimsargh* with *Brockholes* aforesaid; the Branch Road leading from and out of the aforesaid Road at or near to an Inn called the *Windmill* in the Township of *Samlesbury* aforesaid, and communicating at or near *Mellor Brook* in the said Parish of *Blackburn* with the Turnpike Road leading from *Balderstone* to *Burscough Bridge* in *Walton-in-le-Dale* in the said County; and the Branch Road leading from and out of the said first-mentioned Road at or near the Bank in the Township of *Blackburn* aforesaid, and communicating with a Street called *King Street* in the Town and Township of *Blackburn* aforesaid.

XI. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *January* One thousand eight hundred and fifty-three. Present Tolls continued for a Time.

XII. That the several Toll Gates now standing or being on the said Roads or on the Sides thereof shall be continued until removed by Order of the said Trustees; and it shall be lawful for the said Trustees, subject to the Provisions of this Act and of an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter 77, with reference to continuing and erecting Toll Gates and Toll Houses, to order and cause to be erected and set up in, upon, or across the said Roads, or on the Sides thereof, any Toll Gate or Toll Gates, and to remove the present or any future Toll Gates, or any of them, as they shall think proper. Toll Gates to be continued until removed by Order of the Trustees.

XIII. That from and after the First Day of *January* One thousand eight hundred and fifty-three it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Roads such Tolls as the said Trustees shall at any of their Meetings direct, not exceeding the Sums following; (that is to say,) Power to take Tolls.

For every Horse or other Beast, laden or unladen and not drawing, Tolls.  
the Sum of Twopence; and if more than One Person shall ride upon any such Horse or Beast which shall pass any Toll Gate continued or which shall be placed upon or within the Distance of One hundred Yards from any Bridge erected or which shall be erected in the Line of the said Road over the River *Ribble*, or at each or either End of any such Bridge, whether such Horse or Beast shall travel or go more or less than One hundred Yards on

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the said Roads, any Law or Statute to the contrary notwithstanding, the Sum of One Penny each for every such Person more than One :

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

For every Score of Calves, Sheep, Goats, Lambs, or Swine, the Sum of Fivepence, and so in proportion for any less Number than a Score :

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Phaeton, Curricule, Calash, Chair, Gig, Caravan, Van, Hearse, Litter, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Litter, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence ; and having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Sevenpence :

Provided always, that the Tolls to be taken for any Ass shall in every Case be less by One Penny than the Tolls hereby authorized to be taken for a Horse or other Beast :

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence :

For every Dog or Goat drawing any Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny ; and

For every Foot Passenger or Person on Foot (except the Driver of any Waggon, Wain, Cart, or other such like Carriage), who shall pass any Toll Gate erected or which shall be erected upon the said temporary Bridge or the said intended Bridge over the River *Ribble*, or at each or either End of any such Bridge, or within One hundred Yards thereof, the Sum of One Penny ; and the like Sum of One Penny for every Person who shall pass any such last-mentioned Toll Gate, and who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage, (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire,) or who shall ride upon any Horse or Beast drawing any such Waggon, Wain, Cart, or other such like Carriage ; such respective Tolls to be paid before any such Person, or any such Waggon, Wain, Cart, or other such like Carriage, or the Horse or Horses, Beast or Beasts drawing the same, shall be entitled to pass through such Toll Gate, and to be paid for each and every Time of passing through such Toll Gate ; and upon Payment of such Toll the Collector shall and he is hereby required to deliver *gratis* to such Foot Passenger or  
Person

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Person as aforesaid a Note or Ticket denoting such Payment; and on Refusal or Neglect of such Collector so to do, such Collector shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner, and by the same Ways and Means, as any Penalty on any Collector refusing or neglecting to deliver a Ticket on Payment of Toll on the said Turnpike Road may by Law be levied or recovered; provided, that if more than One Toll Gate shall be erected or set up, no more than One Toll of One Penny shall be taken from any Foot Passenger or Person as aforesaid who shall on the same Day (to be computed as herein-after mentioned) pass through all such Toll Gates; but each Foot Passenger and Person as aforesaid upon Payment of Toll at One of such Gates, and upon producing a Ticket denoting such Payment on that Day, shall be permitted to pass Toll-free through the other or others of such Gates:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof, or upon any such Bridge, or at each or either End thereof.

XIV. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

As to the Fraction of a Halfpenny in Tolls.

XV. That if any Foot Passenger or Person on Foot shall fraudulently or forcibly pass through any Toll Gate continued or erected upon the said temporary or intended Bridge over the River *Ribble*, or at each or either End thereof, without paying the Toll hereby imposed, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and such Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered; and One Half of such Penalty shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

To prevent Evasion of Tolls by Foot Passengers.

XVI. That upon Payment of the Toll hereby authorized to be taken for the passing of any Horse, Beast, Cattle, or other Animal or Thing liable to Toll or Duty through any One of the Toll Gates to be continued or erected on the said Roads by virtue of this Act, such Horse, Beast, Cattle, Animal, or Thing shall, upon a Ticket denoting such

Tolls to be paid but once a Day, unless for passing a Seventh Time, &c.

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such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, Six Times during the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), anything in this Act contained to the contrary thereof in anywise notwithstanding; but if such Horse, Beast, Cattle, Animal, or Thing shall pass a Seventh Time in the same Day, to be computed as aforesaid, such Horse, Beast, Cattle, Animal, or Thing shall again be subject and liable to the aforesaid Tolls, to be paid before the same shall be entitled to pass the Seventh Time as aforesaid, and so *toties quoties* for every Seventh Time of passing any such Toll Gate.

Limitation of  
Tolls.

XVII. That, subject to the Provisions in this Act contained, no more than Four full Tolls shall be taken for passing and repassing at any Time or Times in the same Day, to be computed as aforesaid, with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates continued or erected upon or across the direct Line of Road between the *Old Market Place* in *Blackburn* and the Town of *Preston* (the Distance between each respective Place of Payment being at least One Mile and a Half), nor more than One full Toll for passing and repassing as aforesaid through all the Toll Gates continued or erected on the said Branch of Road leading from the *Windmill* Inn into the *Balderstone* Turnpike Road, nor more than One full Toll for passing and repassing through all the Toll Gates to be erected on the said Branch of Road leading from the *Bank* to *King Street*.

Stage  
Coaches, &c.  
to pay every  
Time of pass-  
ing.

XVIII. That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage conveying Passengers or Goods for Pay or Reward shall be payable and paid every Time of passing or repassing along the said Roads.

Postchaises  
on every new  
Hiring.

XIX. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

The Tenants  
of the Estates  
formerly  
of Sir John  
Shelley and  
Sir T. D.  
Hesketh to  
be partially  
exempt from

XX. That no Toll shall be demanded or taken at any Toll Gate which shall be erected upon the said Road between *Preston* and the River *Ribble* for or in respect of any Horse, Beast, Cattle, or Carriage employed in drawing, carrying, or conveying, or going empty to fetch, draw, carry, or convey, or returning empty from drawing, carrying, or conveying Hay, Hay-grass, Straw, Corn, Corn in the Straw, Wheat, Barley,



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Barley, Oats, Fodder, Clover, Vetches, Turnips, Potatoes, Flour, Meal, Bran, Beans, Peas, Cheese, Milk, Butter, Oil Cake, Lime, Dung, Soil, Marl, Compost, or Manure of or belonging to or for the Use of any Person who is or shall be the Farmer or Tenant of any Messuage, Dwelling House, Building, Lands, Tenements, or Hereditaments in the Townships of *Brockholes* and *Ribbleton*, or either of them, and which did at the Time of the passing of the said recited Act belong to or was then the Property or in the Possession of Sir *John Shelley* Baronet and Sir *Thomas Dalrymple Hesketh* Baronet, or either of them; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; and such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as Penalties or Forfeitures for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Toll between Preston and the River Ribble.

Penalty on fraudulently taking Benefit of Exemptions.

XXI. 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, or laden with or employed in leading or conveying any Mould, Dung, Marl, Bone Dust, Compost, or other Manure for improving or manuring Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, Corn in the Straw, Potatoes, or other Agricultural Produce, 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.

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

XXII. 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 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, or building, rebuilding, or repairing

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

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a Bridge 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.

Regulations and Penalties relating to measuring of Wheels of Carriages to extend to Carriages subject to Toll by the preceding Sections.

XXIII. 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, or relating to the Owners or Drivers of such Waggon, Carts, and other Carriages, shall be applicable and shall extend and be deemed and taken to extend to all Waggon, Carts, and other Carriages passing over or along the said Roads which, by any of the Provisions hereinbefore contained, are made liable and subject to the Payment of Toll, and to the Owners and Drivers thereof.

Arrears of Interest to be extinguished.

XXIV. That from and after the passing of this Act all Arrears of Interest from the Thirtieth Day of *June* One thousand eight hundred and thirty-one up to the Thirty-first Day of *December* One thousand eight hundred and fifty-one, on the Principal Money owing on the Security of the Tolls shall be considered as satisfied and discharged, and that from thenceforth Interest at the Rate of Four Pounds *per Centum per Annum* only shall be payable on the said Principal Money.

Application of Monies.

XXV. That all Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in setting apart the Sum of One hundred Pounds *per Annum* to be applied in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses, and in repairing and maintaining the Bridge over the River *Ribble*, and the Road over such Bridge, and for the Space of One hundred Yards at each End of such Bridge, and the necessary Expenses of Management of the said Roads, and Salaries of Officers; provided, that if after paying for such Repairs, Maintenance, and Expenses there shall be any Residue of such Sum of One hundred Pounds at the Expiration of any One Year, such Residue may be allowed to accumulate and be applied in any future Year, as the Trustees may think fit, in the necessary Repairs of the said Bridge and Road: Provided also, that if there shall be any Residue of such Monies on the Expiration of the Term by this Act granted, such Residue shall be applied in the Manner herein-after lastly directed with respect to the Application of Monies to arise under this Act:

Thirdly,

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Thirdly, in paying the Expenses of maintaining and keeping in repair the said Road and Branches (exclusive of the Bridge over the River *Ribble* and the Road over such Bridge, and for the Space of One hundred Yards at each End thereof), subject to the Proviso herein-after contained limiting the Amount to be applied under this Provision out of the Tolls :

Fourthly, in paying and discharging, at the Rate of Five Pounds *per Centum per Annum*, the Arrears of Interest remaining unpaid up to the said Thirtieth Day of *June* One thousand eight hundred and thirty-one on the Principal Sum of Seventeen thousand one hundred and fifty-seven Pounds Nineteen Shillings and Elevenpence now owing on the Credit of the Tolls, and in paying Interest from the said Thirty-first Day of *December* One thousand eight hundred and fifty-one, at the Rate of Four Pounds *per Centum per Annum*, upon such Principal Sum or upon such Part thereof as shall for the Time being remain unsatisfied ; and,

Lastly, in reducing, paying off, and discharging, as herein-after directed, the several Principal Sums owing on the Security of the said Tolls and from Time to Time remaining unpaid.

XXVI. Provided always, That no greater Amount shall be applied out of the Tolls to be received by virtue of this Act in any One Year to the Purposes thirdly herein-before mentioned than Two Third Parts of the Expense of maintaining and keeping in repair the said Road and Branches, such Two Third Parts not to exceed in any One Year the Sum of Three hundred and thirty-three Pounds Six Shillings and Eightpence.

Limiting  
Amount to  
be expended  
in Repairs.

XXVII. That (inasmuch as no Mortgage has been executed in respect of any of the Money now owing on the Credit of the Tolls by the said recited Act authorized to be collected on the said Roads) it shall be lawful for the Trustees acting in execution of this Act, at any of their Meetings, to make and execute Mortgages of the Tolls by this Act granted or authorized to be collected upon the said Roads, and of the Toll Gates and Toll Houses for collecting the same, unto any Person to whom any such Money is or shall be owing, or to his Executors, Administrators, or Assigns, as a Security for the Principal Money owing to him, with Interest thereon after the Rate of Four Pounds *per Centum per Annum*, from the said Thirty-first Day of *December* One thousand eight hundred and fifty-one ; and every such Mortgage shall be prepared at the Expense of the Party requiring the same, and 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 that until each such Creditor shall have obtained a Mortgage

Trustees  
to execute  
Mortgages  
for Money  
borrowed be-  
fore the pass-  
ing of this  
Act.

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a Mortgagee he shall be deemed an equitable Mortgagee of the said Tolls in respect of the Debt owing to him.

Mode of  
discharging  
Debt.

XXVIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Lancaster*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, or by Letter sent by Post to each Mortgagee and Creditor, addressed to his usual Place of Residence; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls and borrowed as aforesaid, to the Creditor who, at such Meeting or by Proposal in Writing transmitted to the Clerk of the Trustees, shall offer to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof, as the Case may require, in or towards the Discharge of other Monies owing on the Security of the said Tolls, and borrowed as aforesaid, to the Creditor who shall in like Manner offer to accept the next lowest Composition in respect of the Principal Monies due to him; and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall offer to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Offers relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, or otherwise, as the Trustees shall think fit.

Provision for  
Payment of  
Monies for  
which a valid

XXIX. That in case any Person who shall be entitled to any Debt owing on the Credit of the Tolls on the said Road cannot be found, or in case a valid Discharge for any Money payable in respect of

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of any such Debt cannot be given to the Trustees, then and in every such Case it shall be lawful for the Trustees, if they shall think fit, from Time to Time, with the Privity of the Accountant General of the High Court of Chancery, to pay any Money which shall be payable in respect of any such Debt into the Bank of *England* to the Account of such Accountant General in the Matter of the "*Blackburn and Preston Road Trust*," and the Person to whom such Money belongs (describing such Person as he is described in the Register or Books of the said Roads, or otherwise, as accurately as Circumstances may admit), in trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Money to the Party entitled thereto, or otherwise, as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of Her present Majesty, Chapter Ninety-six, and an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the same Reign, Chapter Seventy-four, whether with respect to the Mode of applying for the Order of the said Court or otherwise howsoever, shall be applicable to all Monies paid into the said Bank pursuant to this Act, in like Manner as such Provisions would be applicable if such Monies had been paid into the said Bank under the said Acts; and all Monies so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such Payment and for the Purposes of this Act, be considered as paid off and discharged by the Trustees.

Discharge cannot be given.

XXX. That whenever and so long as the Interest, at the Rate herein-before mentioned, upon the before-mentioned Principal Sum of Seventeen thousand one hundred and fifty-seven Pounds Nineteen Shillings and Elevenpence, or upon such Part thereof as shall for the Time being remain unsatisfied, shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into Possession of such Toll Gates, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-before mentioned, upon the said Principal Sum or upon so much thereof as shall then remain unsatisfied, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Principal Sum shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account

Mortgagees not to take possession of Toll Houses but for Arrears of Interest.

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of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due, at the Rate herein-before mentioned, on such Principal Sum up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same; anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Bridge over the River Ribble to be maintained by the Trustees so long as Toll is taken on or within 100 Yards of the Bridge.

XXXI. That so long as any Toll Gate shall be continued upon or within the Distance of One hundred Yards from the said present temporary Bridge, or any Bridge to be erected by virtue of this Act in the Line of the said Road over the River *Ribble*, such Bridge and the Road over the same, and for the Space of One hundred Yards at each End of such Bridge, shall be maintained and repaired by the said Trustees for the Time being out of the Tolls to be collected under the Authority of this Act, and not by the Inhabitants of the said County: Provided always, that if the said Trustees shall at any Time discontinue all the Toll Gates upon or within the Distance of One hundred Yards from the said Bridge, they shall not have Power again to erect any Toll Gate upon or within the Distance of One hundred Yards from the said Bridge, and thenceforth the Toll authorized to be taken upon or within the Distance aforesaid from the said Bridge from or for Foot Passengers or Persons on Foot and other Persons shall cease and determine, never to be renewed, anything herein contained to the contrary thereof in anywise notwithstanding.

Bridge to be erected of certain Dimensions.

XXXII. That any Bridge to be erected in the Line of the said Road over the River *Ribble* shall be so constructed as to leave a clear Waterway of One hundred Yards under the same exclusive of the Piers, and so that the lower Side of the Centre or Keystone of the North Arch of the said Bridge shall be of the Height of Thirty-four Feet (at the least) from Low-water Mark; and that the other Arches of the said Bridge shall be of such a proportionate Height as to allow the Road over the said Bridge to be formed in an inclined Plane from the North to the South Side of the said River, such Plane inclining not more than One Inch and Three Quarters in the Yard: Provided nevertheless, that in case the said Trustees shall think it necessary in building the said Bridge to adopt any other or different Dimensions or Plan, they shall, subject to the Provisions of this Act, be at liberty so to do with the Consent in Writing of the Owners or Proprietors for the Time being of the Lands formerly belonging to the said Sir *John Shelley*

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*Shelley* Baronet adjoining the River *Ribble* in *Brockholes* aforesaid, or of the respective Husbands, Guardians, Committees, Feoffees, or other Trustees of any such Owners or Proprietors, being Females Covert, Infants, Tenants for Life or in Tail, Lunatics, Idiots, or otherwise incapacitated from acting for herself, himself, or themselves: Provided also, that the Ascent of the Road over the said Bridge shall not exceed One Foot in Thirteen, and that the Fence on each Side of such Bridge, and on the Side of every Causeway thereto adjoining, shall not be less than Four Feet above the Surface of the Road and Footpath.

XXXIII. Provided always, That it shall not be lawful for the Trustees in building the said Bridge on the Line of the said Road over the River *Ribble* to make any Alteration in the Plan or Dimensions herein-before specified for the Construction of such Bridge, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty.

Dimensions, &c. not to be altered without Consent of the Admiralty.

XXXIV. That no Gravel shall be taken or got, and the said Trustees and all other Persons are hereby restrained and prohibited from taking or getting any Gravel out of the River *Ribble*, within the Distance of Fifteen Yards from the Banks of the said River, in the Townships of *Brockholes* and *Fishwick*, or either of them.

No Gravel to be taken from the River *Ribble* within a certain Distance of the Bank.

XXXV. That the said Trustees shall and they are hereby required to make or cause to be made, over and across and on each Side of the Embankment which it will be necessary to raise at the North End of the said intended Bridge in the said Township of *Brockholes*, a Road or Way for the Occupation of the Lands and Grounds which at the Time of the passing of the said recited Act belonged to or were in the Possession of the said Sir *John Shelley* adjoining such Embankment; and that such Road or Way shall be so formed as not to rise more than Three Inches in a Yard; and that the Slopes of the said Embankment, and also the Slopes on the Sides of the said Road in the deep Cutting through the Lands of the said Sir *John Shelley*, shall be made and formed in such Manner that for every perpendicular Yard of cutting or embanking there shall be Three Yards horizontal; and that such Slopes shall be covered with Soil Fourteen Inches thick at the least; and that the said Trustees shall, unless they have been by Agreement released from erecting such Wall, erect a Wall, Four Feet high at the least, on each Side of the said Road at the Foot of the deep Slopes in the Lands of the said Sir *John Shelley*; and that the said Trustees shall also, unless they have been

Occupation Roads and Fences to be made in Sir *John Shelley's* Lands.

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by Agreement released from planting such Fence, plant a Quickwood Fence at the Foot of the said Slopes behind the said Wall.

No Tolls to be taken or Money laid out in Towns.

XXXVI. That no Money shall be laid out on the said Roads within the Borough of *Preston*, nor within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

No more Money to be borrowed on the Tolls without Consent.

XXXVII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State being first obtained.

Roads not exempt from Provisions of future General Acts.

XXXVIII. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXXIX. That this Act shall commence and take effect on the Thirtieth Day of *October* One thousand eight hundred and fifty-two, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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