



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## *Cap. xxxi.*

An Act for repairing, improving, and maintaining the Roads from *Bury*, through *Haslingden*, to *Blackburn* and *Whalley*, and other Roads communicating therewith, in the County Palatine of *Lancaster*.  
[14th June 1839.]

**W**HEREAS an Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for repairing, improving, and maintaining the Roads from Bury, through Haslingden, to Blackburn and Whalley, and other Roads communicating therewith, in the County Palatine of Lancaster, and for making a new Piece of Road also to communicate therewith*: And whereas considerable Sums of Money have been advanced and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act on the said Roads, which cannot be paid off, nor can the said Roads be improved and effectually maintained and kept in repair, unless the Powers and Provisions of the said Act are amended and enlarged, and the Tolls authorized by the said Act to be taken on the said Roads altered and increased: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act were repealed, and if other Powers and Provisions were granted and made in lieu thereof: May it therefore

1 W. 4. c. 37.

[Local.]

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fore

Recited Act  
repealed.

fore 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That upon the Day of the Commencement of this Act the said recited Act shall be and the same is hereby declared to be repealed.

Repeal of  
recited Act  
not to revive  
former Acts.

50G.3. c. 137.

7 & 8 G. 4.  
c. 28.

II. Provided always, and be it further enacted, That the Repeal by this Act of the said recited Act of the First Year of the Reign of King *William* the Fourth shall not extend to revive so much of an Act passed in the Fiftieth Year of the Reign of 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*, as relates to the Second District of Road therein comprised, and an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for more effectually amending, widening, and maintaining the Roads from the Town of Bury, through Haslingden, to Blackburn and Whalley, and also from Portfield to Padiham, and for making, repairing, and improving other Roads to communicate therewith, all in the County Palatine of Lancaster*, and which were repealed by the said recited Act of the First Year of the Reign of King *William* the Fourth, but the said Act of the Fiftieth Year of the Reign of King *George* the Third, so far as the same relates to the said Second District of Road therein comprised, and the said Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, shall remain and be and are hereby declared to be repealed.

This Act to  
be put in  
execution for  
Purposes  
herein  
mentioned.

III. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for maintaining, amending, improving, and keeping in repair the Road leading from or nearly from *Bridge End* in the Township of *Haslingden* to a House at or nearly at the Southerly End of *Dearden Gate* in *Haslingden* aforesaid, formerly in the Occupation of *John Rostron*; and also the several Roads leading from the Dwelling House in *Bury* now or late in the Occupation of *William Walker*, through *Haslingden*, to the East End of *Salford Bridge* in *Blackburn*, and from *Haslingden* to the East End of *Cockshott Bridge* in *Whalley*; and also the Road from or nearly from the Close of Ground in *Whalley*, called "the *Shoebroads*," to *Padiham*; and also the Diversion of the said Road between *Bury* and *Whalley*, commencing at or near *Edenfield Chapel* in the Township of *Tottington Higher End*, and terminating at or near *Rising Bridge* in the Township of *Lower Booths*; and also the Road from the said Road between *Haslingden* and *Blackburn*, commencing at or near the North-west Foot of *Fecit Brow* in the said Township of *Blackburn*, and terminating at or near a Dwelling House in the Township of *New Accrington* now or late in the Occupation of *James Fairey*; and also for the Purpose of making a new Piece of Road from the said Road between *Haslingden* and *Blackburn*, to commence at or near the North-west Foot of *Fecit Brow* in the said Township of *Blackburn*, and to terminate at



or near the Steam Corn Mill in the Township of *Blackburn*, now or late in the Occupation of *George Clarke*; and afterwards in maintaining, amending, improving, and keeping the same in repair.

IV. And be it further enacted, That the Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit or on account of the said recited Act of the First Year of the Reign of King *William* the Fourth, or any former Act or Acts for making or maintaining the Roads comprised in the said recited Act, and of all Interest due and to grow due for the same, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and had become due on the Credit of this Act and the Tolls hereby authorized to be collected; and all and every Person and Persons owing or who may owe any Sum or Sums of Money to the Trustees for executing the said recited Act hereby repealed, or for executing any such former Act or Acts, or any of them, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities duly and according to Law made or entered into or given by or to or with the Trustees for executing the said recited Act hereby repealed, or for executing any such former Act or Acts, shall be as available in all Courts of Law and Equity as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made or entered into by or to or with the Trustees for executing this Act; and all Bargains, Contracts, Agreements, or Notices duly and according to Law entered into or given by the Trustees for executing the said recited Act hereby repealed, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said Acts, shall be and remain in as full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said last-mentioned Act.

Tolls liable to Debts, &c. contracted under former Acts.

V. 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 *William Alston*, *Richard Ashton*, *Samuel Ashton*, *William Benson*, *Joseph Birley*, *Thomas Booth*, *John Bowker*, *William Brooks*, *Walton Bulcock*, *William Bury*, *Thomas Calrow*, *James Chadwick*, *James Chadwick* the younger, *James Cross*, *Robert Dobson* Clerk, *John Feilden* of *Mollington*, *William Feilden*, *John Fleming*, *Miles Formby* Clerk, *James Forrest*, *Richard Fort*, *Thomas Glover*, *John Grant*, *Dennis Grundy*, *Edmund Grundy* the younger, *John Grundy*, *John Grundy* the younger, *Samuel Grundy*, *John Hall* of *Hutchbank*, *John Hall* of *Mount Pleasant*, *John Townsend Brandwood Halstead*, *Daniel Hamer*, *Oliver Hargreave*, *Benjamin Hargreaves*, *George Hargreaves*, *Henry Hargreaves*, *John Hargreaves* of *Broad Oak*, *John Hargreaves* of *Blackburn*, *Jonathan Hargreaves*, *Robert Hargreaves*, *William Hargreaves*, *James Haworth*, *John Haworth* of *Horncliffe*, *Samuel Haslam*, *Robert Hopwood*, *Robert Hopwood* the younger, *Daniel Hornby*, *Geoffrey Hornby* Clerk, *John Hornby*,

Trustees appointed.



*Hornby, John Hornby the younger, Robert Hornby Clerk, William Henry Hornby, Henry Hoyle of New Hall Hey, Henry Hoyle of Little Harwood, John Hoyle, James Hutchinson, John Hutchinson, Thomas Hutchinson, William Hutchinson the younger, James Jackson, John Robinson Kay, John Lomax of Springfield, James Lomax, John Marquis, Allen Norris, Thomas Norris, William Hutchinson Norris, Robert Nuttall, James Openshaw, Edward Parker, Christopher Parkinson, John Parkinson, Sir Robert Peel Baronet, Robert Peel of Hyndburn, Jonathan Peel, Robert Peel of Church Bank, Thomas Peel of Church Bank, Joseph Peel, Edward Pein, Henry Petre, George Pickup, James Pickup, Henry Rawsthorne, Richard Robinson, John Rostron of Edenwood, John Rostron the younger, of Edenwood, John Rostron of Woodside, John Rothwell, Thomas Sandiford, James Simpson the younger, Henry Slater, Joshua Smithson, Edgar Stansfield Doctor of Medicine, William Stansfield, James Stott, Le Gendre Pierce Starkie, Frederick Steiner, James Thomson, Daniel Thwaites, John Townsend, Richard Townsend, Edward Robinson Turner, James Turner, Ralph Turner, William Turner of Shrigley Park, William Turner of Haslingden, Oliver Ormerod Walker, William Walker, Benjamin Walmsley, Robert Walmsley, John Master Whalley Clerk, Robert Whalley, William Whalley, Charles Whitaker the younger, Robert Nowel Whitaker Clerk, Robert Whittle, John William Whittaker Clerk, Doctor of Divinity, Benjamin Wilson, James Wilson, John Wilson, James Wood, Samuel Woodcock, and James Worsley, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Roads, and for making and maintaining the new Piece of Road hereinafter mentioned, and for otherwise putting this Act into execution.*

Power to  
appoint  
additional  
Trustees.

VI. 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 elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting  
of Trustees.

VII. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Commercial Inn* in the Town of *Haslingden*, or at some other convenient Place in the said Town, on the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places upon or near to the said Roads, as they shall think proper.

Power to  
erect Toll  
Gates, Side  
Bars, &c.

VIII. And be it further enacted, That all and every the several and respective Toll Gates, Turnpikes, Side Gates, Side Bars, Chains, and Toll Houses now standing and being in or upon or across or  
on



on the Sides of the said Roads, or any of them, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to erect and set up or build, or to order and cause to be erected, set up, and built, upon, in, or across the said Roads, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to order and cause to be taken down and removed, or to alter or discontinue, the same, or any of them, or any Part thereof respectively, as the said Trustees shall think proper and direct or appoint.

IX. And be it further enacted, That it shall be lawful for the Trustees for executing this Act absolutely to sell and dispose of any Toll House or Toll Houses standing and being upon the Sides of the said Roads, 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: 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.

Toll Houses becoming useless may be sold.

X. And be it further enacted, That, notwithstanding the Repeal of the said recited Act of the First Year of the Reign of King *William* the Fourth, the several Tolls granted by the said Act shall be continued to be demanded, paid, and received at the several and respective Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains on the Roads comprised in this Act, until Twelve of the Clock at Night on the Fifth Day of *July* next, when the Term of the existing Contracts of letting the said Tolls will expire.

Present Tolls to be taken till 5th July.

XI. And be it further enacted, That from and after Twelve of the Clock at Night of the Fifth Day of *July* next the several Sums of Money or Tolls herein-after mentioned shall and may be demanded and taken at the several Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains which shall be continued, set up, or erected upon, across, or by the Sides of the said Roads comprised in this Act, or any of them, by the said Trustees, or by any Lessee or Lessees of the Tolls,

Tolls to be taken after 5th July.

[Local.]

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or by any Person or Persons appointed or continued or to be appointed by the said Trustees, or such Lessee or Lessees, Collector or Collectors of the Tolls; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricule, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Seven-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Nine-pence:

For every Horse or other Beast drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Four-pence:

For every Horse or other Beast drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Seven-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 Ten-pence, and so in proportion for any greater or less Number:

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings:

For every Dog drawing any Cart, Carriage, or other Vehicle, the Sum of One Penny:

Which said several and respective Tolls or Sums of Money, and also the Half Tolls herein-after mentioned, shall be demanded and taken as aforesaid, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or any Dog, drawing as aforesaid, shall be permitted to pass through any such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain; and such several and respective Tolls or Sums of Money shall be payable and paid for each Time of passing, subject to the Provisions herein-after contained; and the same shall be and are



hereby vested in the Trustees of the said Roads, and shall be applied for the Purposes of this Act in manner herein-after directed.

XII. Provided always, and be it further enacted, That no more than Four Tolls in the whole shall be demanded or taken in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) at One and the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on any of the said Roads, for or in respect of the same Horse, Beast, Cattle, or Carriage passing through the same (except in the Cases herein-after mentioned and provided for); and also that any Horse, Beast, Cattle, or Carriage (except as herein-after mentioned) shall be allowed to return and pass once Toll-free in the same Day (to be computed as aforesaid) through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain in respect of each One Payment of Toll, on a Ticket being produced denoting such Payment to have been made.

Limiting the Number of Tolls to be taken at the same Gate in One Day.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any Collector or Collectors of the Tolls, to demand or take, for or in respect of the same Horses, Beasts, Cattle, or Carriages (except in the Cases herein-after mentioned and provided for) for passing and repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains along the whole Line of the said Roads, more than the several Payments of Tolls following; that is to say, from *Bridge End* to *Dearden Gate* aforesaid, One full Toll; from *Bury* to *Haslingden*, Four full Tolls; from *Haslingden* along the direct Road to *Blackburn*, Four full Tolls; from *Haslingden* to *Whalley*, Four full Tolls; and from the North-west Foot of *Fecit Brow* to the said Dwelling House in the Township of *New Accrington* aforesaid, formerly in the Occupation of *James Fairey*, Two full Tolls.

Limiting the Number of Payments on the Lines of the Roads.

XIV. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid any Number of Times in any One Day in respect of any Horse or Horses or other Beast or Beasts drawing any Waggon, Wain, Cart, or other Carriage of any Description, for passing through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains on the said Roads, or any of them, and any such Horse or Horses or other Beast or Beasts shall be afterwards employed on the said Roads, or any of them, during the same Day, in drawing a different Waggon, Wain, Cart, or other Carriage from that which they were employed in drawing when such Payment was made, every such Horse or Beast so drawing shall, notwithstanding any such Payment, be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other Carriage, as if no Toll had been previously paid for the same.

Horses, &c. drawing different Carriages to be again subject to Toll.

XV. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than

Horses drawing Stage Coaches, &c.



than Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any of them: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

Horses  
drawing  
Post Chaises,  
&c.

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

The same  
Tolls to be  
taken at all  
the Gates.

XVII. Provided also, and be it further enacted, That nothing in this Act or any Law or Statute relating to Turnpike Roads in *England* contained shall extend or be construed to extend to authorize or empower the said Trustees to demand or take, or order to be demanded or taken, any greater or less Amount of Toll at any One or more Toll Gate or Toll Gates on the said Roads than shall be payable at any other Toll Gate or Toll Gates by virtue of this Act, but the respective Payments at the said several Toll Gates shall be in all Cases alike in respect of the same Horses, Beasts, Cattle, or Carriages passing along the said Roads.

Regulating  
the Weights  
on Carts  
draw by One  
Horse.

XVIII. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Roads by One Horse or Beast only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse or Beast shall never exceed the Weights following; that is to say, from the First Day of *April* to the Thirtieth Day of *September* (both Days inclusive) One Ton and Ten Hundred Weight for each such Cart or Carriage and the Lading thereof, and from the First Day of *October* to the Thirty-first Day of *March* (both Days inclusive) One Ton and Eight Hundred Weight for each such Cart or Carriage and the Lading thereof; any Law or Statute to the contrary thereof notwithstanding.

Authorizing  
the weighing  
and gauging  
of the Wheels  
of One-horse  
Carts.

XIX. And be it further enacted, That all Carts or other such Carriages drawn by One Horse or other Beast, passing along or upon the said Roads, or any of them, shall and may be weighed at any Weighing Machine or Weighing Machines erected upon or on the Sides of the said Roads, or any of them; and the Breadth of the Wheels thereof at the Bottom or Soles of the Fellies shall and may be measured and gauged, and the like additional Tolls and Penalties for Overweight and Breadth of the Wheels shall be demanded, paid, and recovered, as may by any Statute now in force be demanded, paid, and recovered for Overweight, and in respect of Breadth of Wheels for Carts and other Carriages drawn by Two or more Horses or Beasts, any Law or Statute to the contrary thereof notwithstanding.

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XX. 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, or with 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; any Law or Statute to the contrary notwithstanding.

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

XXI. 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 leading or conveying any Materials for making or repairing any Highway, unless such Materials 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.

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

XXII. Provided always, and be it further enacted; That it shall be lawful for the said Trustees to cause to be demanded and taken, for every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards, and employed upon any Part of the Roads comprised in this Act in leading or conveying any Materials for making or repairing any Highway during the Winter Months, that is to say, between the Thirtieth Day of *September* in one Year and the First Day of *April* in the next succeeding Year, any Sum of Money as Toll, not exceeding One Half of the Sum or Toll herein-before authorized to be demanded and taken in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage not so employed, or laden in any other Manner, and according to the Breadth of the Fellies of the Wheels of any such Waggon, Wain, Cart, or other Carriage respectively; any Exemption allowed by the General Turnpike Acts, or any Law or Statute, to the contrary notwithstanding.

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

XXIII. 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 and 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

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

[Local.]

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the Provisions herein-before contained are made liable and subject to the Payment of Toll, and to the Owners and Drivers thereof.

Application  
of Tolls.

XXIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act of the First Year of the Reign of King *William* the Fourth, hereby repealed, on account of any of the Roads comprised in this Act, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable on all the several Roads comprised in this Act, together with the Monies which have been or shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment and Discharge of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other necessary current Expences incidental to the Execution of this Act,) in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the same Roads or any of them, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Roads, in erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, in making the said new Piece of Road from *Fecit Brow* to the Steam Corn Mill aforesaid, in defraying the Expence of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads, and in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed or secured in pursuance of and for the Purposes of the said Acts or any of them, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of the said Roads.

Tolls not to  
be applied in  
the Repair of  
any Road un-  
less there be  
a Toll Gate  
continued  
thereon.

XXV. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be repaired by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, 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 collected thereat or borrowed on the Security of the Tolls collected thereon.

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XXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies now in the Hands of the Treasurer of the said Trustees, or any Money which shall be borrowed on the Credit of this Act, or any Money to arise from any of the Tolls by this Act granted, in the Repair of any Road or Way in the Towns of *Bury, Haslingden, or Blackburn*, or in any Town the Roads or Ways in which are directed to be repaired under the Powers or Provisions of any Local Act of Parliament, or to collect any Tolls therein; and that for the Purposes of this Act the Town of *Blackburn* shall be deemed to extend to the Junction of the *Burnley and Blackburn Road* with the Roads comprised in this Act at the Bridge over the *Leeds and Liverpool Canal*.

Trustees not to apply any Money in repair of Roads in Towns, or that are repairable under any Local Act.

XXVII. And whereas by the said recited Act which is hereby repealed Powers are granted for making a new Piece of Road to communicate with the Road between *Haslingden and Blackburn*, commencing at or near the North-west Foot of *Fecit Brow* in the said Township of *Blackburn*, and terminating at or nearly at a Steam Corn Mill in the said Township of *Blackburn*, in the said Act described as then or late in the Occupation of *George Clarke*, but the said new Piece of Road has not yet been made: And whereas the making thereof might be of great Benefit and Advantage to the Public; be it therefore further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the said new Piece of Road from *Fecit Brow* aforesaid to the Steam Corn Mill aforesaid, upon, in, over, or through the Lands, Grounds, or Hereditaments described in the Plan and Book of Reference herein-after mentioned, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Arches, Culverts, Ditches, Drains, and Fences as they shall think necessary or expedient, making Satisfaction to the Owners and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon the said Road, and such Footpaths, Causeways, Arches, Culverts, Drains, and Fences is or are intended to be made or pass, (with the Consent in Writing of the Owners thereof for the Time being, and not otherwise,) and also upon any adjoining Lands or Grounds, with the like Consent, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient; and if any Person shall pull up, remove, or destroy any such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to make a new Piece of Road.

XXVIII. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, or Carriage through any Toll Gate or Turnpike erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired or made, or on the Sides thereof, as now is or are or as shall from Time to Time be at

Declaring that the Tolls may be collected, and that Liabilities for repairing Roads shall be enforced,

any



although the whole Road be not completed.

any Time hereafter made or open for the Use of the Public, although the whole of the Roads by this Act authorized to be made is not or shall not be at any Time hereafter made and completed; and that all Persons who by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England* would be liable to the Repair of the said Roads when wholly made and completed shall be and are hereby declared to be liable to the Repair of so much thereof as is or are now made or open to the Public, and also to the Repair of such other Part and Parts of the Roads comprised in this Act as shall from Time to Time be made or open to the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed.

Map or Plan deposited at the Office of the Clerk of the Peace, to remain there and be open to Inspection.

XXIX. And whereas it is in and by the said Act of the First Year of the Reign of King *William* the Fourth, hereby repealed, stated that a Map or Plan describing the Line of the said intended new Piece of Road, and the Lands, Hereditaments, and Premises through or over which the same was to be carried, together with a Book of Reference containing the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, had been deposited in the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the said Map or Plan and the 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 therefrom, 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 Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said new Piece of Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such new Piece of Road shall be made.

Limiting Deviations from Plan.

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

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Piece of Road (with such Consent as aforesaid) into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error on Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses.

XXXI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Piece of Road shall not extend or be construed to extend to empower or authorize the said Trustees to take or use any Lands, Grounds, or



Hereditaments without the Consent in Writing of the Owners thereof, or to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, 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.

XXXII. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited and broken, and whereupon the Ground, Earth, Stone, and other Substances necessary to be removed for the Purpose of reducing the Inequalities and Heights upon any of the said Roads, and making the same sufficiently level and commodious, and also the worn Materials, may be laid, and also for the Purpose of providing the necessary Materials for filling up any Hollows or Cavities in any of the said Roads, be it also enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments adjoining to the said Roads, or any Part thereof, for the Purchase or Hire of so much thereof as they shall think necessary for any of the Purposes last herein-before mentioned, and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments.

For purchasing Land to lodge Materials.

XXXIII. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XXXIV. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Right of Way to cease when Land is not wanted.

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XXXV. Pro-



The Trustees to have the same Power of using the Land as if they had purchased the Fee Simple thereof.

XXXV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient for the Purpose of keeping the said Roads dry, and conveying the Water from the same into or through any Lands or Grounds adjoining or lying near to the said Roads, (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made on the Sides of the said Roads or any of them, in pursuance of this Act, shall, when so made and completed by the said Trustees, be for ever afterwards scoured, cleansed, and kept open, repaired and maintained, by the Occupiers respectively of the adjoining Lands or Grounds, but all such Arches, Culverts, Trunks, Tunnels, or Plats as shall cross or pass through, under, or over the said Roads, or any of them, shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Public Act.

XXXVII. 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 Act.

XXXVIII. And be it further enacted, That this Act shall commence on the Third *Thursday* after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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