



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. c.

An Act for making and maintaining as Turnpike the Road leading from the *Preston* and *Blackburn* Turnpike Road at *Finnington* to the Township of *Chorley* in the County of *Lancaster*.

[9th July 1842.]

WHEREAS it would be of public Utility if Powers were given to divert and improve, and to make and maintain as Turnpike, the Road leading from the *Preston* and *Blackburn* Turnpike Road at *Finnington* in the Township of *Hoghton* in the Parish of *Leyland*, to the Township of *Chorley*, all in the County Palatine of *Lancaster*; but the same 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 all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *Barton Fletcher Allen, Daniel Arkwright, John Bickerstaff, Thomas Birchall, Charles Birkett, Henry Blackhurst, William Blackledge, Henry Blackledge, Peter Catterall, William Clayton, William Cocker, Edward Craven, James Christopher Crooke, John Cunliffe the younger,*

Appointment of Trustees.

[Local.]

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younger, Thomas Dugdale, William Feilden, Richard Somner Fox, Samuel Rydings Grimshaw, John Hargreaves, Henry Heys, John Hornby, George Jackson, John Marsden, John Miller, Reverend James Streyntsham Master, Richard Palmer, Robert Parke, John Parke, John Parkinson Parke, William Pendlebury, Jonathan Pendlebury, John Pollard, James Priesthall, Dixon Robinson, Richard Rainshaw, Rothwell, Alfred Silvester, William Simpson, Richard Smethurst, Thomas Somner, James Talbot, William Talbot, John Thwaites, Thomas Walmsley, William Woods, and Richard Woodward, 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.

II. And be it enacted, That it shall be lawful for the said 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 Meet-
ing of Trus-
tees.

III. And be it enacted, That the said Trustees shall hold their First Meeting at the *Royal Oak Inn* in *Chorley* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Fourth *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, 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 Road as they shall think proper.

Power to
appoint
Committees.

IV. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Apportionment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to
which this
Act is appli-
cable.

V. And be it enacted, That this Act shall be put in execution for the Purpose of diverting and improving, and making and maintaining as Turnpike, and keeping in repair, the present Road, commencing at or near *Finnington*, in the Township of *Hoghton*, in the Parish of *Leyland* (communicating there with the Turnpike Road leading from *Preston* to *Blackburn*), thence passing from, in, through, or into the several Parishes, Townships, and Places of *Hoghton*, *Withnell*, *Wheelton*, *Heapey*, and *Whittle-le-Woods*, or some of them, and terminating at the Boundary between the said Township of *Whittle-le-Woods* and the Township of *Chorley*, all in the said County Palatine of *Lancaster*.

VI. And

VI. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the Diversions therefrom herein-after mentioned is intended to be made, together with a Book of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County Palatine of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the said 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; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

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

VII. And be it enacted, That it shall be lawful for the said Trustees to improve and maintain the said Road as Turnpike, and to make and maintain a Diversion therefrom, in the Township of *Hoghton* and the Parish of *Leyland*, in the Line and through the Lands delineated in the Map or Plan, and described in the Book of Reference herein-before mentioned (save and except as herein-after mentioned), together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite; and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference (subject nevertheless to the Provisions herein-after contained with respect to the Power of the said Trustees to deviate from the Line of the said Road as laid down upon the said Plan), making Satisfaction for the same to the Owners thereof, and other Persons interested therein, for the Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees and for their Surveyors and Workmen from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Power to make and maintain the Road and Diversion according to the Plan.

VIII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees, in making the said Road Turnpike, or in making the said Diversion therefrom, to deviate from the respective Lines thereof delineated upon the said Map or Plan, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Trustees not to deviate from Plan without Consent.

IX. And be it enacted, That it shall be lawful for the said Trustees to make the said Diversion in the Line and through the Lands delineated upon the said Map or Plan, although such Lands or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County

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

County Palatine of *Lancaster* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Misstatement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

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

X. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of the said Road, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*), by means of any such Purchase or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the 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 Assurance, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XI. Provided always, and be it enacted, That if at any Time any Lands purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have same Power as if they had purchased the Fee Simple.

XII. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act, as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Trustees restrained from pulling down Houses.

XIII. Provided also, and be it enacted, That the Powers and Authorities given by this Act shall not authorize the said Trustees to take or pull down, or to use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the previous Consent in Writing of the Owner or Proprietor thereof and all other Persons interested therein.

Limiting the Time for purchasing Property.

XIV. Provided also, and be it enacted, That in case the said Trustees shall not, within the Space of Three Years from the Commencement of this Act, pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this

this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads, shall so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act (except such Lands as may have been purchased and paid for), cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

XV. And be it enacted, That in all Cases where any Entrance shall be made from the said Road to any Land, or to any Buildings, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Owner or Occupier of such Land or Building, so that such Road may not be injured by the Stoppage or running of Water, or by Carriages or Horses passing to or from the same by such Entrance; and if such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order for the Space of Ten Days after Notice in Writing (setting forth this Provision) given to such Owner or Occupier, or left for him at his usual or last known Place of Abode, or upon the said Land or Building by the Surveyor to the said Trustees, requiring such Owner or Occupier to make or repair the same, it shall be lawful for the said Trustees, or for their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be); and the Expences thereof shall be reimbursed and paid to the said Trustees by such Owner or Occupier (as the Case may be); and in case of Nonpayment of such Expences within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the County Palatine of *Lancaster*, and which Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath of such Expences having been incurred and of such Notice having been given or left as aforesaid, and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

Entrance to
Fields, &c.
to be made
with hard
Materials.

XVI. And whereas in consequence of the Formation of the said intended Diversion from the said Road some Part of the existing Highway, and of the Footpaths leading into or out of the same, may become useless, be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, after the said Diversion shall have been completed, at any Meeting to be held under this Act, with the Consent and under the Order in Writing of any Two Justices of the Peace for the said County Palatine of *Lancaster*, to discontinue or stop up such Parts of the said Highway and Footpaths as they shall deem expedient.

Power to
Trustees to
discontinue
or stop up
Highway and
Footpaths.

XVII. Provided always, and be it enacted, That before any Part of the said Highway or Footpaths shall be discontinued or stopped

Proceedings
previously
to discon-

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up

tinuing or
stopping up
Highway or
Footpaths.

up by the said Trustees, or any such Order of Justices shall be made, the said Trustees shall cause to be affixed, at each End of such Part of the said Highway or Footpaths so proposed to be discontinued or stopped up, a Notice to the Effect that the same is intended to be discontinued or stopped up (as the Case may be); and the said Trustees shall cause the same Notice to be given by Advertisement for Four successive Weeks in some Newspaper of the said County Palatine of *Lancaster*, and also upon the principal Door of the Church or Chapel (if any) belonging to the Parishes within which such Part of the said Highway or Footpaths shall be situate, upon the Four *Sundays* of the said successive Weeks; and after the said several Notices shall have been given, and after such Order as herein-before mentioned shall have been made, such Part of the said Highway or Footpaths shall be and be deemed to be discontinued or stopped up (as the Case may be), subject, however, to such Appeal as herein-after mentioned.

Appeal.

XVIII. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be aggrieved by the discontinuing or stopping up of any such Part of the said Highway or Footpaths as aforesaid, within Four Calendar Months after the making of the said Order, to appeal against the same to the Justices of the Peace at the Quarter Sessions for the said County Palatine of *Lancaster*, upon giving Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof to the Clerk of the said Trustees, or by leaving the same at the usual Place of Abode of such Clerk; but it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of
Appeal, Jury
at Sessions
to determine
whether
Highway or
Footpath
shall be dis-
continued or
stopped up.

XIX. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such Part of the said Highway or Footpaths shall be discontinued or stopped up, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such Part of the said Highway or Footpaths is unnecessary, or may beneficially to the Public be discontinued or stopped up, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the said Trustees, and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under the General Acts relating to Turnpike Roads in *England*; but if the said Jury shall return a Verdict that such Part of the said Highway or Footpaths is not unnecessary, or that the same could not beneficially to the Public be so discontinued or stopped up, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such Part of the said Highway or Footpaths shall not

be discontinued or stopped up; or in case the same shall have been discontinued or stopped up, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal; and such Costs shall be paid by the said Trustees out of the Funds of the Trust hereby created.

XX. And whereas the said Road by this Act made Turnpike is carried over the Canal Navigation from *Leeds* to *Liverpool* by means of a Bridge, already erected and now being over and across the said Canal, and it is expedient to provide against Obstructions being occasioned to the free Navigation of the said Canal; be it therefore enacted, That in case the Trustees of this Act shall by virtue of the Provisions of this Act take down, remove, or alter the said present Bridge, it shall be lawful for the said Trustees and they are hereby authorized and required, at their Expence, to erect and build a good, firm, and substantial Bridge of Brick, Stone, or Iron over the said Canal, and the Towing Path thereof, with proper Approaches thereto, upon which Bridge the said Turnpike Road shall be made; and the Opening or Span of the Arch of the said substituted or altered Bridge so to be made over the said Canal and Towing Path shall not be less than Twenty-five Feet between the Walls or Abutments thereof, and the Width of the Towing Path shall not be less than Six Feet, and the Breast Wall of the Towing Path shall be built perpendicular from the Foundation, and the under Side of the Opening or Span of the said Bridge, at the Centre or Key Stone of the Arch, shall not be less than Twelve Feet in Height above the Top Water Level of the said Canal where such Bridge shall be erected, and the Space between the Piers of the Arch of the said present Bridge, or of any such substituted or altered Bridge, (except so much thereof as shall be occupied by the said Towing Path,) shall from Time to Time and at all Times hereafter, (except during the necessary Repairs of the said Bridge, or the Erection of any such future Bridge,) be left a free, open, navigable Waterway, and shall from Time to Time and at all Times during the Continuance of this Act maintain and keep the substituted Bridge, and the Roadway over the said Bridge, in good and sufficient Repair.

Protecting
Leeds and
Liverpool
Canal.

XXI. And be it enacted, That the said Trustees shall and they are hereby required, during the Progress of Alteration of the present Bridge, or the Erection of any such future Bridge in lieu of the said present Bridge, or the necessary Repairs of such substituted Bridge, from Time to Time and at all Times, to leave a free, open, uninterrupted navigable Waterway in the said Canal of not less than Sixteen Feet in Width; and in case, by and during the Progress of the Works by this Act authorized to be made, or by reason of any of the Causes aforesaid, or the bad State of Repair of such substituted Bridge, the said Canal shall be so obstructed that Boats, Barges, or other Vessels navigating the same shall not be able to pass along the same, or in case the said navigable Waterway hereby required to be open during the Progress of the said Works shall at any Time be contracted or lessened to a smaller Width than Sixteen Feet, or the Boats, Barges, or other Vessels passing along the said Canal, shall be

Trustees re-
strained from
obstructing
Navigation
of Leeds and
Liverpool
Canal.

be impeded by reason of the Centres placed for the Erection and throwing of the Arch of the said altered or substituted Bridge, then and in either of the said Cases the said Trustees shall pay to the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* the Sum of Thirty Pounds for every Day during which such Obstruction shall continue, and so in proportion for any less Time than One Day; and in default of such Payment, on Demand on the Treasurer of the said Trustees, any Two or more of Her Majesty's Justices of the Peace of the said County of *Lancaster* shall and they are hereby required, on Application by the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, or of any Person authorized by any of them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the said Trustees, and to be paid to the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool*, their Treasurer, Agent, or Clerk, rendering the Overplus (if any), upon Demand, after deducting the reasonable Charge of making such Distress and Sale, to the said Trustees, or some of their Agents; or otherwise, the said Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* shall and may sue for and recover the same against the said Trustees, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*, or in Her Majesty's Court of Common Pleas for the County Palatine of *Lancaster*.

Power to
take Tolls.

XXII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees, at any of their Meetings, shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast, drawing any Carriage, the Sum of Three-pence:
 For every Horse, Mule, or other Beast (not drawing), laden or unladen, the Sum of One Penny:
 For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:
 For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number:
 For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of Two Shillings:

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 Toll Bar which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

Fraction of
a Halfpenny
in Tolls.

XXIII. And be it enacted, 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.

XXIV. And

XXIV. And be it enacted, That no more than Two Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animals or Things liable to Toll or Duty, through all the Toll Gates or Toll Bars erected or to be erected by virtue of this Act on the said Road.

Only Two Tolls to be payable on the Road.

XXV. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Toll Gate or Toll Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Persons having paid Toll to return Toll-free.

XXVI. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as a 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.

Post Chaises to pay every Time of passing with a fresh Hiring.

XXVII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate or Toll Bar which such Ticket would free, in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Toll Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Regulations as to Stage Coaches, &c.

XXVIII. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year, it shall be lawful for the said Trustees to demand at each Toll Gate or Toll Bar double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage, the Weight of which and of the Loading thereof shall exceed Three Tons.

Extra Weight to pay double Toll between 1st Nov. and 1st April.

XXIX. Provided always, and be it enacted, That no Toll shall be demanded or taken for any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with Dung, Soil, Compost, Lime, or Manure of any Description for improving or manuring Lands, or returning unladen or empty from having been so employed; provided

Manure to be exempt from Toll.

[*Local.*]

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that the Tires of the Wheels of any such Waggon, Wain, Cart, or other Carriage be not less than Four Inches in Width.

Weight of
One Horse
Carts limited.

XXX. And be it enacted, That the Weight to be allowed to Carts or other such Carriages drawn by only One Horse or other Beast upon the said Road shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Fifteen hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton and Ten hundred Weight for each such Carriage and the Lading thereof.

One Horse
Carts may
be weighed.

XXXI. And be it enacted, That all Carts and other such like Carriages drawn by only One Horse or other Beast upon the said Road may be weighed at any Weighing Machine to be erected upon the said Road; and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the Weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Road drawn by only One Horse or other Beast, and to the Drivers and Owners thereof respectively.

Penalty on
Lessees of
Tolls com-
pounding for
Overweight.

XXXII. And whereas great Injury may be done to the said Road by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be charged in respect of Overweight, be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition by the Year or otherwise, with any Person whomsoever, for or in lieu of the Tolls of any Carriage of whatever Description by Law liable to be charged in respect of Overweight, every such Lessee or Renter, Deputy or Agent, shall on Conviction thereof by Confession or on the Oath of any Witness, before any of Her Majesty's Justices of the Peace, forfeit, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and also his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied for the Purposes of this Act.

Respecting
Toll Gates.

XXXIII. And be it enacted, That it shall be lawful for the said Trustees to order and cause to be set up, in or across the said Road or on the Sides thereof, any Toll Gates or Toll Bars, Toll Houses and Weighing Machines, with Outhouses and Conveniences thereto, as they shall judge necessary, and also from Time to Time to alter or take down, and re-erect and re-construct, or to discontinue and remove the same or any of them, as they shall from Time to Time think proper.

XXXIV. Pro-

XXXIV. Provided always, and be it enacted, That nothing in this Act contained shall hinder or prevent the Trustees acting in the Execution of an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from Blackburn to Walton Cop within Walton-le Dale in the County of Lancaster*, from continuing the Toll Gate or Toll Bar, and Toll House, now standing upon and across the Road by this Act authorized to be made Turnpike, at or near the Junction thereof at *Finnington* aforesaid, with the Road under the Management of the said last-mentioned Trustees, or from collecting or receiving Tolls thereat in the Manner they are now authorized to do.

Act not to prevent Trustees under Act 11 G. 4. & 1 W. 4. c. 85. from continuing Toll Gate at Finnington and taking Toll thereat.

XXXV. And be it enacted, That all Monies which shall be received by the said Trustees on or in respect of the said Road shall be applied as follows; (that is to say,)

Application of Monies.

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

Secondly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect of any Money which may be borrowed on the Credit of the Tolls to be collected on the said Road, for the Purpose of obtaining and passing this Act, not exceeding the Sum of Nine hundred Pounds:

Thirdly, in maintaining and keeping in repair as Turnpike the said Road, and putting this Act into execution with reference thereto:

Fourthly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect of any Money which may be borrowed upon the Credit of the Tolls to be collected on the said Road, over and above the said Sum of Nine hundred Pounds:

Fifthly, in reducing, paying off, and discharging any Principal Sums of Money which may be due on the Credit of the Tolls to be collected on the said Road.

XXXVI. And be it enacted, That no more Money shall be laid out on the Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

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

XXXVII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Trustee or Clerk competent Witness in Actions.

XXXVIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

The Road not to be exempt from any general Act.

XXXIX. And

Term of Act. XXXIX. And be it enacted, That this Act shall commence on the Fourth *Tuesday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act. XL. And be it enacted, 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

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

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act. XLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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