



ANNO DECIMO

GEORGII IV. REGIS.

Cap. iii.

An Act for repairing, improving, and maintaining in repair the Road from *Brandlesome Moss Gate* in the Township of *Elton* to the *Duke of York Public House* in the Township of *Blackburn*, and a Branch Road therefrom, all in the County Palatine of *Lancaster*. [23d March 1829.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for making and maintaining a Road from* 50 G. 3. c. 137. *Brandlesome Moss Gate in the Township of Elton to the Duke of York's Public House in the Township of Blackburn, and Three several Branches of Road therefrom, all in the County Palatine of Lancaster*: And whereas by the said Act the Roads therein mentioned and comprised were divided into Two Parts or Districts; and the Road from *Brandlesome Moss Gate* in *Elton* aforesaid to the *Duke of York Public House* in *Blackburn* aforesaid, and Two of the said Three Branches of Road therefrom, (that is to say,) one from near *Holden Hall*, in the Township of *Haslingden* in the said County, to a House at or near the southerly End of *Dearden Gate* in *Haslingden* aforesaid, then in the Occupation of *John Rostron*, and the other from certain Closes in *Tottington Lower End* in the said County, called *Smithy Brows*, or one of them, then in the Occupation of *James Yates* and *James Butterworth*, to the old Highway leading from the *Altar* to *Holcome* in *Tottington Lower End* aforesaid, at or near a

[Local.]

H

Altar

Place opposite to a certain Cottage, then late in the Occupation of *Peter Rothwell*, were constituted and directed to be called the First District of the said Roads; but no Turnpike or Toll Gate has ever been erected on the said last-mentioned Branch, nor has any Toll ever been collected thereon: And whereas the Trustees appointed in or by virtue of the said recited Act, in respect of the First District of the said Roads, have proceeded in the Execution thereof; and several large Sums of Money advanced or borrowed upon the Credit of the Tolls arising upon the same District still remain due, with a long Arrear of Interest, and cannot be paid off, nor can the said Roads constituting the said First District be properly amended, improved, and kept in sufficient Repair, unless the Term and Powers of the said Act, so far as the same relate to the First District of the said Roads, be enlarged, and the Tolls varied or altered: And whereas it is expedient that the said recited Act should be repealed, so far as the same relates to the said First District of Roads, and that further and other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the Eighteenth Day of *July* One thousand eight hundred and twenty-nine, the said recited Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, so far as the same relates to the Roads therein comprised, and constituted or directed to be called the First District of Road.

Recited Act repealed, so far as relates to the First District.

This Act to be executed instead thereof.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, improving, and keeping in repair the Road from *Brandlesome Moss Gate* in the Township of *Elton* aforesaid to the *Duke of York* Public House in the Township of *Blackburn* aforesaid, and also the Branch Road therefrom, leading from near *Holden Hall* aforesaid to the said House at or near the southerly End of *Dearden Gate* in *Haslingden* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Lancaster*, together with the Honourable *Edward Geoffrey Smith Stanley*, *Samuel Ashton* (*Brookshaw*), *John Bowker* (*Prestwich*), *Browne Holt Browne* (*Holcome*), *William Calrow* (*Woodhill*), *Thomas Calrow* (*Woodhill*), *William Carr* (*Blackburn*), *Thomas Carr* (*Blackburn*), *James Cunliffe* (*Blackburn*), *John Cunliffe* (*Blackburn*), *Robert Ellis Cunliffe* (*Manchester*), *John Edmundson* (*Blackburn*), *William Feilden* (*Fenniscowles*), *Richard Formby* Clerk (*Formby*), *John Grant* (*Nuttall*), *James Greenway* (*Over Darwne*), *John Greenwood* (*Palace House, Burnley*), *John Grundy* (*Bury*), *Edmund Grundy* (*Bury*), *John Grundy* the younger (*Bury*), *William Goodlad* (*Bury*), *William Hardman* (*Chamber Hall*), *John Hargreaves* (*Blackburn*), *Henry Hargreaves* (*Blackburn*), *Lucas Hargreaves* (*Mellor*), *Adam Lomax Haworth* (*Bolton*), *Christopher Hindle* (*Higher Croft*), *William Hindle* (*Higher Croft*), *Richard Hodgson* (*Bury*), *Francis Hodgson* (*Manchester*),

chester), *William Holden* (*Blackburn*), *Samuel Holker* (*Bury*), *Wilson Holker* (*Bury*), *Geoffrey Hornby Clerk* (*Bury*), *John Hornby* (*Blackburn*), *Daniel Hornby* (*Blackburn*), *Thomas Hutchinson* (*Bury*), *William Heap Hutchinson* (*Bury*), *John Hutchinson* (*Bury*); *James Hutchinson* (*Woodbank*); *William Hutchinson Clerk* (*Bury*), *Richard Martland* Doctor of Medicine (*Blackburn*), *Thomas Norris* (*Redvales*), *Thomas Norris the elder* (*Stanley Street, Bury*); *Allen Norris* (*Stanley Street, Bury*), *James Openshaw* (*Redvales*), *James Openshaw* (*Fearngrove*), *James Parkinson* (*Blackburn*), *William Yates Peel* (*Tamworth*), *James Ramsbottom* (*Stand*), *James Ratcliffe* (*Grain*), *John Scholes* (*Bury*), *Richard Sharples* (*Guide near Blackburn*), *James Turner* (*Haslingden*), *Ralph Turner* (*Helmshore*), *William Turner* (*Helmshore*), *Richard Walker* (*Bury*), *Oliver Ormerod Walker* (*Bury*), *William Weston* (*Stand*), *John William Whittaker Clerk* (*Blackburn*), *Joseph Winter* (*Stand*), *George Walmsley* (*Bolesworth Castle*), *Abraham Wood* (*Bury*), *Samuel Woodcock* (*Bury*), *Edmund Yates* (*Fairlawn*), and *William Yates* (*Irwell House*), and their Successors, being duly qualified to act as Trustees of Turnpike Roads, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Roads, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads, (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.

Power to
appoint
additional
Trustees.

V. 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 *Eagle and Child*, in the Town of *Bury* aforesaid, or at some other convenient Place in the said Town, on the Twentieth Day of *July* One thousand eight hundred and twenty-nine, 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 in the said Town, or upon or near to the said Roads, as they shall think proper.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That the respective Sums hereinafter mentioned shall or may be demanded and taken for Tolls; (that is to say,)

Tolls.

For every Horse or Beast of Draught drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Sociable, Car, Chair, Gig, Whiskey, Caravan, Van, Hearse, Litter, or other such Carriage, the Sum of Four-pence :

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such like Four-wheel Carriage, having the Wheels of the Breadth

- Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence :
- For every Horse or Beast of Draught drawing any Waggon, Wain, or other such like Four-wheel Carriage, having the Wheels of the Breadth of Four Inches and a Half, and less than Six Inches, at the Bottom or Soles thereof, the Sum of Seven-pence Halfpenny :
- For every Horse or Beast of Draught drawing any Waggon, Wain, or other such like Four-wheel Carriage, having the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Nine-pence :
- For every Horse or Beast of Draught drawing any Cart or other such like Two-wheel Carriage, having the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Four-pence Halfpenny :
- For every Horse or Beast of Draught drawing any Cart or other such like Two-wheel Carriage, having the Wheels of the Breadth of Four Inches and a Half, and less than Six Inches, at the Bottom or Soles thereof, the Sum of Sixpence :
- For every Horse or Beast of Draught drawing any Cart or other such like Two-wheel Carriage, having the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Eight-pence :
- For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :
- For every Ox or Head of Neat Cattle, the Sum of One Halfpenny :
- For every Calf, Sheep, Lamb, or Swine, the Sum of One Farthing.

Fractions in Tolls.

VII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls mentioned in this Act, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid Four Times a Day.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand and take the respective Sums or Tolls aforesaid Four Times in any One Day at each and every of the Toll Gates or Turnpikes or Side Gates on the said Roads, in respect of the same Horses, Beasts, or Cattle, but such Horses, Beasts, and Cattle shall be allowed to pass and repass once in the same Day for each such Payment; and in case such Tolls shall have been so paid, then such Horses, Beasts, or Cattle shall, upon the Production of a Ticket or Tickets denoting that Four Tolls have been paid on that Day at such Gate, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate and Gates (if any), upon, across, or on the Sides of the said Roads, as the Ticket for such Payment shall free, at any Time and Times during the same Day; any Law or Statute to the contrary thereof in anywise notwithstanding.

Limiting the Number of Gates at

IX. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the

the Tolls mentioned in this Act, to demand and take the respective Sums or Tolls aforesaid at more than Four Gates between *Brandle-some Moss Gate* and *Blackburn* aforesaid, in any One Day, in respect of the same Horses, Beasts, or Cattle passing once (and repassing) in the same Day through all the Toll Gates, Turnpikes, and Side Gates on the said Road; nor at more than Two Gates between the said House at or near *Dearden Gate* in *Hastingden* aforesaid and *Blackburn* aforesaid, in any One Day, in respect of the same Horses, Beasts, or Cattle passing once (and repassing) in the same Day through all the Toll Gates, Turnpikes, and Side Gates on the said Road.

which Payments shall be enforced.

X. Provided always, and be it further enacted, That the Tolls payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage, conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads or any of them.

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

XI. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let out to Hire, and 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 any fresh Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

XII. And be it further enacted, That, notwithstanding any Law or Statute to the contrary, all Carts and other Carriages drawn by One Horse or other Beast shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Roads, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which together with the Loading thereof shall weigh more than Thirty-five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Thirty Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls mentioned in this Act) to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

One Horse Carts to be weighed.

Additional Tolls for Overweight.

XIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act, in respect of the First District of the said Roads, and which shall be remaining undisposed of on the Day of the Commencement of this

Application of Tolls and Money borrowed.

[Local.]

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Act,

Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, together with the Monies which shall be borrowed upon 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 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, in Payment of the necessary Expences of 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, and for Books, Advertisements, Salaries of Officers, and other such current Expences, and 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, 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; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads, and otherwise in executing the other Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act, in respect of the First District of the said Roads, 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.

No Money to be laid out on Branches where there are no Tolls taken.

XIV. 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 Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls mentioned in this Act shall be demanded and taken thereat: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon.

Not to repair Streets, &c. in Blackburn and Haslingden.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls mentioned in this Act, or borrowed on the Credit thereof, in paying or repairing any Highway or Street in the Towns of *Blackburn* and *Haslingden*, or either of them.

The old Highway from Bridge End to the Altar to remain dis-

XVI. And whereas it is by the said recited Act enacted, that from and after the Road to be made by Authority of the same Act, from or from near the *Bridge End* to or near the *Altar* in *Tottington Lower End*, shall be completed and made fit for the Passage of Carts and Carriages, the old Highway or Road leading from or from near

the *Bridge End* aforesaid to or near the *Altar* in *Tottington Lower End* aforesaid shall cease and from thenceforth be discontinued as a public Highway or Road, but nevertheless shall for ever thereafter be, remain, and continue a private Way or Road, to be used and occupied by the several and respective Owners and Occupiers of the Messuages, Lands, and Tenements contiguous or near to the said last-mentioned Way or Road, as an Occupation Way or Road to and from the said Messuages, Lands, and Tenements respectively: And whereas the said Road from the *Bridge End* to the *Altar* in *Tottington Lower End* has been made and completed, and the said old Highway has been discontinued as a public Highway or Road; be it therefore further enacted, That, notwithstanding the Repeal of the said recited Act, the same old Highway shall still be discontinued as a public Highway or Road, but nevertheless shall for ever hereafter be, remain, and continue a private Way or Road, to be used and occupied by the several and respective Owners and Occupiers of the Messuages, Lands, and Tenements contiguous or near to the said last-mentioned Way or Road, as an Occupation Way or Road to and from the said Messuages, Lands, and Tenements respectively.

XVII. And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Road from Bradshaw Brow, near the Town of Bolton le Moors, in the County of Lancaster, to the Bury and Blackburn Turnpike Road in the Township of Haslingden in the same County; and Three Branches of Road communicating therewith*; and by the said Act the Roads therein comprised were divided into Two separate Districts or Trusts, respectively called the *Turton* District and the *Musbury* District: And whereas it would be mutually beneficial to the Branch Road comprised in this Act, leading from near *Holden Hall* aforesaid to the said House at or near the southerly End of *Dearden Gate* in *Haslingden* aforesaid, and to the said *Musbury* District of Road, that the Trustees for executing this Act should have Power to enter into Agreements with the Trustees for executing the said recited Act, in respect of the said *Musbury* District of Road, to the Effect herein-after mentioned; be it therefore further enacted, That it shall be lawful for the Trustees for executing this Act to make any Agreement with the Trustees of the said *Musbury* District of Road, to the Effect that any Horse, Cattle, or Beast having passed through any Toll Gate or Turnpike or Side Gate on the said *Musbury* District of Road, and afterwards passing the same Day through any Toll Gate or Turnpike or Side Gate on the said Branch Road comprised in this Act, shall, on the same Day, be exempted from the Payment of all or any of the Tolls payable at any such last-mentioned Toll Gate or Turnpike or Side Gate; and also that any Horse, Cattle, or Beast having passed through any Toll Gate or Turnpike or Side Gate on the said Branch Road comprised in this Act, and afterwards passing the same Day through any Toll Gate or Turnpike or Side Gate on the said *Musbury* District of Road, shall, on the same Day, be exempted from the Payment of all or any of the Tolls payable at any such last-mentioned Toll Gate, Turnpike, or Side Gate; and also from Time to Time to rescind any such Agreement, and make any other Agreement or Agreements to the same or the like Effect.

Empowering Trustees to make Agreements with an adjoining Trust respecting Tolls.

XVIII. And

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment and
Continuance
of this Act.

XIX. And be it further enacted, That this Act shall commence upon the Eighteenth Day of *July* One thousand eight hundred and twenty-nine, 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1829.