ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxlv.

An Act for repairing the Road leading from the Town of *Rochdale* in the County Palatine of *Lancaster* to the Town of *Burnley* in the said County, and for repairing and making certain other Roads to communicate therewith.

[10th *June* 1825.]

WHEREAS an Act was passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, widening, altering, improving, and keeping in repair the Road leading from the Town of* Rochdale *in the County Palatine of* Lancaster *to the Town of* Burnley *in the said County:* And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of His present Majesty, for keeping in repair the Road leading from the Town of* Rochdale *in the County Palatine of* Lancaster *to the Town of* Burnley *in the said County, and for making Two new Branches of Road to communicate therewith:* And whereas in pursuance of such Acts considerable Improvements have been made in the said Road, and a large Sum of Money hath been borrowed and now remains due and owing on the Credit of the Tolls of the said Road,

38 G. 3. c. 51.

57 G. 3. c. 50.

Road, and on the Bonds of certain Trustees in or by virtue of the said Acts named or appointed; and the said Debts cannot be paid off, nor can the said Branches be made or completed, nor can the said Road be effectually widened, improved, and kept in repair, unless the Term granted by the said Acts be enlarged, and further and other Powers given for those Purposes: And whereas the making and maintaining of a Branch or deviated Line of Road from and out of the said Road, commencing at or near a certain Turnpike Gate situate on the said Road at or near the Village of *Whitworth* in the Township of *Spotland* in the Parish of *Rochdale* aforesaid, and passing by or near certain Places called *Hendin Smithy*, *Lower Healey*, and *Field House*, in the Townships of *Spotland* and *Hundersfield* in the said Parish of *Rochdale*, to or near the End of a certain Street or Place called *George's Street*, situate in the Hamlet of *Wardleworth* in the Township of *Hundersfield* aforesaid, there to unite with a certain Street called *Yorkshire Street* in the said Hamlet, would be productive of great public Utility: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth,
3 G. 4. c. 126. intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of
4 G. 4. c. 95. His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled
5 G. 4. c. 69. *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas it would facilitate the Execution of the Purposes aforesaid if the said Two first-recited Acts were repealed, and if the Powers and Provisions therein contained, and also such further Powers as may be necessary for the making and repairing the said Roads thereby authorized to be made and repaired, and also for making and repairing the said additional Branch of Road herein-before mentioned, were granted, and comprised in One Act: 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 upon the Third *Thursday* next after the passing of this Act the said recited Acts passed in the Thirty-eighth and Fifty-seventh Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby declared to be repealed, and instead thereof this Act shall commence and be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose of amending, widening, improving, and keeping in repair the said present Turnpike Road leading from the Town of *Rochdale* to the Town of *Burnley* aforesaid, commencing at or opposite the North End of a Dwelling House in *Toad Lane* in *Rochdale*, late in the Occupation of *Jonathan Fildes*, but now of [illegible] *Fildes* Widow, and ending at a certain Dwelling House situate in *Burnley* aforesaid, late in the Occupation of *Nicholas Halstead*, and now of [illegible] *Tattershall* Widow; and for making and completing the Two Roads or Branches mentioned in the said recited

Recited Acts of 38 & 57 G. 3. repealed.

Act of the Fifty-seventh Year of the Reign of His said late Majesty, the one commencing at or near a certain Place called *Copy Clough* within the Township of *Cliviger* in the Parish of *Whalley* in the said County Palatine of *Lancaster*, to join a certain other Turnpike Road, leading from *Burnley* aforesaid to *Halifax* in the County of *York*, at or near a certain Place called *Jack Hey Lane*; also situate in the said Township of *Cliviger*, and the other of them commencing at or near another certain Place, also situate in the Township of *Cliviger*, on a certain Piece of Land heretofore called *Derpley Moor*, to or near a certain Place commonly called *Shermeyfold Gate*, situate in the Township of *Hundersfield* in the Parish of *Rochdale* aforesaid, there to unite with a certain other Turnpike Road leading from the Village of *Bacup* to the Village of *Todmorden*, both in the said County of *Lancaster*; as also for making, amending, widening, altering, diverting, improving, and keeping in repair the aforesaid Branch or deviated Line of Road from *Whitworth* to *Wardleworth*, herein-before described; and this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on Account of the said recited Acts of the Thirty-eighth and Fifty-seventh Years of His late Majesty, and on the Bonds of the Trustees for executing the said Acts, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act, or any of them, and of all Interest due and to grow due for the same respectively.

Recited Acts of 3, 4, and 5 G. 4. to extend to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act); and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Former Debts, &c. vested in new Trustees.

III. And be it further enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the said Trustees under the said first-recited Acts, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been

vested

vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents or other Monies so due to the said Trustees under such Acts by virtue of any Deed or Specialty shall and may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and all the Costs to be incurred by the Trustees, or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be received by virtue of this Act; and the Monies when recovered shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Former Books to be Evidence, and Mortgages, &c. under former Acts to be valid.

IV. And be it further enacted, That all and every the Books and Book of Proceedings which may have been kept by the Trustees acting in the Execution of the Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, and also the Book or Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Acts or either of them, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said recited Acts had remained unrepealed.

Appointment of Trustees.

V. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *John Ashworth, David Ashworth, Robert Ashworth, Edward Ball, Edmund Banford, Joseph Brierly, William Buckley, William Buckley* the younger, *John Buckley, Charles Butterworth, Joseph Butterworth, James Butterworth, Joseph Holt Butterworth, Thomas Buxton, Thomas Capstick, Charles Chadwick, Hugo Malvoysin Chadwick, Thomas Clayton, John Clegg, Samuel Clegg, John Collinge, James Dawson, Edmund Dawson, James Dearden, James Dearden* the younger, *Thomas Ferrand Dearden, Henry Dearden, John Dockray, John Earnshaw, John Elliott, John Entwisle, John Entwisle* the younger, *Jonathan Fildes, Thomas Folds, John Foster, Thomas Gore, Richard Gould, William Greenwood, Lawrence Halstead, James Hamer, Gilbert Hammerton, Holdin Hammerton, William Hassal, Lawrence Hardman, James Hardman, James Hargreaves, John Hargreaves, John Hargreaves* the younger, *William Hargreaves, Reginald Hargreaves, George Hargreaves, Henry Hargreaves, George Haworth* of *Bridge End, James Heaward, James Hey, Lawrence Heyworth, James Heyworth, John Heyworth, Heyworth Heyworth, William Hodgson* Clerk, Sir *Henry Philip Hoghton* Baronet, *John Holland, Francis Holt, James Holt* of *Stubby Lee, John Holt* of *Stubby Lee, John Holt* of *Yorkshire Street, Robert Holt, Oliver Holt, Robert Gregge Hopwood, Edward Hopwood, John Howorth, John Hoyle, Timothy Hoyle, Edmund Jones* of *Market Street, John Jones, John Kershaw* of *Clay Lane, John Kershaw* of *Rochdale, James King, George Law, John Law, Isaac Leech, Robert Leech, Richard Grimshaw Lomax, Samuel Lomax,*

Lomax, Richard Holt Lomax, James Lord, James Lord the younger, *John Lord, Samuel Lord, James Maden* of *Greens, William Mann, Joseph Massey, William Meadowcroft, James Midgley, John Midgley, William Midgley, John Milne* of *Clay Lane, John Milne* of *Burnedge, John Milne* of *Butterworth, James Milne* of *Burnedge, Abraham Milne, Smith Newall, Lawrence Newall, William Newall, Richard Holt Orford, George Ormerod* of *Fernhill, George Ormerod* junior, *Peter Ormerod, Peter Ormerod* junior, *James Pilling, Thomas Samuel Rawson, Joseph Ridman, Richard Roberts, James Roberts, John Roberts, William Roberts, James Royds, James Royds* the younger, *Clement Royds, John Gilbert Royds, Edward Royds* Clerk, *Charles Smith Royds* Clerk, *William Schofield, James Schofield, Charles Smith, James Starkey, James Taylor, James Taylor* junior, *John Taylor, George Taylor, George Taylor* junior, *James Taylor* of *Hogden, Edmund Taylor, Peregrine Edward Towneley, Charles Towneley, John Towneley, James Turner, Walter Vavasour, John Vavasour, Sager Veevers, John Veevers, James Whitaker, James Whitaker* of *Broadclough, John Whitham, Thomas Whitham, John Whitworth, Thomas Wood, James Wrigley,* and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, making, widening, improving, and keeping in repair the said Roads, and for otherwise carrying this Act into Execution.

Meetings of Trustees.

VI. And be it further enacted, That the said Trustees shall meet on the Third *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the *George and Dragon Inn,* or at some other convenient Place in the Town of *Bacup,* and shall then and there proceed to carry this Act into Execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Roads, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to elect and appoint any Number of Persons, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty (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, and being duly qualified, 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.

Appointment of Officers.

VIII. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers

as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the said Trustees; and the said Trustees shall and may, and they are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Old Officers to continue.

IX. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk or Clerks, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed, or either of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk or Clerks, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

X. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of any such Clerk, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall

hold or accept any other Place or Office of Profit or Trust under the said Trustees, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Power to continue the present Gates or to erect others in lieu of them.

XI. And be it further enacted, That the said Trustees shall or may continue Six Gates or Turnpikes betwixt the Town of *Rochdale* and the Town of *Burnley* aforesaid, or erect others in lieu of them at such Places on the said Road as they shall think proper; and also shall and may provide, erect, and set up Two Gates or Turnpikes on the said Road or Branch commencing at or near *Coppy Clough* aforesaid, and ending at or near *Jack Hey Lane* aforesaid; and shall and may provide, erect, and set up Two Gates and Turnpikes on the said intended Road or Branch commencing at or near a certain Place in the Township of *Cliviger* aforesaid, and ending at or near a certain Place commonly called *Shermey Ford Gate* aforesaid; and also shall and may provide, erect, and set up One Gate or Turnpike on the said deviated Line or Branch of Road commencing at or near the said Turnpike Gate near the Village of *Whitworth* aforesaid, and ending at or near the End of the said Place or Street called *George's Street*; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto, and may also take in and inclose on the Side of the said Road at each such Toll House a suitable Garden Spot for the same, as the said Trustees may think proper, not exceeding One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, as they shall think proper, and also may erect and set up across any Road or Lane leading into the said Road or Branches a Gate or Turnpike, and a Toll House to each Gate or Turnpike, and with suitable Outbuildings thereto, and a convenient Garden Spot for each such Toll House, as they shall judge proper.

Power to take Tolls.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the Tolls following at each of the said Gates and Turnpikes already erected by virtue of the said recited Acts, and which by virtue of this Act shall be continued or erected in lieu thereof, in, upon, or across any Part of the said Road, and on the Side of the said Road and Branches across any Lane or Way leading into the same, and at each of the said Gates or Turnpikes to be erected on the said Branches or deviated Lines of Road (except as herein provided), before any Horse or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through any such Gate or Turnpike, once on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

For

Tolls.

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Hearse, Litter, or other such Carriage, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other Four-wheeled Carriage, with Wheels of the Breadth of Six Inches, the Sum of Nine-pence:

For every Horse or Beast of Draught drawing any Waggon or other such Four-wheeled Carriage with any of the Wheels of less Breadth as aforesaid than Six Inches, but not less than Four and a Half Inches, the Sum of Eleven-pence:

For every Horse or Beast of Draught drawing any Waggon or other such Four-wheeled Carriage with any of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of One Shilling:

For every Horse or Beast of Draught drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth of Nine Inches as aforesaid, the Sum of Five-pence:

For every Horse or Beast of Draught drawing any Cart or other such Carriage with Wheels of the Breadth of Six Inches as aforesaid, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Cart or other such Carriage with Wheels of less Breadth than Six Inches as aforesaid, but not less than Four and a Half Inches, the Sum of Eight-pence:

For every Horse or Beast of Draught drawing any Cart or other such Carriage with Wheels of less Breadth than Four and a Half Inches as aforesaid, the Sum of One Shilling:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eight-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 Ten-pence *per* Score, and so in proportion for any greater or less Number:

Tolls vested in Trustees.

Which said Tolls shall be and they are hereby vested in the said Trustees, and the same shall be recovered, paid, and applied in manner by this Act directed.

Tolls to be paid but once a Day for passing and repassing.

XIII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, or Beast through any one of the said Toll Gates continued or erected or to be erected by virtue of this Act, such Horse, Cattle, or Beast shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll), be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to

to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall be construed to extend to exempt any Horse, Cattle, or Carriage from Payment of the respective Tolls for passing a Third Time through such Turnpike the same Day, but the Toll shall be paid for such Third and every subsequent Time of passing through such Gate or Turnpike in the same Direction which such Horse, Cattle, or Carriage went the First Time that Day.

Tolls to be again paid for passing a Third Time on the same Day.

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Stage Coaches to pay every Time, and Post Chaises on every new Hiring.

XV. Provided always, and be it further enacted, That if any Person shall have paid the Toll for the passing of any Horse, Cattle, or Beast through any Gate or Turnpike to be erected on the said Branch of Road leading from *Coppy Clough* to *Jack Hey Lane* aforesaid, or on the said Branch of Road leading from *Derpley Moor* aforesaid to *Shermey Ford Gate* aforesaid, such Horse, Cattle, or Beast, upon a Ticket denoting the Payment thereof for that Day being produced as aforesaid, shall not be liable to the Payment of another Toll for afterwards passing the same Day through the other of the Gates or Turnpikes to be erected on the said respective Branch of Road.

Only One Toll to be paid on each of the Branches of Road in One Day.

XVI. And be it further enacted, That no Person shall be liable to any Toll for any Horse or Beast of Draught laden with Lime, or drawing any Waggon, Cart, or other such like Carriage carrying only Lime for the Improvement of Land; any thing in this or the said Act of the Third Year of the Reign of His present Majesty to the contrary notwithstanding.

Lime for Manure not to pay Toll.

XVII. And be it further enacted, That all Monies which shall or may be collected or received under the Powers or Authority of this Act shall be applied in the first Place in defraying the Costs, Charges, and Expences attending the applying for and obtaining and passing of this Act, in the next Place in paying off and discharging all Arrears of Interest in respect of the Money now due and owing on the Credit of the Tolls granted by the said first-recited Acts, in the next Place in paying off and discharging the Interest on any Sums of Money which shall hereafter be borrowed or taken at Interest on Security of the Tolls hereby granted, and in the next Place in defraying the Expence of continuing, providing, erecting, and keeping in repair the Turnpikes, Toll Houses, and other Buildings, and in making, repairing, widening, turning, and altering the said Road, and the Branches and deviated Lines by this and the said recited Acts or either of them directed to be made or kept in repair as aforesaid; and

Application of the Tolls.

and the Residue of the Monies so to be collected and received in paying all Principal Monies due and owing on the Credit of the said first-recited Acts, or borrowed for the Purposes of this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees or any Three or more of them shall from Time to Time appoint.

Plans, &c. deposited at the Office of the Clerk of the Peace for Inspection, &c.

XVIII. And whereas Maps or Plans describing the Course of the said intended deviated Lines of Road or Branches, and the Lands, Hereditaments, and Premises through which the same are to pass and to be made, together with Lists of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the Maps or Plans shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons at all reasonable Times may have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees in making such Branches or Diversions of Road shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Diversions shall be made.

Trustees may make the Diversions notwithstanding any Omission, &c.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversions or Branches of Road into, through, across, and over the several Lands, Hereditaments, and Premises over which the same is or are set out and described in the said Maps or Plans as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

XX. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Branches or Diversions of Road, or in widening or altering the present Road, to take, pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Grounds 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 first had and obtained, other than and except so much or such Part of the following Houses, Lands, or Tenements; (that is to say), Two certain Plantations situate in the Hamlet or Division of *Healey* in the said Township of *Spotland*, the Property and in the Possession of *Charles Chadwick* Esquire; also One Meadow and One Pasture used as Tenter Ground, situate in the said Hamlet of *Healey*, the Property of the said *Charles Chadwick*, in the

Occupation of *Thomas Holland*; also a certain Garden situate in the said Hamlet of *Healey*, the Property of and in the Possession of *Edmund Redfearn*; also a Garden situate in the said Hamlet of *Wardleworth*, the Property and in the Possession of *John Law*; also a Cottage or Dwelling House and Two small Outbuildings situate in the said Division of *Whitworth Lower End*, the Property and in the Possession of *John Brierley*, and a certain Building formerly used as a Dam or Reservoir for Water situate in *Whitworth Lower End* aforesaid, the Property and in the Possession of *Simeon Lord*, as shall be sufficient for making the said Roads and Diversions or Branches in such respective Places of the Breadth of Fourteen Yards; any thing in this or in the last-recited Act contained to the contrary in anywise notwithstanding.

Power of purchasing limited to Five Years.

XXI. Provided always, and be it further enacted, That if the said Trustees shall not within the Space of Five Years, to be computed from the Commencement of this Act, purchase or take the said Houses, Buildings, Lands, Tenements, or Hereditaments, which they are hereby empowered to take, use, and purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for such Purpose shall cease, determine, and be utterly void.

Trustees may contract for making and repairing the Road.

XXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, and otherwise improving the said Roads or any Part thereof, or for doing any other Work to be performed therein in the Execution of the last-recited Acts and this Act, in such Manner and for such Sum and Sums of Money as the said Trustees shall think proper; and that all Contracts and Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of the last-recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

A certain Footpath to be discontinued.

XXIII. And whereas in and by the said recited Act passed in the Thirty-eighth Year of the Reign of His late Majesty it was recited, that the Diversion of Road thereby directed to be made would run parallel with and render useless a certain Part of a Highway or Road in the Township of *Cliviger* therein described, and become more convenient, and render the same Road useless; and it was enacted, that on such Diversion of Road and a certain other Piece of Road being made, as therein mentioned, the said old Highway should vest in *Charles Towneley* Esquire, the Owner of the Property through which the said Highway and Diversion of Road passed, as a Compensation for other Land taken for the new Diversion of Road, and should be discontinued as a Highway; which said Diversion of Road and Piece of new Road have both been made and completed, and the said old Highway is now the Property of *Peregrine Edward Towneley*: And whereas a certain old Footpath or Road leading into and from Part of the said Township of *Cliviger*, the Property of the said *Peregrine Edward*

Edward Towneley, in the same Direction as the said old Highway, was from its Insignificance omitted to be included in the said Enactment for discontinuing the said old Highway, and the same is now become a great Nuisance to the Occupation of the said Piece of old Highway, and is of no real Use to the Public; be it therefore enacted, That that Part of the said Footpath or Road passing through certain Closes of the said *Peregrine Edward Towneley* called *Lower Scurret*, *Whiver*, and *High Road Pastures*, to or near to *Coppy Clough* Bridge aforesaid, shall from henceforth cease and be discontinued, and be no longer used; any Law or Custom to the contrary in anywise notwithstanding.

Application of Compensation Money if amounting to 200*l.*

XXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the Trustees of the *Rochdale* Roads, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *an account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced

1 G. 4. c. 35.

duced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where not more than 20*l.*

XXVI. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, or if Persons entitled cannot be found, Money to be paid into the Bank.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall

shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles to Money.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of

XXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be

be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Purchases to be paid by the Trustees.

XXX. 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.

Public Act.

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

Commencement and Continuance of this Act.

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