



ANNO SEPTIMO & OCTAVO

GEORGIIV. REGIS.

Cap. xxviii.

An Act for more effectually amending, widening, and maintaining the Roads from the Town of *Bury*, through *Haslingden*, to *Blackburn* and *Whalley*, and also from *Portfield* to *Padiham*, and for making, repairing, and improving other Roads to communicate therewith, all in the County Palatine of *Lancaster*.

[12th April 1827.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, widening, turning, varying, altering, and keeping in repair the Road from a certain Dwelling House in Bury, now or late in the Occupation of William Walker Gentleman, to Haslingden, and from thence to the East End of Salford Bridge, in Blackburn; and also the Road from Haslingden aforesaid to the East End of Cockshot Bridge, in the Town of Whalley; and also the Road from Haslingden aforesaid through New Church and Bacup to Todmorden; and for making a Road from the said Road between Bury and Haslingden, in the Township of Walmersley, to the River Irwell; and for building a Bridge over the said River; all in the County Palatine of Lancaster; by which Act the said Roads were divided into Two separate Districts, one of which comprised* 29G.3.c.107.

[Local.]

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the Road leading from the said Dwelling House in *Bury*, then or then late in the Occupation of the said *William Walker*, to *Haslingden*, and from thence to the East End of *Salford Bridge* in *Blackburn*, and also the Road from *Haslingden* aforesaid to the East End of *Cockshot Bridge*, in the Town of *Whalley*; and certain Trustees were thereby appointed for amending, widening, turning, varying, altering, and keeping the same in Repair, and for otherwise putting the said Act in Execution with regard to the said last-mentioned Roads; which Roads are thereby declared to be the First District of Road by the said Act intended to be amended, widened, turned, varied, altered, and kept in Repair; and several Tolls and Duties were thereby granted and made payable within the said First District, and divers Powers and Authorities were given to the said Trustees for repairing the said last-mentioned Roads: And whereas another Act was passed

85G.3.c.144. in the Thirty-fifth Year of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of so much of an Act made in the Twenty-ninth Year of the Reign of His present Majesty, intituled 'An Act for amending, widening, turning, varying, altering, and keeping in repair the Road from a certain Dwelling House in Bury, now or late in the Occupation of William Walker Gentleman, to Haslingden, and from thence to the East End of Salford Bridge in Blackburn; and also the Road from Haslingden aforesaid to the East End of Cockshot Bridge in the Town of Whalley; and also the Road from Haslingden aforesaid through New Church and Bacup to Todmorden; and for making a Road from the said Road between Bury and Haslingden, in the Township of Walmersley, to the River Irwell; and for building a Bridge over the said River; all in the County Palatine of Lancaster,' as relates to the First District of Road therein mentioned, whereby the said first-mentioned Act, so far as the same relates to the said First District of Road, was continued for a further Term, and some of the Provisions, Powers, and Authorities of the same first-mentioned Act were thereby altered and enlarged, and additional Trustees were appointed for putting both the said Acts in execution, for the purpose of amending, widening, and keeping in Repair the said First District of Road, and some of the Tolls granted by the said first-mentioned Act were increased: And whereas another Act was passed in the Fiftieth Year of the Reign*

50G.3.c.12. of His said late Majesty, intituled *An Act for continuing the Term and amending Two Acts passed in the Twenty-ninth and Thirty-fifth Years of His present Majesty, for amending the several Roads therein described, so far as the same relate to the District of Road from Bury to Haslingden, and from thence to Blackburn and Whalley, all in the County Palatine of Lancaster; and also for making a Branch of Road from Portfield to the West End of the Town of Padiham, in the same County, whereby, after reciting that great Progress had been made in the Execution of the said Acts, and considerable Sums of Money had been borrowed on the Credit of the Tolls thereby granted, which Sums of Money then remained due and owing, and that the said Debt could not be paid off and discharged, neither could the said District of Road be effectually kept in Repair, unless the said Acts should be further continued, and some of the Powers, Provisions, and Authorities thereby respectively granted should be varied, altered, and enlarged; and that the making and maintaining of a Road, or Branch of Road, from and out of the said Road leading from *Haslingden* to *Whalley* aforesaid, from or nearly from a certain Close of Ground, situate within the Township of *Whalley* aforesaid, called *The Shoebroads*,
(being*

(being at the Termination of the old Road which leads from *Portfield* to *Parkhead*,) through the said Township of *Whalley*, and the several other Townships of *Read*, *Simonstone*, and *Padibam*, all in the Parish of *Whalley* in the said County of *Lancaster*, to the Town of *Padibam* in the same County, so as to communicate with the present Turnpike Road which leads from *Burnley* in the said County of *Lancaster* to *Blackburn* aforesaid; would not only be very beneficial and advantageous to the Public, by opening a much shorter and better Communication between the West Riding of the County of *York* and the Town of *Preston* in the said County of *Lancaster*, and several other large and populous Towns in the same County, but would also considerably increase the Tolls arising on the said First District of Road; it is enacted, that the said recited Acts respectively passed in the Twenty-ninth and Thirty-fifth Years of the Reign of His said late Majesty, and all and every the Authorities, Tolls, Duties, Powers, Privileges, Exemptions, Provisions, Penalties, and Clauses therein respectively contained, and then in force, (except such of them as were repugnant to any of the Provisions contained in the said Act of the Fiftieth Year of the Reign of His said late Majesty, and as relate to Exemptions from Stamp Duties,) so far as the same Acts respectively relate to such First District of Road as aforesaid, should be and the same were thereby continued for and during the Term thereafter mentioned, as fully and effectually to all Intents and Purposes as if the same were therein particularly inserted, repeated, and re-enacted; and also that the said recited Acts, and all and every such Authorities, Tolls, Duties, Powers, Privileges, Exemptions, Provisions, Penalties, and Clauses as last aforesaid, should respectively embrace and be extended over and applicable to the said intended new Branch of Road, in such and the same Way and Manner as if such new Branch of Road had been originally comprised or comprehended in such First District of Road as aforesaid; but subject nevertheless, as to the said First District of Road, and also as to the said intended new Branch of Road, to the Amendments, Alterations, Variations, and Additions in the now reciting Act contained, and which should commence and take effect from the First Meeting of the Trustees thereafter mentioned; and the Act now in recital, and the Tolls thereby granted or continued, should be and were thereby made subject and liable to the Payment of all Monies due or owing upon the Credit of the said former Acts, or either of them, in respect of the said First District of Road, and of all Interest due and to grow due for the same, and also of such other Sum or Sums of Money as might be borrowed by the Trustees of the said Road for the Purposes of the said Acts, or either of them, or of the now reciting Act, and all Interest to grow due for the same: And whereas the Trustees for executing the said several Acts have proceeded in the Execution thereof, and have for that Purpose borrowed several large Sums of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and maintained, and repaired, unless the Term granted by the said Acts be continued, and the Powers thereby given be amended and enlarged, and the Tolls thereby authorized to be collected be varied and increased: And whereas it would be a great Accommodation to the Neighbourhood and of Public Utility, if a new Road and Branch were made from and out of the said Roads described in the said Three several recited Acts, and therein called the First District of Road, and if the Trustees hereinafter

after appointed were empowered to open, make, and maintain the same, that is to say, a Diversion of the said Road between *Bury* and *Whalley*, to commence at or near *Edenfield* Chapel in the Township of *Tottington Higher End*, and to terminate at or near *Rising Bridge* in the Township of *Lower Booths*, and which said Diversion will pass through the several Townships of *Tottington Higher End*, *Haslingden*, *Henheads*, and *Lower Booths*, and through the several Parishes of *Bury* and *Whalley*; and also a Branch of Road from the said Road between *Haslingden* and *Blackburn*, to commence at or near the North-west Foot of *Fecit Brow* in the said Township of *Blackburn*, and to terminate at or nearly at a Dwelling House in the said Township of *New Accrington*, now or late in the Occupation of *James Fairey* Cabinet Maker, and which Branch will pass through the several Townships of *Blackburn*, *Rishton*, *Oswaldtwisle*, *Church*, *Old Accrington*, and *New Accrington*, in the said Parishes of *Blackburn* and *Whalley*: And whereas it would be more convenient that the said several hereinbefore-recited Acts, so far as the same relate to the said First District of Road, should be repealed, and other and more effectual Powers granted and Provisions made for the repairing, widening, and improving the Roads now included in the said several Acts, and for making and maintaining, and from Time to Time improving the Roads, Branches, Alterations, and Diversions hereinafter particularly mentioned and described; but the same cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, 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 another Act was passed in the Fourth Year of the Reign of 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 *An Act to enable Justices of the Peace for Ridings, Divisions, or Soke, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 the said Three several recited Acts, passed in the Twenty-ninth, Thirty-fifth, and Fiftieth Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the said Roads leading from *Bury* through *Haslingden* to *Blackburn* and *Whalley*, and also from *Portfield* to *Padibam*, shall, from and after the Fourth Thursday after the passing of this Act, be repealed, and on the same Day this Act shall commence and take effect and be put in Execution instead thereof, for and during the Term hereinafter mentioned, for the Purpose of amending, widening, diverting, improving, maintaining, and keeping in Repair the said Roads leading from the said Dwelling House in *Bury*, now or late in the Occupation of the said *William Walker*, to *Haslingden*, and through the said Town of *Haslingden* to the East End of *Salford Bridge* in *Blackburn*; and also the Road from *Haslingden* aforesaid to the East End of *Cockshot Bridge*, in the Town of *Whalley*; and also the said Branch of Road from or nearly from the said Close of Ground, situate within the Township of *Whalley* aforesaid, called *The Shoebroads*, to the West End of the Town of *Padibam*; and also for the Purpose of making, amending, improving, widening,

Three first recited Acts repealed; and this Act to take effect for amending, &c. the old Road, and making a Diversion from *Edenfield* Chapel to *Rising Bridge*, and a Branch from *Blackburn* to *New Accrington*.

widening, maintaining, and keeping in Repair the said Diversion and Branch; that is to say, a Diversion of the said Road between *Bury* and *Whalley*, to commence at or near *Edenfield Chapel*, in the said Township of *Tottington Higher End*, and to terminate at or near *Rising Bridge*, in the said Township of *Lower Booths*; and also a Branch of Road from the said Road between *Haslingden* and *Blackburn*, to commence at or near the North-west Foot of *Fecit Brow*, in the said Township of *Blackburn*, and to terminate at or near the said Dwelling House, in the said Township of *New Accrington*, now or late in the Occupation of the said *James Fairey*.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted or authorized to be taken shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized by the said Acts hereby repealed, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit of this Act, or of the Tolls hereby authorized to be collected: And all and every Persons and Person owing any Sum or Sums of Money to the Trustees of the same District of Road for executing the said hereby repealed Acts, or any of them, so far as the same relate to the same District, shall be liable to the Payment thereof to the Trustees hereinafter appointed, or directed to be appointed, for making, amending, and improving the said Roads and Diversion and Branch of Road hereby authorized to be made and amended.

Tolls granted by this Act made liable to the original Debt.

III. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, and Securities made by or entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby as aforesaid repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on Behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed: And all Conveyances, Bonds, Covenants, Agreements, Securities, and Notices, made, entered into, or given by the Trustees of such Roads for executing the said recited Acts, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same relate to the said Roads, remain in full Force and Effect, and be observed and kept by the Trustees hereinafter appointed or directed to be appointed, and by the other respective Parties thereto, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

Securities, &c. under former Acts to continue in force.

IV. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees in the Execution of the said first Three recited Acts, relating to the said Road leading from *Bury* through *Haslingden* to *Blackburn* and *Whalley*, and the said Branch of Road from the said Close of Ground called *Shoebroads* to *Padiham*, kept according to the Directions or Provisions thereof, or of any Act then in force; and to be kept by the Trustees of the Roads and Branch hereby

Books to be open to Inspection, and to be Evidence.

[Local.]

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authorized

authorized to be repaired, made, and maintained, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Extending
the Powers
of General
Turnpike
Acts to this
Act.

V. 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 of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for; 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;) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees ap-
pointed.

VI. 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 *Joseph Ainsworth, John Alsop, Ralph Andrews, George Ashworth of Flaxmoss, John Aspinall of Standen, William Assheton, Sir John Aubrey Baronet, William Barton Clerk, William Bentley, Joseph Birley, John Blackburn, Samuel Bower, William Brooks, William Brown, James Bury, John Bury, William Bury, James Burton, Walton Bulcock, Richard Cardwell Clerk, John Cardwell, Edward Chippindall, William Chippindall, John Chippindall, Thomas Clayton, Adam Cottam, William Carr, Robert Crompton, Thomas Crompton, Robert Cunliffe, James Chadwick, Pudsey Dawson, Robert Dobson Clerk, Adam Dugdale, Richard Edlestone, Robert Ellis, Joseph Feilden, William Feilden, John Feilden of Mollington, Randall Feilden Clerk, Richard Fornby Clerk, Richard Fort of Read Hall, John Fort, Richard Fort of Accrington, Jeremiah Garnett, Thomas Glover, William Grant, John Grant, Charles Grant, William Gray Clerk, Edmund Grundy, John Grundy, John Grundy the Younger, Richard Hardy, James Hargreaves of Bank Hall, James Hargreaves Clerk, John Hargreaves of Ormerod House, John Hargreaves of Oak Hill, John Harper, William Harper, William Hartley, Samuel Haslam, Samuel Holker Haslam, Thomas Haslam the Younger, Edmund Haworth, Sir Thomas Dalrymple Hesketh Baronet, John Fowdon Hindle, John Fowden Hindle the Younger, Francis Hodgson Clerk, Richard Hodgson, Sir Henry Philip Hoghton Baronet, Samuel Holker the Younger, George Holt, John Holt, John Hopwood Clerk, Jeffery Hornby Clerk, John Hornby, Daniel Hornby, Robert Hornby, William Henry Hornby, Thomas Horner, John Hoyle, John Hoyle the Younger, Thomas Hutchinson, William Heap Hutchinson, John Hutchinson, Oliver Hargreaves, John Hargreaves of Blackburn, James Hutchinson, Henry Halstead, John Halstead, Thomas Haigh, James Holt the Elder, Jonathan Hall, William Houlker, Thomas Jackson of Wood, John Kay of Lark Hill, John Kay of Brookshaw, Richard Kay of Limefield, John Kay of Limefield, James Kay of Bass Lane, Thomas Kay,*

William

William King, William Kirk, John Kay of Park, John Lister, Richard Grimshaw Lomax, John Lomax, James Lomax, Richard Lonsdale, Daniel Lonsdale, Joseph Livesey, John Maitland, Richard Noble Clerk, Henry Norris, Thomas Norris, Allen Norris, Robert Nuttall, Henry Hoyle Oddie, John Oddie, James Openshaw, John Openshaw of Pimhole, Richard Ort Clerk, Peter Ormerod, Thomas Parker of Browsholme, Thomas Lister Parker, Robert Parker, Sir Robert Peel Baronet, Jonathan Peel, Joseph Peel, Laurence Peel, Robert Peel of Hyndburn, Edmund Peel, Giles Harworth Peel Clerk, Bolton Peel, Jonathan Peel the Younger, William Peel of Accrington House, George Petre, George Pickup, John Pilling, James de la Pryme, Henry Petre, James Quartley Clerk, John Rawstron, Josias Robinson, William Robinson, John Rostron, Thomas Ratcliffe, John Rostron of Deardon Gate, John Scholes, Le Gendre Nicholas Starkie, Thomas Jepson Starkie, Henry Sudell, James Simpson, Sykes, Le Gendre Pierce Starkie, William Stansfield, James Stott, James Slater, James Taylor, John Taylor, Thomas Taylor, Richard Teasdale, James Thomson, Nicholas Thompson, William Tipping, James Turner, Robert Turner, William Turner of Shrigley Park, William Turner of Haslingden, William Thomson, Ralph Turner, John Townsend, William Tarry, Richard Walker, William Walker, Oliver Ormerod Walker, James Walmsley, Robert Whalby, John Master Whalley Clerk, Charles Whittaker, John Whittaker, John William Whittaker Clerk, John Whittam, Henry Wrigglesworth Clerk, John Wilkinson, Matthew Wilkinson, Benjamin Wilson, James Wilson, John Wilson, Nicholas Worsley, Thomas Worsley, James Worsley, William Whalley, Daniel Whittle Clerk, Edmund Yates, John York, and Thomas York, 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, altering, turning, widening, improving, and keeping in Repair the said Roads, and Branch and Diversion of Road, and for otherwise carrying this Act into Execution.

VII. And be it further enacted, That it shall and may be lawful for the Trustees appointed by or under this Act, 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 as directed by the said recited Acts of 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; and such Persons so elected and appointed shall, after taking the Oaths or making the Affirmations required by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to
appoint ad-
ditional
Trustees.

VIII. And be it further enacted, That the Trustees for the said Roads shall hold their first Meeting at the Inn known by the Name of the *New Inn*, in the Town of *Haslingden* aforesaid, or at some other convenient House there, on the Fourth *Thursday* next after the passing of this Act, or as soon afterwards as conveniently may be; and the said Meeting shall and may be adjourned from Time to Time, to such Times and to such Places as the Trustees of the said Roads shall think proper.

First Meet-
ing of Trus-
tees.

IX. Pro-

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 or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, or any of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the said Trustees for executing this Act; and each and every such Treasurer, Clerk, 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 had been appointed by virtue of this Act.

Clerk not to
act as Treas-
urer, and
vice versa.

X. Provided always, 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 of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who hath been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept 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 other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the 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 of his or their Partner or Partners, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, 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, nor more than One Imparlance, shall be allowed.

Treasurer
to give Se-
curity.

XI. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office.

XII. And

XII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads comprised in the said recited Acts of the Twenty-ninth, Thirty-fifth, and Fiftieth Years of His late Majesty's Reign, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties and Forfeitures, as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, are by the said last-recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Former Officers to account to Trustees of this Act.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes and Toll-houses and Weighing Machines now standing and being in or upon the said Road and Roads, or on the Sides thereof; and also that the said Trustees shall and may build, erect, and set up such and so many Toll Gates or Toll Bars in, upon, or across such Parts, and in such Places of the said Road and Roads, and the said intended Diversion and Branch thereof hereinbefore mentioned, as the said Trustees shall think proper; and also such and so many Toll Gates or Toll Bars on the Sides of the said Roads, Diversion, and Branch, as they the said Trustees shall think proper and expedient, and also shall or may erect or provide a Toll-house and Weighing Machine, and suitable Buildings and Conveniences, and also a Garden, (the Scite of the said Buildings and the said Garden not exceeding One Eighth Part of a Statute Acre,) at or near to each of such Toll Gates or Toll Bars.

Power to continue or remove the present Toll Gates, and to erect others.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to cause any of the Toll Gates or Toll Bars and Weighing Machines which are or shall be erected in, upon, or across, or on the Side or Sides of the said Roads, to be removed and placed upon such other Part or Parts of the said Roads, or on the Side or Sides thereof, as the said Trustees shall from Time to Time order and direct; provided that none of the said Toll Gates or Toll Bars or Weighing Machines shall be removed as aforesaid, unless Fourteen Days previous Notice of the Intention to remove the same shall have been affixed in Writing upon all the Toll Gates then standing upon the said Roads.

Fourteen Days Notice to be given of the Removal of any Toll Gate.

XV. And be it further enacted, That the respective Sums of Money following shall (subject to the Provisions, Restrictions, and Exceptions in this Act, and in the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty contained,) be demanded and taken at each and every such Turnpike, Toll Gate, and Side Gate as is now set up and continued, or shall hereafter be set up, upon, across, or by the Side of the said Road and Roads, Diversion and Branch, in this Act mentioned, by each and every such Person and Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same; that is to say,

Power to take Tolls.

[Local.]

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For

For every Horse or Beast of Draught, drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Caravan, Van, Hearse, Litter, or other such Carriage, any Sum not exceeding 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 of Six Inches and upwards on the Bottom or Soles thereof, any Sum not exceeding 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 and a Half Inches, and less than Six Inches, at the Bottom or Soles thereof, any Sum not exceeding Seven-pence Halfpenny :

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

For every Horse or Beast of Draught, drawing any Cart or other such like Two-wheel Carriage, having the Wheels of the Breadth of Six, or more than Six Inches, on the Bottom or Soles thereof, any Sum not exceeding Four-pence :

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

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

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

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

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

Which said several Tolls shall commence and take Effect at such Time or respective Times as the said Trustees, or any Five or more of them, shall at their First or any subsequent Meeting or Meetings think proper and direct, and that in the mean time the same and the like Tolls shall be taken and continued at the several Gates, Bars, and Chains erected or set up, in, upon, or across, or on the Sides of the said Roads, or any Part or Parts thereof, as shall be taken at the Time of passing this Act, any thing herein contained to the contrary notwithstanding ; which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate ; and such several and respective Tolls or Sums of Money shall be payable and paid for each Time of passing, and the same shall be and are hereby vested in the Trustees of the said Road, and shall be applied for the Purposes of this Act, in Manner hereinafter directed.

XVI. Provided always, and be it further enacted, That no more than Four full Tolls shall be payable for the passing of the same Horse, Beast, Cattle or Carriage, on the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night,) through all the Toll Gates or Turnpikes erected or to be erected on the said Road between the Towns of *Bury* and *Blackburn* aforesaid, nor more than the like Number of Tolls between the Towns of *Bury* and *Whalley* aforesaid, except as is hereinafter otherwise provided, for passing through the same Toll Gates or Turnpikes.

Limiting the Number of Tolls.

XVII. Provided also, and be it further enacted, That all Horses, Beasts, Cattle, and Carriages, in respect whereof the Tolls hereby granted shall have been paid at any Gate or Turnpike on the said Roads, shall be allowed to repass Once for each such Payment through the same Gate Toll-free in the same Day, to be computed as aforesaid.

No Toll to be paid for repassing.

XVIII. Provided also, and be it further enacted, That in case the Toll hereinbefore authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle, or of any Carriage of any Description, not being a Stage Carriage, or Post Chaise, or other Carriage let out to Hire, through any One of such Toll Gates or Turnpikes or Side Gates on the said Roads, or any of them, Four Times in any one Day, to be computed as aforesaid, such Horse, Beast, Cattle, or Carriage shall, upon the Production of a Ticket 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, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but Four Times a Day.

XIX. Provided also, and be it further enacted, That the several Tolls hereby made payable on the said Roads for and in respect of any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said respective Roads, or any of them.

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

XX. Provided also, and be it further enacted, That the several Tolls hereby made payable on the aforesaid Roads respectively, for or in respect of any Post Chaise or other Carriage let out to Hire, shall be payable and paid every Time of passing along the said respective Roads, or any of them, whenever any new Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

XXI. And be it further enacted, That the said Trustees shall and they are hereby required to erect, set up, continue, and keep in Repair, during the Continuance of this Act, One or more Toll Gate or Toll Gates, Bar or Bars, upon or across some Part or Parts of the said Branch of Road, and to demand and take at such Toll Gate or Bar the several Tolls hereby made payable; provided always, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied to the Repair of the said Branch Road, unless there shall be a Turnpike or Toll Gate erected,

Gates to be placed on the Branch Road.

erected, put up, and continued thereon, under the Authority of the Trustees for carrying this Act into Execution.

Exemptions
from Tolls.

XXII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, or Side Gates erected and continued or to be erected upon, across, or by the Sides of the Roads by this Act directed to be widened, improved, and kept in Repair, for any Horse, Beast, or other Cattle or Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll-house or Toll-gate now erected and continued, or hereafter to be erected on the said Roads under this Act; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall lie on the Person claiming the same, and such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as Penalties or Forfeitures for fraudulently and collusively claiming or taking the Benefit of any Exemption from Toll, or other Exemption on any Turnpike Road, may by Law be levied and recovered; and one Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and be applied or disposed of for the Purposes of this Act.

Application
of Tolls.

XXIII. And be it further enacted, That the Monies already received by virtue of the said first Three recited Acts, and now in the Treasurer's Hands, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which have been or shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in Manner following; that is to say, in Payment and Discharge of all the Costs, Charges, and Expences, which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise incident thereto, and also in Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts and Fences, and for Salaries of Officers, and other Expences incidental to the Execution of this Act, in repaying the Money borrowed or now owing by virtue of the said recited Acts or any of them, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in amending, altering, turning, widening, improving, making, and keeping in repair the said several Roads, Diversion, and Branch of Road hereby authorized to be made and amended, and in otherwise putting this Act into Execution relative thereto, and to or for no other Use or Purpose whatsoever.

Leases va-
cated.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at their first Meeting, or at any Adjournment thereof,

to

to declare, order, and determine, that all Demises, Leases, and Agreements for Leases of the existing Tolls heretofore granted, and payable at the several Turnpikes and Toll Gates on the Roads in and by the said recited Acts directed to be improved and kept in Repair, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be vacated from and after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-seven; and that from and after such Declaration, Order, and Determination, the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive, recover, and compel Payment of all Rent and Arrears of Rent and Payments due and to become due thereon; and the said Trustees shall and may, and are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls for any Loss or Damage which he, she, or they shall or may respectively sustain thereby, to be paid at such Time and Times, and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees respectively, his, her, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months after the same shall be due and demanded of the Clerk or Treasurer, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that in case the said Trustees and the Lessee or the Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid: Provided also, that nothing herein contained shall prevent the said Trustees at their first or any other Meetings, if they shall think fit, from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls hereby granted and made payable as they shall think reasonable and proper for the unexpired Time of his, her, or their respective Leases or Terms.

XXV. And whereas Maps or Plans describing the Line of the said intended new Diversion and Branch of Road, and the Lands, Hereditaments, and Premises through which the same are to be carried, together with Books of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, 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 said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making such new Diversion and Branch of Road shall not deviate more than One hundred Yards from the respective Lines thereof described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over and through whose Lands and Grounds such Diversion and Branch shall be made.

Maps of
Road de-
posited.

Line not to
vary there-
from more
than One
hundred
Yards.

[*Local.*]

5 P

XXVI. And

Power to
take Houses,
&c. in
Schedule for
widening
Roads.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, for the Purpose of widening, diverting, or improving the Roads in this Act mentioned, to take and use and lay into the said respective Roads the Houses, Outhouses, Buildings, Gardens, Orchards, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, first making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby.

Misnomers
not to pre-
vent Execu-
tion of Act.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion and new Branch of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are mentioned and described in this Act, or set forth and described in the said Maps or Plans or List 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 this Act, or in the said Maps or Plans and Books of Reference deposited therewith, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error, Omission, or Mis-statement proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Diversion
and Branch
to be made
in Five
Years.

XXVIII. Provided also, and be it further enacted, That in case the said Trustees shall not make the said Diversion and Branch within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same without the Consent in Writing of the Owners of the Lands, over and through which any such Diversion and Branch shall be thereafter made, first had and obtained.

Stakes or
Marks not
to be re-
moved.

XXIX. And be it further enacted, That if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in the laying out any Part of such Diversion and Branch of Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Trustees
may contract
for the Pur-
chase of
Lands.

XXX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by Means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damages aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether

Corpora-
tions and in-
capacitated
Persons em-
powered to
sell, &c.

whether Femmes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femmes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat, contract, and agree with the Trustees for executing this Act, for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damages as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act, and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Premises, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages to be inquired into and ascertained by a Jury in the Manner prescribed by the said Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompense for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the same Act relative to the summoning and impanelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

When Persons neglect or refuse to treat, the Damages to be settled by a Jury.

XXXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate or Collegiate,

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

Eccle-

Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other 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 Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *exparte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on 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; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in th Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the 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 such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean time, and until such Order can be made, the said Money may, by Order of the said Court 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 Bank Annuities, or Government or Real Securities; and in the mean time, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said

Roads,

Roads, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is hereinbefore directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next hereinbefore mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid 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 purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where
under 20l.

XXXIV. 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 not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom any such Sum or Sums of Money 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 there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said

In case of
not making
out a good
Title, or if
Persons can-
not be found,
the Pur-
chase Money
to be paid
into the
Bank.

[*Local.*]

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Court,

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 said 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 therein 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 of *England* as aforesaid.

In case of
disputed
Titles.

XXXV. 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 to
be paid by
Trustees.

XXXVI. 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 purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXVII. And

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

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

XXXVIII. And for providing proper Places whereupon the Materials used for the Repairs of the said Roads may be deposited and broken, and whereupon the Ground, Earth, Stone, and other Substances necessary to be removed for the Purpose of reducing the Inequalities and Heights upon any of the said Roads, and making the same sufficiently level and commodious, and also the worn Materials may be laid, and also for the Purpose of providing the necessary Materials for filling up any Hollows or Cavities in any of the said Roads; be it also enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the several Owners, Proprietors, and Occupiers of, and Persons interested in and entitled unto any Lands, Grounds, or Hereditaments adjoining to the said Turnpike Road or Roads, or any Part thereof, for the Purchase of so much thereof as they shall think necessary for any of the Purposes last hereinbefore mentioned, such Parcels of Land to be so purchased not exceeding Four hundred Square Yards of Land respectively for the Purpose of depositing new or worn Materials, and One thousand two hundred Yards respectively (Surface Measure) for the Purpose of reducing Inequalities and Heights, or filling up Hollows or Cavities, and out of the Monies to arise upon the said Roads, or any Part or Parts thereof, or out of any Money to be borrowed on the Credit thereof, to pay such Sum or Sums of Money as shall be agreed upon for such Lands or Hereditaments; and in case of any Difference between the said Trustees and the said other Persons (all of whom are hereby empowered to treat and agree with the said Trustees concerning the Price or Satisfaction to be paid for the Purchases before mentioned), such Difference shall be adjusted, settled, and determined, and such Recompence ascertained, by a Jury, in such Manner and under the same Rules and Orders as are prescribed in and by this

For purchas-
ing Land to
lodge Mate-
rials, &c.
upon.

Act

Act for settling Recompence and Damage for the Land taken for the Purposes of this Act; and the said Parcels of Land when so purchased shall for ever after be Part of, and be deemed to belong to the said Turnpike Road.

Public Act.

XXXIX. 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 Act.

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

SCHEDULE referred to by this Act.

On the Line of Old Road from Bury to Edensfield Chapel.

Parish.	Township.	Owners.	Occupiers.	Description of Property.
Bury	Bury	Robert Wolstenhome	John Hall	Dwelling-house.
Ditto	Ditto	John Mills	Edward Hoyle	Dwelling-house and Garden.
Ditto	Ditto	The Rector of Bury	Richard Kay	Garden and Garden Wall.
Ditto	Ditto	The Earl of Derby	The Trustees of the Will of Richard Kay, deceased	Garden and Garden Wall.
Ditto	Ditto	Ditto	Ditto	Warehouse.
Ditto	Ditto	Ditto	Ditto	Plantation.
Ditto	Walmersley	George Haworth	William Walker	Dwelling-house.
Ditto	Ditto	James Cross	John Duckworth	Barn.
Ditto	Ditto	Peter Ditchfield	Jeremiah Cunliffe	Cow-house and Garden.

On the Line of Old Road from Haslingden to Blackburn.

Blackburn	Blackburn	James Haworth	Jane Harrison	Dwelling-house and vacant Ground adjoining.
Ditto	Ditto	Joseph Edmundson	John M'Cave	Dwelling-house and Weaving Shop.
Ditto	Ditto	James Bolton	Peter Smalley	Dwelling-house and Shop.
Ditto	Ditto	Ditto	John Hall	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Mary Sharples	Cottage.
Ditto	Ditto	Ditto	Alice Ellison	Dwelling-house and Shop.
Ditto	Ditto	Jonas Bradley	Jonas Bradley	Dwelling-house.
Ditto	Ditto	Ditto	Jonathan Pinkner	Dwelling-house.
Ditto	Ditto	Ellen Hindle	Maria Jopson	Dwelling-house.
Ditto	Ditto	Ditto	William Hodgson	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Jonathan Buckley Mellor	Dwelling-house and Shop.
Ditto	Ditto	Edward Mercer	Edward Mercer	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Peter Little	Dwelling-house and Shop.
Ditto	Ditto	John Aspinall	John Briggs	Public-house.

Parish.	Township.	Owners.	Occupiers.	Description of Property.
Blackburn	Blackburn	Christopher Hindle	Stephen Tattersall	Dwelling-house and Shop.
Ditto	Ditto	John Aspinall	Thomas Astley	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Samuel Smith	Dwelling-house and Shop.
Ditto	Ditto	William Grisdale	Nancy King	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Empty	Dwelling-house.
Ditto	Ditto	Ditto	Charles Burns	Dwelling-house.
<i>On the Diversion from Edenfield Chapel to Rising Bridge.</i>				
Bury	Tottington	The Trustees of the Will of Ellis Haworth, deceased	John Scholefield	Plantations and Wood Ground.
Ditto	Ditto	Jeffery Grime	Widow Crossley	Plantation and Wood Ground.
Whalley	Haslingden	John Parkinson	James Tattersall and Thomas Jackson	Dwelling-houses.
Ditto	Ditto	Ditto	Thomas Iskaw and John Haworth	Dwelling-houses.
Ditto	Ditto	Joshua Townend	James Firth	Stable and Barn.
Ditto	Ditto	Daniel Henry Lee Warner, Esquire	Widow Holliday	Garden.
Ditto	Ditto	William Hoyle	John Ashworth	Dwelling-house.
Ditto	Ditto	Turner	Empty	Dwelling-house.
Ditto	Ditto	Mrs. Martha Maxwell	Mrs. Martha Maxwell	Dwelling-house.
Ditto	Ditto	Ditto	Ditto and Andrew Ashworth	Dwelling-house.
Ditto	Ditto	Ditto	Andrew Ashworth	Gardens.
Ditto	Ditto	Ditto	Ditto	Dwelling-house.
Ditto	Ditto	John Hargreaves	Ditto	Yard and Garden.
Ditto	Ditto	Mrs. Martha Maxwell	George Maxwell	Barn.
Ditto	Ditto	James Ashworth	Andrew Ashworth	Dwelling-houses.
Ditto	Ditto	Daniel and William Hilton	James Ashworth	Garden.
Ditto	Ditto	Longsdale	Thomas Maxwell	Barn.
Ditto	Ditto	Thomas Barnes and others	John Coupe and others	Dwelling-houses.
Ditto	Ditto	John Greenwood, Esquire	Widow Ashworth	Mill.
Ditto	Ditto	Ditto	Elijah Law	Skin-house and Yard.
Ditto	Ditto	Ditto	Messrs. Moss and Holden	Cotton Manufactory.
Ditto	Ditto	Thomas Charles	Benjamin Edleston	Dwelling-house.
Ditto	Ditto	Mr. James Turner	James Barnes and others	Dwelling-houses.
Ditto	Lower Booths	James Worsley	Nicholas Worsley	Dwelling-house.

Parish.	Township.	Owners.	Occupiers.	Description of Property.
<i>On the Branch of Road from Fecit Brow to Accrington.</i>				
Whalley	Oswaltdwistle	Messrs. Simpson and Co.	Messrs. Simpson and Co.	Plantation.
Ditto	Ditto	Ditto	John Maitland	Garden.
Ditto	Ditto	Ditto	Messrs. Simpson and Co.	Warehouse.
Ditto	Ditto	Ditto	Ditto	Wharf.
Ditto	Church	Daniel McDonald and Thomas Varley	Daniel McDonald and Thomas Varley	Garden.
Ditto	Ditto	Daniel McDonald	John Whitehead	Dwelling-house.
Ditto	Ditto	Ditto	Joseph Clayton	Dwelling-house.
Ditto	Ditto	Ditto	Daniel McDonald	Dwelling-house and Shop.
Ditto	Ditto	Thomas Varley	Thomas Varley	Dwelling-house and Shop.
Ditto	Ditto	Ditto	Empty	Dwelling-house.
Ditto	Ditto	Robert Anderson	Robert Anderson	Dwelling-house.
Ditto	Ditto	Ditto	Ditto	Dwelling-house.
Ditto	Ditto	Ditto	John Smith	Dwelling-house.
Ditto	Ditto	Ditto	John Smith	Dwelling-house.
Ditto	Ditto	Ditto	Henry Hirst	Dwelling-house.
Ditto	Ditto	Ditto	William Livesey	Dwelling-house.
Ditto	Ditto	Ditto	John Rawcliffe	Dwelling-house.
Ditto	Ditto	Ditto	Robert Catlaw	Dwelling-house.
Ditto	Ditto	Ditto	Robert Anderson	Copperas Works.
Ditto	Ditto	Ditto	Ditto	Copperas Works.
Ditto	Accrington	The Trustees of the Will of James Riley	Betty Ramsbottom	Dwelling-house.
Ditto	Ditto	Ditto	Robert Simpson	Dwelling-house.
Ditto	Ditto	Ditto	John Ashworth	Dwelling-house.
Ditto	Ditto	William Booth	William Booth	Dwelling-house and Yard.

