



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxliv.*

An Act for repairing the Road from *Haslingden* to *Todmorden*, and several Branches therefrom, all in the County Palatine of *Lancaster*; and for other Purposes. [17th August 1857.]

**W**HEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Third, Chapter CVII, 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 Cockshut 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*; whereby the Roads comprised in that Act were divided into Two separate Districts, and the Road from *Haslingden* through *New Church* and *Bacup* to *Todmorden* was declared to be the Second District of Road by the said Act intended to be amended and kept in repair: And whereas

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c. cvii.

[*Local.*]

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another



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another Act was passed in the Fortieth Year of the same Reign, Chapter XIX., intituled *An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers, of an Act made in the Twenty-ninth Year of the Reign of His present Majesty, for amending, widening, turning, varying, altering, and keeping in repair several Roads therein mentioned in the County Palatine of Lancaster, so far as the same relates to the Road from Haslingden to Todmorden, being the Second District of the said Roads, and for making and maintaining a Branch therefrom at or near a Place called Fearn in Wolfenden Booth to Edgeside in the same Booth, and another Branch therefrom at or near a Place called Roberts Mill in Bacup Booth into the Rochdale Turnpike Road in the Parish of Spotland, all in the said County Palatine of Lancaster*; whereby the previous Act was, so far as related to the said Second District of Road, continued for a further Term, and Powers were conferred upon the Trustees for executing the same to make and maintain the said Two Branches: And whereas an Act was passed in the Fifty-fifth Year of the Reign of King George the Third, Chapter XIV., intituled *An Act for repairing the Road from Haslingden through New Church and Bacup to Todmorden, and for making and maintaining several Branches therefrom, all in the County Palatine of Lancaster*, wherein it is recited that great Progress had been made in the Execution of the Act of the Twenty-ninth Year of the Reign of King George the Third, so far as related to the said Second District of Road, and also in the Execution of the Act of the Fortieth Year of the same Reign, and that considerable Sums of Money had been borrowed on the Credit of the Tolls granted and arising on the said Second District of Road, which Sums of Money then remained due and owing, and whereby the said Act passed in the Twenty-ninth Year of the Reign of King George the Third, so far as the same related to the said Second District of Road, and the said Act passed in the Fortieth Year of the Reign of King George the Third, were repealed, and Power was given to make and maintain Three other Branches of Road, namely, a Road from *Slate Pit Hill* to *Deer-play Hill*, a Road from *Stacksteads* to *Laneside*, and a Road from *Waterfoot* to *Hitchon Dams*: And whereas the several Roads and Branches by such Acts authorized to be made have, so far as relate to the Second District of Road, been made and completed, save and except the Two Roads or Branches herein-after described; (that is to say,) the before-mentioned Road or Branch leading from and out of the said *Haslingden* and *Todmorden* Road at or near a certain Place called *Roberts Mill* within *Bacup Booth* in the Parish of *Whalley* in the said County into the Turnpike Road leading from *Burnley* to *Rochdale*, both in the said County, and the said Road or Branch from the said *Haslingden* and *Todmorden* Road, at or near a Place called *Slate Pit Hill*, through or  
into

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into the Township of *Todmorden* and *Walsden* in the Parish of *Rochdale* in the said County, and the Township of *Cliviger* in the Parish of *Whalley* aforesaid, to communicate with the said Turnpike Road leading from *Burnley* to *Rochdale* at or near *Deer-play Hill* in the said Township of *Cliviger*, and it is expedient that the Power to make the said Roads or Branches so authorized to be made and maintained by the said Acts, and which have not been made or proceeded with, should be relinquished: And whereas the several Sums of Money mentioned and particularized in the First Schedule to this Act annexed were advanced and lent prior to the passing of the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, and it was by that Act directed that the several Sums so advanced should be repaid with Interest to the several Persons who had advanced and lent such Sums, in preference to any Person or Persons who had advanced or might thereafter advance any Money for or towards making the several new Branches of Road mentioned in the same Act, and that the said original Subscribers should be Creditors on the Tolls in equal Degree one with another, and that the several new Subscribers should, after the original Subscriptions and Mortgages were paid off and discharged, be Creditors on the said Tolls in equal Degree one with another, and such Sums of Money are still due and owing: And whereas considerable further Sums of Money mentioned and particularized in the Second Schedule to this Act annexed have been borrowed on the Credit of the Tolls authorized by the said last-recited Act to be collected, which Sums are also still due and owing: And whereas the several Sums aforesaid amount to the Sum of Seventeen thousand nine hundred and seventy-three Pounds, which Sum is now due or reputed to be due to the several Persons named in the Two Schedules to this Act annexed, or their Representatives, in the Proportions set opposite to their respective Names in those Schedules, and which Sums cannot be paid off unless a further Term and further Powers be granted: And whereas the Term and Powers granted by the last-recited Act, and continued from Time to Time by divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-seven, unless Parliament shall in the meantime continue the same: And whereas it is expedient that the said last-recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, and that the Tolls by the said last-recited Act granted should be varied or altered; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

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present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

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pealed, and  
this Act to  
be put in  
force.

I. From and after the Twenty-eighth Day of *October* next after the passing of this Act the said recited Act passed in the Fifty-fifth Year of the Reign of King *George* the Third shall be repealed, and this Act shall thenceforth be put in execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Haslingden and Todmorden Turnpike Road Act, 1857.*"

Interpreta-  
tion of  
Terms.

III. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates:

The Expression "the Road" or "the said Road" shall mean all the Roads to which this Act applies.

Convey-  
ances, &c.  
under former  
Act to con-  
tinue in  
force.

IV. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the Act hereby repealed, or any of them, 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 on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by or by virtue of the Act hereby repealed, or by the Trustees for executing the same, with or to any Person for any Purpose relating to the Roads therein comprised, or to the Execution of such Act, or any of them, and all Assignments and Transfers of such Bonds and Mortgages, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the Act hereby repealed



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repealed shall and may, notwithstanding such Repeal, be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act.

V. All Books of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, and of the Acts thereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Former  
Books to be  
Evidence.

VI. All Roads and Parts of Roads diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the Act hereby repealed, or any Act thereby wholly or partially repealed, shall remain and continue diverted, shut up, and discontinued in such and the same Manner as if such Act had not been so repealed.

Roads shut  
up under re-  
pealed Acts  
to continue  
so.

VII. All Moneys due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in and belonged to them under such repealed Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the Act hereby repealed were liable at the Repeal thereof, except in so far as those Debts and Engagements are by this Act varied, extinguished, or discharged.

Moneys and  
Property to  
vest in new  
Trustees.

VIII. All Her Majesty's Justices of the Peace acting for the County Palatine of *Lancaster*, together with *James Aked (Mytholmroyd)*, *James Appleyard (Kershaw House)*, *Richard Ashworth (Fall Barn)*, *Richard Ashworth (Cowpe)*, *Edward Ashworth (Wales, New Church)*, *James Henry Ashworth (Hall Carr)*, *James Ashworth (Acre Mill)*, *John Bairstow (Hebden Bridge)*, *James Bairstow (Hebden Bridge)*, *John Barker (Cross Lee)*, *William Barker (Barewise)*, *John Barker the younger (Barewise)*, *James Barlow (Rawtenstall)*, *Elijah Barlow (Rawtenstall)*, *Christopher Bracewell (Earby)*, *James Butterworth (Green Booths)*, *Joseph Clegg (New Church)*, *James Crabtree (New Church)*, *John Crabtree (New Church)*, *John Crossley (Lumb Bank)*, *Crosleggh Dampier (Scaitcliffe)*, *Harry Edward Dampier (Scaitcliffe)*, *John Dawson (Mount Pleasant)*, *John Dugdale (Ivy Bank)*, *James Dugdale the younger (Ivy Bank)*, *Thomas Eastwood (Eastwood)*, *John Eastwood (Eastwood)*, *William Manley Eastwood (Stoneyroyd)*, *Richard Eastwood (Swinshaw)*, *John Crossley Fawcett (Green*  
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Appoint-  
ment of  
Trustees.

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*Field), Samuel Fielden (Centre Vale), John Fielden (Centre Vale), Joshua Fielden (Stansfield Hall), William Foster (Cliffe House), John Greenwood (Hare Hill), James Greenwood (Glen View), John Greenwood (Stubbin House), William Greenwood (Stones), Robert Greenwood (Watty Place), John Hall (Clough End), Edwin James Hamilton (Bacup), George Hamilton (Irwell Terrace, Bacup), Thomas Edward Hammerton (Todmorden), James Hardman (Todmorden), James Hardman (Greens, Brandwood), Henry Hoyle Hardman (Horncliffe), Richard Hardman (Rawtenstall), Oliver Hargreave (Langley House), John Hargreaves (Blackburn), Henry Hargreaves (Beardwood), James Hargreaves (New Church), George Haworth (Shaw Clough), James Haworth (Bacup), George Haworth (Bacup), James Haworth (Burnley), William Haworth (Todmorden), John Helliwell the younger (Greenhirsthey), Reverend James Heyworth (Henbury Hill, Bristol), Joseph Hodgson (Erringden Grange), John Sunderland Hodgson (Sunderland House), John Hodgson (Sunderland House), Ralph Holden (Haslingden), Thomas Holgate (Burnley), Joseph Holgate (Burnley), James Maden Holt (Stubbilee), John Foster Horsfall (Oxenhope), George Howorth (Burnley), John Howorth (Burnley), Henry Hoyle (Newhallhey), Henry Hoyle the younger (Newhallhey), Joshua Hoyle (Bacup), John Hoyle (Bacup), John Hoyle (Haslingden), William Hudson (Bacup), William Ingham (Castle Lodge), John Ingham (Castle Naze), Richard Ingham (Hallroyd), John Arthur Ingham (Shaw), Edward Greenwood Kay (Mill House), John Knowles (Burnley), Thomas Knowles (Kilnhurst), Charles Knowles (Kilnhurst), John Lacy (Todmorden), James Law (Cronkeyshaw), John Hargreaves Law (New Church), Samuel Ashworth Lord (New Church), John Maden (Bacup), James Munn (Heath Hill), Robert Munn (Thistle Mount), William Ormerod (Stoneswood House), Peter Ormerod (Stoneswood), Lawrence Ormerod (Peers Clough), James Frederick Ormerod (Fern Hill), James Parker (Haslingden), Charles Patrick (Clough Fold), James Ramsbotham (Crowbro' Warren), James Ramsbotham (Rawtenstall), George Ramsbotham (Crawshaw Booth), John Roberts (Bacup), George Henry Law Schofield (Baltic), William James Sleith (Bacup), Richard Smith (Bacup), Ashton Stansfield (Style), John Ashton Stansfield (Style), James Stansfield (Ewood), William Stewart (M.D.), John Stott (Haslingden), James Stott (Sykeside), Thomas Kay Stott (Whitecroft), William Sutcliffe (Lower Laith), William Sutcliffe (Bacup), William Sutcliffe (Harley House), John Sutcliffe (Harley House), Thomas Sutcliffe Clerk (Hepstonstall), James Pearson Sutcliffe (Hebden Bridge), John Sutcliffe (Slack House), William Sutcliffe (Hebden Bridge), George Sutcliffe (Stoneshey Gate), David Tattersall (Scout), Henry Tattersall (Shaw Clough), Hugh Taylor (Rawtenstall), James Kay Thorburn (Whitworth), John Towneley (Towneley), Joshua Townsend (Townsend Fold), John*  
*Townsend*



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*Townsend (Townsend Fold), Richard Townsend (Townsend Fold), John Veevers (Kilnhurst), James Whitaker (Bacup), James Whitaker (Broad Clough), William Whitaker (Broad Clough), Edmund Whitaker (Bacup), Peter Whitehead (Rawtenstall), Thomas Whitehead (Rawtenstall), Thomas Hoyle Whitehead (Liverpool), John Blakey Whitehead (Rawtenstall), Joseph Wood Whitehead (Rawtenstall), Thomas John Willson (Hand House),* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

IX. It shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to  
appoint  
additional  
Trustees.

X. The Trustees shall hold their First Meeting at the *George and Dragon Inn* in the Village of *Bacup*, or at some other convenient Place in the Neighbourhood of the said Road, upon the Twenty-ninth Day of *October* next after the passing of this Act, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

First Meet-  
ing of  
Trustees.

XI. The Trustees may appoint Committees, each Committee to consist of not less than Three, out of their own Number, to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting, and the said Trustees may prescribe any Number to be a Quorum at Meetings of any such Committee; and such Committees and their Officers may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be laid down.

Power to  
appoint  
Committees.

XII. Subject to the Provisions herein-after contained, this Act shall be put into execution for the Purpose of defraying the Costs of obtaining the same, and the Expenses of Management, of paying Interest upon and discharging the Debts of the Trust, as specified in the Schedules to this Act annexed, and improving, maintaining, and keeping in repair, to the Extent herein-after mentioned, the several Roads herein-after described; (that is to say,)

Roads to  
which this  
Act is appli-  
cable.

The Road from *Wilkinson's Corner* in the Township of *Haslingden*, through *Rawtenstall*, *Newchurch*, and *Bacup*, to the *Guerning Dog*

Dog

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*Dog Bridge* in the Township of *Todmorden*, all in the County Palatine of *Lancaster* :

The Road leading from and out of the aforesaid Road at *Fearns* to the East End of a Barn, late the Property of *Richard Ormerod*, situate at *Edgeside*, both in the same County :

The Road leading from and out of the first-mentioned Road at *Stacksteads* to its Junction with the Turnpike Road leading from *Haslingden* to *Bury*, at or near *Lane Side*, at the Distance of Three Quarters of a Mile or thereabouts from the Town of *Haslingden*, all in the same County : And

The Road leading out of the last-mentioned Road at *Waterfoot* to its Junction with the Turnpike Road leading from *Burnley* to *Rochdale* at or near *Hitchon Dams*, all in the same County.

Present  
Tolls con-  
tinued for a  
Time.

XIII. Notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the First Day of *January* One thousand eight hundred and fifty-eight.

Toll Gates  
to be con-  
tinued until  
removed by  
Order of the  
Trustees.

XIV. The several Toll Gates now standing or being on the said Road, or on the Sides thereof, shall be continued until removed by Order of the said Trustees, and it shall be lawful for the said Trustees, subject to the Provisions of this Act and of an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter LXXVII., with reference to continuing and erecting Toll Gates and Toll Houses, to order and cause to be erected and set up in, upon, or across the said Road, or on the Sides thereof, any Toll Gate or Toll Gates, and to remove the present or any future Toll Gates or any of them as they shall think proper.

Power to  
take Tolls.

XV. Upon, from, and after the First Day of *January* One thousand eight hundred and fifty-eight it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Road such Tolls as the said Trustees shall at any of their Meetings direct, not exceeding the Sums following ; that is to say,

For every Horse, Mule, or other Beast, except an Ass, laden or unladen and not drawing, the Sum of Twopence :

For every Score of Oxen or Neat Cattle, and so in proportion for any less Number than a Score, the Sum of One Shilling and Eightpence :

For every Score of Calves, Sheep, Goats, Lambs, or Swine, and so in proportion for any less Number than a Score, the Sum of Tenpence :

For



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For every Horse or other Beast, except an Ass, drawing any Coach, Stage Coach, Chariot, Landau, Barouch, Berlin, Chaise, Phaeton, Curricule, Calash, Chair, Gig, Caravan, Van, Hearse, Litter, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast, except an Ass, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Six Inches and upwards at the Bottoms or Soles thereof, the Sum of Ninepence :

For every Horse or other Beast, except an Ass, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottoms or Soles thereof, the Sum of Tenpence :

For every Horse or other Beast, except an Ass, drawing any Waggon, Wain, or other such like Four-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottoms or Soles thereof, the Sum of One Shilling :

For every Horse or other Beast, except an Ass, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottoms or Soles thereof, the Sum of Sixpence :

For every Horse or other Beast, except an Ass, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottoms or Soles thereof, the Sum of Eightpence :

For every Horse or other Beast, except an Ass, drawing any Cart or other such like Two-wheeled Carriage, having the Fellies of the Wheels of less Breadth than Four and a Half Inches at the Bottoms or Soles thereof, the Sum of Ninepence :

For every Carriage of whatever Kind not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, or otherwise than by Animal Power, for each Wheel thereof the Sum of One Shilling ; and

The Tolls to be taken for any Ass shall in every Case be One Half only of the Tolls hereby authorized to be taken for a Horse or other Beast :

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

XVI. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

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Persons having paid Toll to pass and repass twice Toll-free.

XVII. All Horses, Beasts, and Cattle (except as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted to pass and repass Toll-free through the same Toll Gate, or through such other Gate or Gates (if any) as the Ticket for such Payment shall free, twice during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Limitation of Tolls on the whole Line of Road.

XVIII. Subject to the Provisions of this Act, no more than the Tolls herein-before specified shall be taken for passing and repassing once only in the same Day, to be computed as aforesaid, with the same Horse, Beast, Animal, or Thing liable to Toll or Duty as aforesaid, through all the Toll Gates erected or to be erected or continued upon or across or on the Sides of the Divisions or Portions of Road herein-after mentioned; (that is to say),

Upon the Road between *Haslingden* and *Todmorden*, Three full Tolls;

Upon the Road between *Stacksteads* and *Laneside*, Two full Tolls; and

Upon the Road between *Waterfoot* and *Hitchon Dams*, Two full Tolls; and

No Toll shall be taken or any Turnpike or Toll Gate erected or set up upon or across the said Road from *Fearns* to *Edgeside*:

And subject to the Provisions in this Act contained, no Toll shall be demanded at any Gate upon the Road between *Haslingden* and *Todmorden*, nor upon the Road between *Stacksteads* and *Laneside*, in respect of any Horse, Cattle, or Beast for which Payment shall have been made at any other Gate on such Road within a Distance of Two Miles and a Half from such Gate; and no Toll shall be demanded or taken at any Gate upon the Road between *Waterfoot* and *Hitchon Dams* in respect of any Horse, Cattle, or Beast for which Payment shall have been made at any other Gate within the Distance of Two Miles from such Gate.

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

XIX. In case Toll shall have been paid at any Toll Gate upon or on the Sides of the said Road in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, and any such Horse or other Beast shall be afterwards employed on the said Road during the same Day in drawing a different laden Waggon, Wain, Cart, or other Carriage from that which it was employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall, notwithstanding such Payment, be again liable to Toll in the same Manner as if no previous Payment of Toll in respect of the same had been made.

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XX. The Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage conveying Passengers or Goods for Pay or Reward, shall be paid upon the First and Third Time of passing in any One Day in One and the same Direction through any Toll Gate on the Road at which, under the Provisions of this Act, Toll would be payable; and after Payment of Toll in respect of such First and Third Time of passing, such Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage shall and may, when drawn by the same Horses or other Beasts, upon a Ticket denoting such Payment being produced, be permitted to pass and repass Toll-free the same Day through the same Toll Gate, or such other Gate (if any) as the Ticket for such Payment shall free, an unlimited Number of Times: Provided always, that the Horses or Beasts drawing any such Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Carriage shall, notwithstanding the Production of a Note or Ticket denoting such previous Payment, be again subject to Toll for the First and Third but not for any subsequent Time of passing in the same Day through any other Toll Gate on the Road when travelling in an opposite Direction to that previously travelled when Payment shall have been made as before mentioned, in the same Manner as if no previous Payment of Toll had been made in respect thereof.

Regulations  
as to Coaches,  
&c.

XXI. The Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Horses  
drawing  
Postchaises  
to pay on  
every new  
Hiring.

XXII. Every Cart or other such Carriage drawn by only One Horse or Beast, and having the Soles or Bottoms of the Fellies of the Wheels or the Sole or Bottom of either Wheel of the Breadth of Four and a Half Inches or upwards, and which together with the Loading thereof shall weigh more than Forty-five Hundredweight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*, both Days inclusive), or than Forty Hundredweight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*, both Days inclusive), shall pay, and every such Cart or other Carriage having the Soles or Bottoms of the Fellies of the Wheels or the Sole or Bottom of either Wheel of less Breadth than Four and a Half Inches, and which together with the Loading thereof shall weigh more than Thirty-eight Hundredweight in Summer, to be computed as aforesaid, or than Thirty-four Hundredweight in Winter, to be computed as aforesaid, shall pay, and it shall be lawful for the Trustees and the Collectors of the Tolls granted by this Act to receive and take, the Sum of One Penny for every Hundred-

Regulating  
the Weights  
of Carts  
drawn by  
One Horse.



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Hundredweight above the Weights herein-before specified, in addition to the Tolls ordinarily payable under this Act in respect of such Cart or other Carriage.

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

XXIII. All Carts and other such Carriages drawn by One Horse or Beast passing along or upon the said Road shall and may be weighed at any Weighing Machine erected or to be erected upon or on the Sides of the said Road, and the Breadth of the Wheels thereof at the Bottom or Soles of the Fellies shall and may be measured and gauged, and the said additional Toll, with Penalties, shall be demanded, paid, and recovered in like Manner as additional Tolls and Penalties may by any General Statute be demanded, paid, and recovered for Overweight in respect of Carts or other Carriages drawn by Two or more Horses or Beasts, any Law or Statute to the contrary thereof notwithstanding; and the Owners and Drivers of such Carts or Carriages shall be liable to the same Penalties for refusing to suffer such Carts or Carriages to be weighed, or for obstructing the measuring or gauging of the Wheels, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses or Beasts are now for similar Offences liable to by Law; and such Penalties may be recovered and applied in the same Manner as similar Penalties on the last-mentioned Owners and Drivers of Carts or other Carriages are now by Law recoverable and applicable.

Road Materials to be used in distant Townships not to be exempt from Toll.

XXIV. No Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are to be used for making or repairing a Highway, or building, rebuilding, or repairing a Bridge, within some Township, Hamlet, or Place which is or may be liable to contribute to the Repair of some Part of the Road comprised in this Act.

Application of Moneys.

XXV. All Moneys which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,) Firstly. In paying and discharging the Expenses of obtaining and passing this Act and incidental thereto: Secondly. In defraying the necessary Expenses of renting, altering, and repairing of Toll Houses, Toll Gates, and Weighing Machines, the Salaries of Officers, and the other Costs and incidental Expenses attending the Management of the said Road, to an Amount not exceeding Two hundred Pounds *per Annum*, exclusive of the Wages of Toll Collectors and of the

Cost



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

Cost of erecting new Toll Houses if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending Actions at Law or in Equity, or preferring or defending any Indictment, or in taking or defending any other Proceeding for maintaining and protecting their Trust:

Thirdly, in paying Interest from the Time of the Commencement of this Act at the Rate of Four Pounds *per Centum per Annum* upon the Principal Sums mentioned in the First Schedule to this Act annexed, or such Parts of such Sums as shall for the Time being remain due and owing:

Fourthly, in paying Interest from the Commencement of this Act at the Rate of Three Pounds Ten Shillings *per Centum per Annum* upon the Principal Sums mentioned in the Second Schedule to this Act annexed, or upon such Parts of such Sums as shall for the Time being remain due and owing:

Fifthly, in discharging the Expenses of maintaining, repairing, and improving the said Road to an Amount not exceeding in any One Year the Sum of Two thousand one hundred Pounds:

Sixthly, in paying off and discharging, in the Manner prescribed by this Act, the several Principal Sums specified in the First Schedule to this Act annexed:

Seventhly, in paying off and discharging, in the Manner prescribed by this Act, the several Principal Sums specified in the Second Schedule to this Act annexed; and

Lastly, in further maintaining, repairing, widening, and improving the said Road.

XXVI. Whenever and so long as the Interest upon the Debt for the Time being due according to the Provisions of this Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages at the Rate by this Act authorized, and according to the Priority or Preference hereby prescribed, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk of the said Trustees for the Time being a full and true Account of his Receipts

Mortgagees  
not to take  
Possession  
but for  
Arrears of  
Interest.



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Accounts that the Interest due on such Mortgages, at the Rate aforesaid, up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied or provided for, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance, if any, remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode  
of discharg-  
ing Debt.

XXVII. When and so often as the Sum applicable to the Discharge of the Principal Moneys for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall at any General, Annual, or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Moneys to the Persons entitled thereto, according to the Priority herein-before prescribed, so long as the Principal Sums specified in the said First Schedule, or any of them, or any Part of such Sums, shall remain due and owing, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relates to the Application of such Sum, in some Newspaper published in the County of *Lancaster*, or by Letters sent by Post addressed to each Creditor entitled as aforesaid at his usual Place of Abode; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Moneys owing on the Security of the said Tolls to the Creditor entitled as aforesaid who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of the Principal Moneys due to him; and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of other Moneys owing on Security of the said Tolls to the Creditor entitled as aforesaid who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Moneys due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors entitled as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and

if



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same as far as may be necessary in or towards the Discharge of the Moneys to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors entitled as aforesaid, or may determine by Lot or otherwise, as the Trustees think fit, to which of the Creditors entitled as aforesaid the same shall be paid; and when and so soon as the Principal Sums specified in the said First Schedule shall have been paid off and discharged, the Trustees shall proceed in like Manner to pay off and discharge all other Moneys due on Security of the said Tolls: Provided always, that the Trustees may, if they think fit, from Time to Time apply in manner aforesaid any Sum less than Two hundred Pounds applicable as aforesaid, or, with the Consent of One of Her Majesty's Principal Secretaries of State in Writing under his Hand, postpone the Application of any Sum so applicable until the same amounts to any Sum exceeding Two hundred Pounds, which they with such Consent may determine.

XXVIII. In case any Person who shall be entitled to any Debt owing on the Credit of the Tolls on the said Road cannot be found, or in case a valid Discharge for any Money payable in respect of any such Debt cannot be given to the Trustees, then and in every such Case it shall be lawful for the Trustees, if they shall think fit, from Time to Time, with the Privity of the Accountant General of the High Court of Chancery, to pay any Money which shall be payable in respect of any such Debt into the Bank of *England* to the Account of such Accountant General in the Matter of the "*Haslingden and Todmorden Road Trust*," and the Person to whom such Money belongs (describing such Person as he is described in the Register or Books of the said Road or otherwise as accurately as Circumstances may admit), in trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Money to the Party entitled thereto or otherwise as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of Her present Majesty, Chapter XCVI., and an Act passed in the Session of Parliament held in the Twelfth and Thirteenth Years of the same Reign, Chapter LXXIV., whether with respect to the Mode of applying for the Order of the said Court or otherwise howsoever, shall be applicable to all Moneys paid into the said Bank pursuant to this Act, in like Manner as such Provisions would be applicable if such Moneys had been paid into the said Bank under the said Acts; and all such Moneys so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such

Provision for Payment of Moneys for which a valid Discharge cannot be given.



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the Trustees.

Trustees not bound by Trusts affecting Sums owing.

XXIX. The Trustees shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any Sum of Money owing, or which shall be borrowed or become owing, on the Credit of the Tolls arising on the said Road, may be subject; and the Receipt of the Party who shall appear in the Book of Mortgages of the said Trustees to be entitled to any such Sum of Money, or, if Two or more Parties shall so appear entitled, the Receipt of such Parties, shall from Time to Time be a sufficient Discharge to the Trustees and their Treasurer for such Sum of Money, and for any Interest payable in respect thereof, notwithstanding any Trust to which such Sum may then be subject, and whether or not the Trustees, or their Treasurer, Clerk, or other Officer, shall have had Notice of such Trust; and the Trustees shall not be bound to see to the Application of the Money paid upon such Receipt.

Trustees may enter into Agreements with Landowners for Payment of annual Sums of Money in lieu of Repairs *ratione tenuræ*

XXX. It shall be lawful for the Trustees, and they are hereby authorized and empowered, to enter into Agreements with any Owner of Lands, Tenements, or Hereditaments, liable by reason of the Tenure thereof to the Repair of any Part of the Road, for the Payment of such annual Sum of Money to the Trustees as they shall think proper, in lieu of Repairs to be done *ratione tenuræ* by such Owner or his Tenant for the Time being, for any Term or Number of Years not exceeding the Term granted by this Act, and the said Trustees shall be subject and liable to keep such Part of the Road *ratione tenuræ* in good and sufficient Repair, and shall indemnify the said Owner or his Tenants from the Consequences of any Indictment which may be preferred on account of any Part or Portion of the Road *ratione tenuræ* being in insufficient Repair during the Existence of such Agreement, but no such Agreements shall extend or be construed to extend to invalidate, or in any Manner to prejudice or affect, the Order or Determination made, as herein-after mentioned, by Two Justices of the Peace, longer or further than during the Existence of such Agreements.

Persons liable to repair old Highways turned or stopped up, to be liable to repair a Part of the new Highway equal to the Burthen

XXXI. And whereas Parts of certain Highways have been diverted for the Purposes of the Road to make the same shorter or more commodious to the Public, and Doubts have arisen and may arise whether the Inhabitants of any Parish, Township, Booth, District, or Place, or any particular Person liable to repair the old Highway or Road so deviated from, by Tenure or otherwise ought to repair or contribute to the Repair of the whole, or some and what Part or Portion of such new Highway or Road: For obviating which Doubts, and preventing Disputes about the same, it was by the Act hereby repealed and it

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*The Haslingden and Todmorden Turnpike Road Act, 1857.*

is hereby also enacted, That the Inhabitants of every such Parish, Township, Booth, District, or Place, and Person, who were liable as aforesaid to the Repair of any such old Highway or Road which hath been so diverted and turned, shall respectively be and continue in the same Manner liable to the Repair of such new Highway or Road, or so much thereof as shall be equal to the Burthen and Expense of repairing such old Highway or Road from which he shall have been exonerated by turning the same as aforesaid; and that if the several Parties interested cannot agree, the same shall be viewed by Two Justices of the Peace acting within the District where such Road shall be, and settled, adjusted, and determined by them in such Manner as they shall think just and reasonable; and from and after such Determination of the Justices the Inhabitants of the said Parish, Township, Booth, District, or Place, or the Person, liable to repair such new Highway or Road as aforesaid, shall bear all Charges and Expenses of Indictments and Prosecutions for not repairing the same; and if it shall be found more convenient to fix a gross Sum or an annual Sum to be paid by any such Inhabitants or Person towards the Repair of such new Highway or Road, instead of fixing the Part or Portion of such new Highway or Road to be repaired by him or them, the said Justices may, with the Consent of such Person and also of the major Part of the Inhabitants interested therein, obtained at a Vestry or Public Meeting held for that Purpose, and also of the said Trustees respectively, order and direct the same accordingly, which Order shall, subject to the Power of Appeal herein-after contained, be and for ever after continue binding on all Persons whomsoever: Provided always, that nothing herein contained shall extend or be construed to extend to invalidate or in any Manner to affect the Order or Determination made as herein-after mentioned by Two Justices of the Peace in regard to certain Parts of the said Road in such Order or Determination particularly described.

of the old one.

If Parties cannot agree, Justices to view and settle the same.

A gross or annual Sum to be paid if Parties agree thereto.

XXXII. If any Person shall think himself aggrieved by the Order of the said Two Justices in respect of *ratione tenuræ* Repairs, such Person may appeal to the Justices of the Peace at any General Quarter Session of the Peace to be holden for the said County of *Lancaster* within Four Calendar Months next after Notice shall have been given to him as aforesaid, such Appellant giving or causing to be given Notice in Writing of his Intention to bring such Appeal and of the Matter thereof to the Clerk to the Trustees within Four Days after such Person shall have received such first-mentioned Notice, and within Four Days after such Notice entering into Recognizances before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon

Power of Appeal to Quarter Sessions from Magistrate's Orders.



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

due Proof of such respective Notices being given as aforesaid, and of the entering into such Recognizances, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes whatsoever and upon all Persons whomsoever.

Penalty on  
Persons re-  
fusing to  
repair Roads  
pursuant to  
Magistrate's  
Order.

XXXIII. And whereas by the said Act of the Fortieth Year of the Reign of King *George* the Third, after reciting that several Persons were liable by Tenure to the Repair of different Parts of the Road, and that the Trustees of the same Road and such Persons could not agree as to the Quantity of Road to be repaired by them, and also reciting that *James Whalley* Esquire and the Reverend *John Hargreaves* Clerk, Two Justices of the Peace acting in and for the said County, in pursuance of the Power vested in them in and by the therein-recited Act, having viewed as well the old Highway or Road which had been deviated from, as different Parts of the new Highway or Road, and having proceeded to settle, adjust, and determine what Part or Proportion of such new Highway or Road the said several Persons should repair, or what annual Sums should be paid by them in lieu of such Repairs, did by their Order under their respective Hands and Seals, bearing Date on or about the Thirteenth Day of *January* which was in the Year of our Lord One thousand seven hundred and ninety-four, order and adjudge the same accordingly, and reciting that the several Persons who were particularized in the said Order of the said Justices neglected and refused to repair such Parts of the said Road as they were thereby directed to amend and keep in repair, and that several other Persons named in the said Order neglected to pay the different Sums of Money which they consented and were thereby adjudged to pay in lieu of repairing any Part of the said Road, it was enacted, and it was by the said Act hereby repealed also enacted, therefore it is hereby enacted, That if the Person or Persons who by the said Order of the said Two Justices are made liable to the Repair of different Parts of the said Road, or the present or future Occupiers of the Estates in respect of which they are so charged, shall neglect to repair or amend so much and such Parts thereof as are particularly set forth in the same Order, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the Trustees of the Road to repair the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons so neglecting shall forfeit any Sum not exceeding Ten Shillings for every Seven Yards of such Road so neglected to be repaired, and so in proportion for any greater or less Quantity, which Forfeitures shall be recovered and levied in such and the same Manner as the Penalties and Forfeitures for Offences against this Act are to be recovered and levied; and if the Person or Persons who by the same

Order



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Order are made liable to the Payment of different annual Sums of Money in lieu of repairing Part of the said Road, or the present or future Occupiers of the Estates in respect of which they are so charged, shall neglect to pay the several Sums of Money so ordered to be paid by them to the Treasurer of the Trustees of the Road for the Time being, after Seven Days Notice in Writing shall have been given to them by the Clerk or Treasurer to the same Trustees to pay the same, it shall be lawful for the Trustees to recover and levy such several Sums of Money by Distress and Sale of the Person's Goods and Chattels, in such and the same Manner as the Forfeitures and Penalties for Offences against this Act are to be recovered and levied.

Penalty on Persons neglecting to pay annual Sums.

XXXIV. Nothing in this Act contained shall extend to charge with the Repair of any Part of the Road any Person who is liable to the Repair of such Part of the old Highway leading from *Haslingden* to *Todmorden* as is situate between *Stacksteads* and *Sharneyford* or any Part thereof, or to the Payment of any Composition or other Moneys in lieu of such Repairs, nor shall the said Order of the said Two Justices, or the Powers of enforcing Obedience thereto, or the Performance of the Repairs thereby directed, or the Payment of annual or other Sums of Money therein mentioned, extend to any such Person as last aforesaid.

Not to affect Persons liable to repair old Highway between Stacksteads and Sharneyford.

XXXV. In all Cases where any Entrance shall be or be made from the said Road to any Land or to any Buildings, such Entrance shall be properly made with hard Materials, and a proper Plat, Culvert, or Drain made by or at the Expense of the Owner or Occupier of such Land or Buildings, so that such Road may not be injured by the Stoppage or Running of Water or by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to make such Entrance in manner aforesaid, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of Fourteen Days after Notice in Writing given to such Owner or Occupier, or left for him at his usual or last known Place of Abode, or if his Place of Abode be not known, then after a Notice posted at or upon such Entrance by or by the Direction of the Surveyor to the said Trustees requiring the Owner or Occupier to execute such Work, it shall be lawful for the said Surveyor to make such Entrance, Plat, Culvert, or Drain, or to repair the same respectively (as the Case may be), and the Expenses thereof shall be reimbursed and paid to the said Surveyor by such Owner or Occupier (as the Case may be); and in case of Nonpayment of such Expenses within Ten Days after the same shall have been demanded in Writing by the said Surveyor, then such Expenses shall and may be recovered, together with the Costs and Charges attending such Recovery, by  
Distress

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



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Distress and Sale of the Goods and Chattels of such Owner or Occupier by Warrant, in the same Manner as any other Penalty may be recovered under this or any General Turnpike Act, and which Warrant of Distress any One of Her Majesty's Justices of the Peace of the County of *Lancaster* is hereby empowered and required to grant on Proof made before him on Oath of such Expenses having been incurred, and of such Notice having been given as aforesaid, and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

Drains, &c.  
to be made  
to prevent  
Water flow-  
ing on Road.

XXXVI. Every Owner or Occupier of Land adjoining or near to the Road, or other Person, from or through whose Lands any Waters shall run or flow upon or over the Road or the Footpath thereof, shall make, scour, cleanse, and keep open Ditches, Drains, or Watercourses of a sufficient Depth and Breadth so as to prevent such Water running or flowing upon or over such Road or Footpath; and in case any such Owner or Occupier or other Person shall neglect to make, scour, cleanse, or keep open such Ditches, Drains, or Watercourses as aforesaid, it shall be lawful for the Surveyor of the Road to give Notice in Writing by serving such Notice upon such Owner, Occupier, or other Person, or upon his known Agent, or by leaving the same at his last known Place of Abode, or if his Place of Abode be not known, then by posting the same for the Space of Ten Days in or upon the Land from whence such Water runs or flows as aforesaid, to appear before any Two of Her Majesty's Justices of the Peace for the County of *Lancaster* to show Cause why Ditches, Drains, or Watercourses of a sufficient Depth or Breadth so as to prevent any Water from running or flowing upon or over the Road or Footpath should not be made or scoured, cleansed, or kept open; and in case such Owner, Occupier, or other Person or Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, or if he shall neglect or refuse to appear (upon Proof on Oath of the Service of such Notice), the said Justices shall or may, if they shall think proper, authorize the Surveyor to make such Ditches, Drains, or Watercourses as deep and large as they shall think necessary, or to scour, cleanse, and keep open the same, and shall order and adjudge by whom or in what Proportion the Expenses to be incurred by the said Surveyor, together with the Costs attending such Application and Hearing, shall be paid; and in case of Nonpayment by any such Owner, Occupier, or other Person of such Expenses and Costs, or such Proportion thereof as he shall have been adjudged to pay, within Fourteen Days after the same shall have been demanded in Writing by the said Surveyor, the same shall and may be recovered, together with the Costs and Charges attending such Recovery, by Distress and Sale of the Goods and Chattels of such Owner, Occupier, or other Person as aforesaid; provided



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vided that in no Instance shall the Justices order a larger Amount to be paid by such Owner, Occupier, or other Person than the Sum of Ten Pounds.

XXXVII. The Power conferred by an Act passed in the Session of Parliament held in the Third Year of the Reign of King *George the Fourth* upon the Trustees or Commissioners of every Turnpike Road to purchase or rent any Piece or Pieces of Land or Ground not exceeding in any One Place Six Yards square on the Sides of the Road as Repositories for Stone, Gravel, and other Materials for making and repairing the same, and the Power thereby conferred on any Two of Her Majesty's Justices of the Peace acting in and for the County where the said Land or Ground shall be situate for settling and determining any Difference that shall arise with respect to the Value of such Land or Ground, or the Necessity or Propriety of taking the same, shall be extended and applied to any Piece or Pieces of Land or Ground not exceeding Twenty Yards in Length by Ten Yards in Depth, and the Trustees for executing this Act are hereby authorized to purchase and hold for such Purpose any such Piece or Pieces of Land accordingly.

Power to purchase Repositories for Materials not exceeding Twenty Yards by Ten.

XXXVIII. If any Wall or Fence adjoining the said Road (except a retaining Wall or Wall erected for the Support of the said Road and any Wall or Fence erected thereon, and which shall be repaired by and at the Expense of the said Trustees,) shall from any Neglect be out of repair or not of a sufficient Height above the Road, and shall not be repaired within Ten Days after Notice in Writing from the said Surveyor, it shall be lawful for the said Trustees to rebuild or repair the same, and to charge the Costs and Expenses thereof to the Occupier of the adjoining Property; and if such Occupier shall neglect or refuse for the Space of Four Days after Demand to pay the same Costs and Expenses, the said Surveyor shall make Complaint before One of Her Majesty's Justices of the Peace, who shall thereupon proceed to summon such Defaulter, and if he fail to appear to such Summons, or to show sufficient Cause for the Non-payment of such Costs and Expenses, it shall be lawful for such Justice, upon the Evidence of One or more Witness or Witnesses upon Oath to determine the Amount of the Costs and Expenses of any such Repair, and to cause the same to be levied, together with the Costs of such Complaint, Information, and Conviction, by Distress and Sale of the Goods and Chattels of such Defaulter by Warrant as herein-before mentioned.

In case Fence Walls are out of repair.

XXXIX. And whereas an Act was passed in the Second Year of the Reign of King *George the Fourth*, intituled *An Act for repairing and maintaining the Roads from Todmorden to Fulleage Lane End in Burnley, and to Littleborough in the County of Lancaster, and to*

Recital of certain Provisions contained in 1 & 2 G. 4. c. xi. as to the

[Local.]

25 D

King-



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

Todmorden  
Turnpike  
Roads.

Kingcross in the Parish of Halifax in the County of York, whereby the Trustees for executing such Act were authorized and empowered to make as Part of the several Roads in that Act called "the *Todmorden Turnpike Roads*" a new Piece of Road from or near a certain Place called the *Guerning Dog* in the Township of *Todmorden and Walsden*, adjoining the then Turnpike Road at or near a Place called the *Knowl Wood* in the Township of *Todmorden and Walsden* aforesaid, and also to amend, repair, widen, turn, divert, alter, and make the Course or Path of any Part or Parts of the Roads by that Act directed or authorized to be repaired or amended and made within the Limits therein prescribed by, over, and along any other Road or Roads, and the Powers and Provisions of the said last-mentioned Act were from Time to Time, by divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, continued and are now in force: And whereas after the passing of the said Act of the Second Year of the Reign of King *George* the Fourth, inasmuch as that Part of the said new Piece of Road by the said Act authorized to be made within the Limits aforesaid would have been near to, and by the Side of, and in Parts over and along that Part of the *Haslingden and Todmorden Turnpike Road* which lies between *Guerning Dog Bridge* and the Junction of a Branch of the *Todmorden Turnpike Roads* with the *Haslingden and Todmorden Turnpike Road* at or near the Railway Viaduct at *Gauxholme*, and to that Extent would have been practically a Duplicate of that Portion of the *Haslingden and Todmorden Road*, and the making thereof a useless Expenditure of Money without any additional Convenience to the Public, it was thought expedient by the Trustees of the *Todmorden Turnpike Roads* and the Trustees of the *Haslingden and Todmorden Road* respectively that the said Duplicate Road should not be made, and that instead thereof an Arrangement should be entered into between the Trustees of the respective Roads for the joint Use by them, upon certain Terms, of the said Piece of the *Haslingden and Todmorden Road* between *Guerning Dog Bridge* and the said Junction at *Gauxholme*, and it was accordingly agreed, by Orders and Resolutions made and passed by the Trustees of the respective Roads, that, so far as the same legally might, the Repair, Management, and Control in all respects of the said Piece of Road between *Guerning Dog Bridge* and the said Junction at *Gauxholme* should be placed in the Hands of the Trustees of the *Todmorden Turnpike Roads*, subject to the Restriction that no Toll Bar should be erected or Tolls collected by the Trustees of either of the respective Roads on the said Piece of Road between *Guerning Dog Bridge* and the said Junction at *Gauxholme*, and that no Toll Bar should be erected or Tolls collected by the Trustees of the *Todmorden Roads* on that Part of their said Roads lying between the Termination of the *Haslingden and Todmorden Road* at *Guerning Dog Bridge* and the Bridge End at the Bottom of the Churchyard in *Todmorden*: And whereas the

said



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

said Part of the *Haslingden and Todmorden Road* between *Guerning Dog Bridge* and the said Junction at *Gauxholme*, and the Repair thereof, subject to the said Restrictions or to others of the like Nature as to the Erection of Toll Bars and the Collection of Tolls from Time to Time substituted by and between the said respective Trustees, have for several Years past been under the Management and Control of the Trustees of the said *Todmorden Turnpike Roads* so far as the same legally might in all respects, as if the said Piece of Road between *Guerning Dog Bridge* and the said Junction at *Gauxholme* had originally formed Part of the *Todmorden Turnpike Roads* comprised in the said Act of the Second Year of the Reign of King *George* the Fourth, and the said Duplicate Piece of Road authorized by the said last-mentioned Act between *Guerning Dog Bridge* and *Gauxholme* has not been made: And whereas it would be of public Advantage if so much of the *Haslingden and Todmorden Road* as lies between the *Guerning Dog Bridge* and the said Junction at *Gauxholme* were severed from the said *Haslingden and Todmorden Road* and the Trusts thereof, and if the same were transferred to and formed Part of the *Todmorden Turnpike Roads*, and made subject to all the Trusts thereof, free of all Stipulations, Provisions, and Restrictions whatsoever as to the Erection of Toll Gates and Collection of Tolls, other than is provided in the said Act of the Second Year of the Reign of King *George* the Fourth, in all respects as if the same had originally formed Part of the *Todmorden Turnpike Roads* comprised in the said last-mentioned Act, and if the Trustees acting in execution of such last-mentioned Act were empowered to pay the gross Sum herein-after mentioned out of the Trust Moneys coming to or which shall be in their Hands to the Trustees for executing this Act, as an Equivalent for and in consideration of the Relinquishment and Transfer by the Trustees for executing this Act of the said Piece of Road, and of all such Stipulations, Provisions, and Restrictions as aforesaid: And whereas it hath been agreed by the Trustees acting in execution of the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, and of the said Act of the Second Year of the Reign of King *George* the Fourth respectively, to make Provision for carrying out such Relinquishment, Transfer, and Payment: Therefore it shall be lawful for the Trustees of the said *Todmorden Turnpike Roads*, with the Consent of the Persons entitled to Two Thirds in Value of the Moneys charged or secured on the Tolls or Revenues of the said *Todmorden Turnpike Roads* and remaining unpaid, such Consent to be signified in Writing under their Hands at any Time before the Expiration of Twelve Months from the Commencement of this Act, to pay over to the Trustees for executing this Act the Sum of Three hundred Pounds out of any Moneys coming to or which shall be in their Hands by virtue of the said Act of the Second Year of the Reign of King *George* the Fourth and the said Continuance Acts, or

Vesting in Trustees of *Todmorden Roads* a certain Portion of Road now forming Part of the *Haslingden and Todmorden Roads* upon certain Conditions.

of



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

of this Act, in preference to all other Payments whatsoever, and the Provisions of the said Act of the Second Year of the Reign of King *George* the Fourth and of any other Act as to the Application of the Trust Moneys of the said last-mentioned Trustees shall be subject to the Conditions hereby prescribed; and upon Payment of the said Sum of Three hundred Pounds to the Trustees for executing this Act, or their Treasurer, such Moneys shall be by them applied in the same Manner as other Moneys are by this Act directed to be applied, and upon such Payment so much of the *Haslingden and Todmorden* Road comprised in this Act as lies between the Point herein-before described at or near *Guerning Dog Bridge* and the Junction of the same Road with a Branch of the *Todmorden* Roads at or near the Railway Viaduct at *Gauxholme*, all in the County Palatine of *Lancaster*, shall cease to form Part of the *Haslingden and Todmorden* Road, and all the Trusts, Powers, and Liabilities of the Trustees of the *Haslingden and Todmorden* Road with respect to the same shall cease and determine, and the same shall from thenceforth form Part of the *Todmorden* Turnpike Roads, that is to say, of the Road from *Todmorden* to *Littleborough*, and shall be repaired by and be under the Management and Control of the Trustees of the said *Todmorden* Roads, and the same, free and discharged from all such Restrictions, Stipulations, and Provisions as aforesaid, shall be subject to all the Trusts, Powers, and Provisions of the said Act of the Second Year of the Reign of King *George* the Fourth and of the said Continuance Acts as to the Erection of Toll Gates and Collection and Enforcement of Tolls, and in all other respects whatsoever, in as full and ample a Manner as if the same had originally formed Part of the said *Todmorden* Turnpike Roads under the said Act of the Second Year of the Reign of King *George* the Fourth: Provided always, that unless such Consent in Writing of Two Thirds in Value of the Persons entitled as before mentioned shall be obtained, and unless the said Sum of Three hundred Pounds shall be paid over to the Trustees of the *Haslingden and Todmorden* Road within the Time herein-before limited, all the Powers hereby conferred with reference to such Transfer and Payment shall cease and be void to all Intents and Purposes whatsoever.

Road not  
exempt from  
Provisions  
of General  
Acts.

XL. Nothing herein contained shall be deemed to exempt the Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commence-  
ment and  
Term of Act.

XLI. This Act shall commence on the Twenty-ninth Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-three Years, and from thence to the End of the Session of Parliament which shall then next follow.

SCHE-



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Names of Persons by whom advanced.	Sums owing.		
	£	s.	d.
Cobham, Ellen and Alice	201	12	0
Dearden, Simon	101	5	0
Greenwood, John	201	3	0
Hargreaves, Henry, of Mill End	302	8	0
Hargreaves, Henry, of New Church	302	17	0
Heyworth, Peter	202	10	0
Holt, James	202	1	0
Hoyle, Timothy	203	8	0
Johnson, Susanna	200	5	0
Maden, James	100	16	0
Ormerod, George, of Greensnook	303	15	0
Ormerod, John, of Bankside	303	15	0
Ormerod, Lawrence	134	14	0
Pilling, John	282	12	0
Smith, Charles	101	5	0
Whitaker, John	297	0	0
Whitham, John, and John Lord	135	0	0
	£3,576	6	0

THE SECOND SCHEDULE.

Names of Persons by whom advanced.	Sums owing.		
	£	s.	d.
Ablett, Joseph, and Joseph Peers	71	0	0
Ashworth, David	100	0	0
Ashworth, James	50	0	0
Ashworth, John	600	0	0
Ashworth, John, of Cloughfold	171	0	0
Ashworth, John, of Heptonstall	57	0	0
Ashworth, Richard, of Cowpe	100	0	0
Ashworth, Richard, of Cloughfold	86	0	0
Ashworth, Richard, of Windybank	29	0	0
Ashworth, Robert	30	0	0
Barlow, James	55	0	0
Booth, John	12	10	0
[Local.]	25	E	



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

Names of Persons by whom advanced.	Sums owing.		
	£	s.	d.
Chadwick, William, and William Walker	57	0	0
Danson, Susan	100	0	0
Dockray, John, and John Ford	300	0	0
Foster, John	57	0	0
Greenwood, William	23	0	0
Hall, Jonathan	50	0	0
Hall, Jonathan	57	0	0
Hamilton, George	63	0	0
Hargreave, Eleanora	200	0	0
Hargreave, Eliza	200	0	0
Hargreaves, Alice Martha	93	0	0
Hargreaves, John, of Blackburn	297	0	0
Hargreaves, John, of Ormerod House	409	0	0
Hargreaves, Mary	200	0	0
Haworth, George, and John Mellor	56	0	0
Haworth, George, of Manchester	61	0	0
Haworth, George, Edmund Haworth, John Haworth, and Richard Haworth	269	0	0
Haworth, George, of Shaw Clough	115	0	0
Haworth, Susan	38	0	0
Heyworth, Heyworth	315	0	0
Heyworth, James, of Liverpool	750	0	0
Heyworth, John, of Greensnook	500	0	0
Heyworth, John, of Water	57	0	0
Heyworth, Lawrence	500	0	0
Heyworth, Robert	183	0	0
Holt, James	2,000	0	0
Holt, John, and John Roberts	133	19	0
Holt, John, and John Roberts	133	19	0
Hoyle, Henry, James Ashworth the elder, and James Ashworth the younger	500	0	0
Hudson, William	63	0	0
Hurtley, William, of Boothfold, William Hurtley of Wortley, and Joseph Shackleton	166	0	0
Hutchinson, Thomas	208	0	0
Kay, Thomas	180	0	0
Law, John	131	0	0
Law, Abraham, and Elijah Law	50	0	0
Law, George, and James Law	50	0	0
Law, James and George	50	0	0
Law, James and George, Trustees	25	0	0
Law, John	64	0	0
Legh, George Cornwall	174	0	0
Lord, Alice	244	0	0
Lord, Edmund	30	0	0
Lord, John, and George Hamilton	34	13	0
Lord, John, and William Hudson	34	13	0
Lord, Samuel	322	0	0
Maden, James	269	0	0
Mellor, John	20	0	0
Montague, Lord Henry James	116	0	0
Moss, Elizabeth	50	0	0
Newchurch, Incumbent of	27	0	0
Neil, Joseph	100	0	0
Nuttall, William	57	0	0



*The Haslingden and Todmorden Turnpike Road Act, 1857.*

Names of Persons by whom advanced.	Sums owing.		
	£	s.	d.
Ormerod, Lawrence, George Ormerod, and John Ormerod, Executors of John Ormerod	500	0	0
Ormerod, Susannah	100	0	0
Pickup, James	56	0	0
Pickup, John, and Richard Ashworth	57	0	0
Rathbone, David	100	0	0
Rathbone, Reverend, David	300	0	0
Roberts, John, and John Holt	73	0	0
Rushton, James	200	0	0
Staley, William	82	0	0
Taylor, Richard	115	0	0
Taylor, Richard, Samuel Lord, and George Hargreaves, Executors of John Taylor	57	0	0
Towneley, Peregrine Edward	580	0	0
Whitaker, Edmund	238	0	0
Whitaker, James	224	0	0
Whitaker, James, junior	170	0	0
	£14,396	14	0

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