ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

****

Cap. clxi.

An Act to repeal the Act relating to the *Bolton and Nightingale's* Turnpike Road, and to make other Provisions in lieu thereof.

[23d *July* 1855.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for improving and more effectually repairing the* 5 G. 4. c. cv. *Roads from the Town of* Bolton-in-the-Moors *to* Nightingale's *in the Township of* Heath Charnock, *and for making a Branch Road from* Little Bolton *to or near the* Crown *in* Horwich, *and for enabling the Trustees therein named, together with the Trustees North and South of* Yarrow, *and the Trustees of the Road from* West Houghton *to* Duxbury Stocks, *to make a new Line of Road from* Hole House Brow *in the said Township to the Town of* Chorley, *and a Branch Road from* Rawlinson Bridge *to* Halliwell Field *in the same Township, and another Branch Road in the Township of* Duxbury, *all in the County Palatine of* Lancaster: And whereas the Powers granted by the said Act, and continued from Time to Time by virtue of 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-five, unless the same be in the meantime further continued:

tinued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed.

I. That upon the First Day of *November* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Saving Rights of F. H. Standish.

II. That the Repeal of the said recited Act shall not prejudice or affect the Title of *Frank Hall Standish*, his Heirs or Assigns, or any Persons claiming by or through him or them to any Lands or other Hereditaments vested in him or them under or by virtue of the said recited Act.

Short Title.

III. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Bolton and Nightingale's* Road Act, 1855."

Monies and Property to vest in the new Trustees.

IV. That all Rents, Arrears of Tolls, and other Monies due to, and all Property and all Choses in Action vested in the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in 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 them under the said recited Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such Debts or Liabilities as are by this Act reduced, altered, or extinguished.

Appointment of Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County Palatine of *Lancaster*, together with *Robert Andrews*, *Peter Ainsworth*, *John Horrocks Ainsworth*, *Richard Henry Ainsworth*, *Edward Bolling*, *Thomas Cross*, *James Percival Cross*, *Herbert Cross*, *Alfred Cross*, *John Cross*, *Thomas Ridgway Bridson*, *Ridgway Bridson*, *Harry Bridson*, *Joseph Bridson*, *William Hulton*, *James Hardcastle*, *Robert Heywood*, *John Heywood*, Reverend

Reverend *John Jackson*, *William Longworth*, *John Longworth*, *Nathaniel Longworth*, *Richard Longworth*, *John Mawdsley*, *William Mawdsley*, *Peter Ormrod* senior, *James Ormrod*, *James Cross Ormrod*, *Peter Ormrod* junior, *Samuel Pennington*, *Thomas Lever Rushton*, *James Scowcroft*, *John Scowcroft*, *Charles Stonor*, *Le Gendre Nicholas Starkie*, *William Carr Standish*, *Charles Carr Standish*, *Charles Henry Tempest*, *Arthur Cecil Tempest*, *Humphrey Trafford*, *Randolphus Trafford*, *Charles Cecil Trafford*, *William Walmsley*, *Joseph Ridgway*, *Thomas Ridgway*, *Christopher Howarth*, *Charles Howarth*, *Frederic Broadbent*, Reverend *Charles Wright*, *Thomas Wright*, *Robert Eatock*, *Timothy Eatock*, *John Johnson*, *John Woodhouse*, and *John Mangnall*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VI. That 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 Five 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 excuting this Act as if they had been hereby appointed.

Meetings of Trustees.

VII. That the Trustees shall hold their First Meeting at the *Swan* Inn in the Township of *Bolton* in the County Palatine of *Lancaster*, or at some other convenient Place in the said Township, at Noon, on the First *Wednesday* next after the Commencement of this Act, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Roads to which this Act is applicable.

VIII. That this Act shall be put in execution for the Purpose of managing and maintaining the present Turnpike Road, commencing at the Boundary between the Townships of *Halliwell* and *Little Bolton*, both in the County of *Lancaster*, on the *Chorley* Old Road to *Halliwell Field* in the Township of *Heath Charnock* in the said County; also a Branch Road commencing at the Boundary of the said Townships of *Halliwell* and *Little Bolton* on the *Chorley* New Road to or near the *Crown* in *Horwich* in the said County; also a Branch Line of Road from *Bob Smithy* in the Township of *Heaton* in the said County to *Abigail Bromiley's* otherwise *Bryan Hey* in the said Township of *Halliwell*, and from thence to the *North Dingle* in the Township of *Sharples* in the said County; and another Branch Road leading from *Abigail Bromiley's* otherwise *Bryan Hey* aforesaid to the Boundary of the Townships of *Halliwell* and *Little Bolton* aforesaid on *Halliwell* New Road.

IX. That,

Provision for Repair of certain Roads.

IX. That, notwithstanding the Repeal of the recited Act, the Branch Road from *Rawlinson Bridge* to *Halliwell Field*, together with so much of the Line of Road towards *Chorley* as will make the whole Length from *Rawlinson Bridge* Northwards into One thousand four hundred Yards, shall continue vested in and be repaired and maintained and supported by the Trustees acting in the Execution of an Act passed in the Fifty-seventh Year of King *George* the Third, for more effectually repairing and improving the Road from *Westhoughton* to *Duxbury Stocks* in the County of *Lancaster*; and such last-mentioned Road shall remain subject to the Provisions of that Act; and the Branch Road from *Duxbury Stocks* to the said Field shall continue vested in and be repaired, maintained, and supported by the Trustees South of *Yarrow* acting in the Execution of an Act passed in the Third Year of King *George* the Fourth, for more effectually repairing, widening, amending, and improving the Roads from *Wigan* to *Preston* in the County Palatine of *Lancaster*, and such last-mentioned Road shall remain subject to the Provisions of that Act.

Present Tolls continued for a Term.

X. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted, and which may be payable at the Time of such Repeal, shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road until the Third *Wednesday* next after the Commencement of this Act.

Power to take new Tolls.

XI. That upon and after the Third *Wednesday* next after the Commencement of this Act it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Hearse, if drawn by Six Horses or other Beasts, Two Shillings and Sixpence; and if drawn by Four Horses or other Beasts, Two Shillings; and if drawn by Three Horses or other Beasts, One Shilling and Sixpence; and if drawn by Two Horses or other Beasts, One Shilling:

For every Chair, Chaise, or other such Carriage, drawn by One Horse or other Beast, Eightpence:

For every Waggon or such like Carriage, with Four Wheels, if drawn by Six Horses or other Beasts, Three Shillings; and if drawn by Five Horses or other Beasts, Two Shillings and Sixpence; and if drawn by Four Horses or other Beasts, Two Shillings; and if drawn by Three Horses or other Beasts, One Shilling and Ninepence; and if drawn by Two Horses or other Beasts, One Shilling and Sixpence; and if drawn by One Horse or other Beast, One Shilling:

For every Cart, Wain, or such like Carriage with Two Wheels, if drawn by Three or Four Horses or other Beasts, One Shilling and Sixpence; and if drawn by Two Horses or other Beasts, One Shilling; and if drawn by One Horse or other Beast, Eightpence:

For every Horse, Mare, Gelding, Mule, or Ass, or other Beast, laden or unladen, and not drawing, Three Halfpence:

For every Drove of Oxen or Neat Cattle, Tenpence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, Fivepence *per* Score, and so in proportion for any less Number:

For every Goat drawing any Truck, Sledge, Cart, Barrow, or other such Carriage, the Sum of One Penny:

For every Carriage, of whatever Kind, propelled or drawn by Steam or any Power other than Animal Power, for each Wheel thereof the Sum of One Shilling:

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.

As to Fraction of a Halfpenny in Tolls.

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

Restriction as to Erection of Toll Gates.

XIII. That nothing herein contained shall authorize the Trustees to erect or maintain any Toll Gate between *Doffcocker* Gate and *Bolton*, or within One Mile from the Canal Bridge at *Nightingale's*, nor within One Mile of the *Whitster's Arms* in *Little Bolton*.

For preventing the Erection of Gates on certain Roads.

XIV. That, notwithstanding the Repeal of the said recited Act, it shall not be lawful for the Trustees to erect or set up any Toll Gate upon the Line of Road between the Centre of the River *Yarrow* and the Place where the Railway of the *Lancaster* Canal Company crosses the Road in *Walton-le-Dale*, nor for the Trustees in whom the Roads next herein-after mentioned shall from Time to Time be vested respectively, to erect, set up, or continue any Toll Gate on the Road from *Hole House Brow* to *Chorley*, or on the Branch Road from *Rawlinson Bridge* to *Halliwell Field*, or on the Branch Road from *Duxbury Stocks* to its Junction with the said Line of Road from *Hole House Brow* to *Chorley*, or within the Distance of One Mile from *Duxbury Stocks* aforesaid, upon the line of Road leading to *Wigan*, or to take any Tolls thereon, but such respective Portions of the said Roads shall be repaired, maintained, and supported out of the Tolls and Monies arising on the other Roads under the Care and Management of the said several Trustees respectively.

Materials for Repair of Highways, &c. to pay in certain Cases.

XV. That no Stone or Materials for the Repair of the Road shall be taken from any Stone Quarries on the Line of the Road, for the Repair of the same, without the Consent of the Owners thereof for the Time being.

Persons having paid Tolls to return free.

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

Postchaises, &c. to pay on fresh Hiring.

XVII. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and 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 had been made in respect of such Horses, Animals, or Cattle on the same Day.

Regulations as to Stage Coaches.

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

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

XIX. That the Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any Turnpike upon the Road drawing any other laden Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and in respect of which Toll shall have been paid.

Determining Amount of

XX. And whereas the Principal Sums due and owing under the said recited Act amount to the Sum of Twenty-four thousand one hundred

hundred and sixty-three Pounds Fourteen Shillings and Elevenpence: Be it enacted, That from and after the Commencement of this Act the said Principal Sum of Twenty-four thousand one hundred and sixty-three Pounds Fourteen Shillings and Elevenpence shall be deemed and taken to be the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road. existing Debt.

XXI. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,) Application of Monies.

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

Secondly, in defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, the Payment of Salaries of Officers, including therein all legal Expenses except the Expenses of Suits or Actions at Law and other legal Proceedings, the whole of such Payments not to exceed in any One Year the Sum of Seventy Pounds:

Thirdly, in paying Interest on the said Debt of Twenty-four thousand one hundred and sixty-three Pounds Fourteen Shillings and Elevenpence, at the Rate of Three Pounds *per Centum per Annum*, or on so much thereof as shall for the Time being be due and owing:

Fourthly, in Payment of an annual Sum of Five hundred Pounds to be apportioned amongst the Townships upon the Line of the said Road, and to be applied by such Townships to the Repair and Maintenance of the same:

Fifthly, in reducing, paying off, and discharging, in the Manner herein-after provided, the said Sum of Twenty-four thousand one hundred and sixty-three Pounds Fourteen Shillings and Elevenpence, or such Part thereof as shall for the Time being be due and owing:

Lastly, in paying any other Expenses of maintaining, repairing, and improving the said Road.

XXII. Whereas there is entered in the Books of the Treasurer a certain Bond for the Sum of One hundred and thirty-two Pounds, on which no Interest has been paid for many Years past, and no Claim established to the Satisfaction of the Trustees: Be it therefore enacted, That at any Time after the Expiration of One Year from the passing of this Act the Trustees shall cause Notice to be given once in some Newspaper published in *London* and in some Newspaper published in the County of *Lancaster*, for Two successive Weeks, of their Intention to extinguish such Bond Debt of One hundred and thirty-two Pounds, if the same be not within Three Months after the Date of the last Publication claimed; and if such Claimant do not forthwith proceed Application of unclaimed Money.

proceed to establish such Claim at Law, the said Bond Debt shall be absolutely extinguished, but if such Claim be established then such Bond Debt or Sum of One hundred and thirty-two Pounds shall be considered as Part of the Debt due on such Road, and be added to the Principal Sum of Twenty-four thousand one hundred and sixty-three Pounds Fourteen Shillings and Elevenpence so due and owing as aforesaid, but no Arrears of Interest up to the passing of this Act shall in any event be payable on the said Debt or Sum of One hundred and thirty-two Pounds.

Mortgagees not to take Possession but for Arrears of Interest.

XXIII. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of the said recited 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 the 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 said existing Mortgages, without any Priority or Preference, 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 Trustees for the Time being a full and true Account of his Receipts 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 up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the 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 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 discharging Debt.

XXIV. That when and so often as the Sum applicable to the Discharge of the Principal Monies 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 Monies to the Persons entitled thereto, 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 relate to the Application of such Sum, by a Circular Letter sent by the Post to each Creditor, addressed to his usual Place of Residence; 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 Monies owing on the Security of the said Tolls to the Creditor 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 such Monies, 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 Monies owing on the Security of the said Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies 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 by such Proposals 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 there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same so far as may be necessary in or towards the Discharge of the Monies 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 on the said Tolls, or may pay the same to such of them as may be determined by Lot as the Trustees think fit.

No Money to be taken or laid out in Towns.

XXV. That no Money shall be laid out by the Trustees on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein by them.

Road not exempted from General Acts.

XXVI. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other proposed Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXVII. That this Act shall commence on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

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

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 Expression "the Road" or "the said Road" shall mean the Road to which this Act specially applies:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, Chains, and Side Gates.

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