ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lv.

An Act for making and maintaining a Road from *Hollinwood* to *Littleborough*, and other Roads communicating therewith, in the County of *Lancaster*.

[28th *May* 1827.]

WHEREAS an Act was passed in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from* Hollinwood *in the Township of* Chadderton, *to* Featherstall *in the Township of* Hundersfield, *in the County Palatine of* Lancaster; *and for making and maintaining several Branches of Road to communicate therewith*: And whereas the Trustees appointed by the said Act have made and completed great Part of the said Road from *Hollinwood* to *Featherstall*, and of the said several Branches to communicate therewith, and other Parts thereof have not been made or completed; and it would be of great public Utility if Powers were granted to make a Variation in the Line prescribed by the said Act of certain Parts of the said Roads which have not been so made or completed; that is to say, to vary and alter the Commencement of the Road from *Hollinwood* to *Featherstall* by the said Act authorized to be made, and thereby directed to commence at or near the *Buck* Public House at *Hollinwood* aforesaid, and instead thereof to make the same to commence at or nearly opposite to a certain other Public House called the *Waggon and Horses*, situate at the Bottom of *Hollinwood* within *Oldham*, and to continue the same from thence by a new Line to *Dryclough* within

45 G. 3. c. 7.

Royton in the said County of *Lancaster*, so as to join the present Turnpike Road there; and also to vary and alter the Termination of the same Road by the said Act directed to terminate at *Featherstall* aforesaid, and instead thereof to make the same to terminate at or near *Littleborough* in the said County, (so as there to communicate with the *Rochdale* and *Todmorden* Turnpike Road,) and which last-mentioned Alteration is intended to be effected by making a new Line of Road from and out of the present Turnpike Road commencing at or near a Place called *New Hey*, in the Township of *Butterworth* in the said County, and ending at *Littleborough* aforesaid: And whereas several considerable Sums of Money have been borrowed and taken up at Interest, and are now due and owing on the Credit of the Tolls granted by the said Act, which cannot be repaid, nor can the Roads in the said Act mentioned be effectually made and completed, amended, widened, altered, repaired, improved, and maintained in repair, nor can the said proposed Alterations in the Commencement and Termination of the said Road be made and completed, unless the Powers and Provisions of the said recited Act be amended and enlarged, and the Tolls increased or altered: And whereas an Act was passed in the Third Year of the Reign of His
3 G. 4. c. 126. present Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty,
4 G. 4. c. 95. intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; And whereas an Act was passed in the
5 G. 4. c. 69. Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act 45 G. 3. repealed.

That from and after the Third *Wednesday* next after the passing of this Act, the said recited Act, passed in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, diverting, altering, repairing, improving, and keeping in repair the Roads leading from *Dryclough*, through *Shaw*, *New Hey*, and *Milnrow*, to *Rochdale*; and for making and keeping in repair the aforesaid proposed new Line of Road from at or nearly opposite the *Waggon and Horses*, situate at the Bottom of *Hollinwood* aforesaid, to the present Turnpike Road at *Dryclough* aforesaid; and also the proposed new Line of Road from and out of the present Turnpike Road at *New Hey* to or near to *Littleborough* aforesaid; and also for amending, widening, diverting, altering, repairing, improving, and keeping in repair the Road leading from *Bent Green* to or near to *Middleton* in the said County,

and from thence on the northerly Side of *Chadderton Hall* to *Royton* in the said County; and the Branch of Road leading from or near a certain House in the Township of *Crompton* in the said County, heretofore in the Occupation of *Samuel Harrison*, to or near to *Grains* in the said Township.

New Term and Tolls liable to Debt.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Act of the Forty-fifth Year of the Reign of His late Majesty hereby repealed, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit of this Act, or on Security of the Tolls by this Act authorized to be collected; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for executing the said recited Act hereby repealed, or to any Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Bonds, &c. under former Acts to be good under this Act.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said recited Act of the Forty-fifth Year of the Reign of His late Majesty, hereby repealed, according to the Provisions and Directions of such Act, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, notwithstanding the Repeal of the said Act, until the same are or shall be fully satisfied and performed, on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agreements, Demises, Mortgages, and Securities made, entered into, or given by the Trustees for executing the said first-recited Act, with or to any Person or Persons for any Purpose relating to the said Roads, or to the Execution of the said first-recited Act, or in respect of any Compensation to be made in pursuance thereof, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and by the other respective Parties to such Contracts, Agreements, Demises, Mortgages, and Securities, according to the Terms, Stipulations, Tenor, true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first-recited Act.

Books used under former Act to be Evidence.

V. And be it further enacted, That all and every Book and Books of the Proceedings of the Trustees in execution of the said recited Act of the Forty-fifth Year of the Reign of His late Majesty, hereby repealed, or of any Act then in force and made Evidence thereby, shall be admitted in Evidence in all Courts and by all Judges, Justices, and others; and all such Books, and all Books of Accounts of Receipts and Disbursements, kept, had, or made under the said Act, and

and all Books for registering Mortgages or Assignments made in pursuance thereof, shall be preserved and kept by the said Trustees, or as they shall direct, and shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying anything for the same; and in case the Clerk to the said Trustees, or other Person or Persons having the Care of such Book or Books, shall refuse to permit or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk or other Person shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Trustees and Creditors may inspect the same without Fee.

Officers to account.

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

Powers of General Turnpike Acts extended to this Act.

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

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Lancaster* for the Time being, together with *Jesse Ainsworth* of *Pit Bank*, *John Andrew* of *Edge Lane*, *William Andrew* of *Edge Lane*, *Thomas Barker*, *William Barlow* of *Rhodes House*, *George Barlow* of *Rhodes House*, *James Barnes* of

of *Milnrow*, *James Barnes* the younger, *Robert Barnes* of *Milnrow*, *Charles Butterworth*, *John Beswicke* of *Pike House*, *Hannibal Becker*, *Hannibal Leigh Becker*, *Abraham Bellot*, *Edward Ball*, *Robert Chadwick*, *Joshua Chadwick*, *John Chadwick*, *James Cheetham*, *Samuel Cheetham*, *James Clegg* of *High Crompton*, *Joseph Taylor Clegg*, *Assheton Clegg*, *John Clegg* of *High Crompton*, *Richard Clegg*, *Arthur Clegg*, *Abraham Clegg*, *John Clegg* of *Bent Grange*, *Kay Clegg*, *Charles Clegg* of *Milnrow*, *Thomas Clegg*, *James Collinge*, *Abraham Crompton*, *John Thomas Cocker*, *John Cocker* of *Bircha*, *Abraham Crompton* the younger, *Abel Crompton*, *John Crompton*, *James Crompton*, *John Crossley*, *John Duncuft*, *Enoch Dunkerley*, *Stanley Dunkerley*, *Edward Evans*, *John Entwisle*, *John Elliott*, *John Farrow*, *John Fenton*, *John Fallowfield* Clerk, *James Gee* of *Hollinwood*, *John Gee* the younger, *George Gee*, *John Gartside* of *Tree House Bank*, *George Hadfield*, *James Hall* of *Salford*, *James Hall* the younger, *John Hall*, *Jonah Harrop*, *William Hibbert*, *Elijah Hibbert*, *Abraham Hilton*, *John Holland*, *Robert Gregge Hopwood*, *John Holme* Clerk, *James Hordern* Clerk, *Joshua Thomas Horton* Clerk, *Lawrence Hardman*, *William Hodgson* Clerk, *Joseph Jones*, *William Jones*, *Joseph Jones* the younger, *William Jones* the younger, *Edmund Kershaw*, *James Kershaw* of *Haugh*, *John Kershaw* of *Rochdale*, *Joseph Thompson Kirkbank* Clerk, *John Lancashire*, *James Lees* of *Clarkesfield*, *Joseph Lees* of *Clarkesfield*, *James Lees* of *Greenbank*, *Robert Lees* of *Mount Pleasant*, *Edward Lees* of *Werneth*, *John Lees* of *Werneth*, *George Lees* of *Werneth*, *Samuel Lees* of *Soho*, *William Meadowcroft*, *Jonathan Mellor*, *William Midgley*, *Abraham Milne* of *New Hey*, *John Milne* of *Top of Hill*, *Abraham Milne* of *Lady House*, *John Milne* of *Whitfield Hall*, *John Milne* of *High Crompton*, *John Milne* of *Bradley*, *James Milne* of *High Crompton*, *James Milne* of *Top of Hill*, *Edmund Milne*, *John Milne* of *Greenfield*, *James Milne* of *Lady House*, *George Nelson*, *Joseph Robson Nelson*, *Horatio Nelson*, *George Nelson* the younger, *Joseph Newton*, *James Nield*, *James Nield* the younger, Sir *Joseph Radcliffe* Baronet, *Robert Radclyffe*, *John Radcliffe* of *Lees Hall*, *Daniel Radcliffe*, *James Radley*, *Richard Renshaw* of *Milnrow*, *John Roberts*, *John Rowbottom*, *Joseph Rowland*, *James Rowland*, *Joshua Kay Robinson*, *John Rhodes*, *Charles Rhys*, *John Schofield* of *Moor House*, *James Schofield*, *Theophilus Smith*, *James Starky*, *James Sutcliffe* of *Rochdale*, *John Sutcliffe*, *Robert Sutcliffe*, *John Sharples*, *John Tattersall*, *John Taylor*, *James Taylor* of *Ogden*, *John Taylor* of *Hargreaves*, *James Mayers Taylor*, *Richard Greaves Townley* Esquire, *Thomas Tetlow*, *John Travis* of *Shaw*, *Ralph Taylor* of *King Street*, *Thomas Taylor* of *Rhodes Hill*, *John Vavasour*, *Charles Walmsley*, *Thomas Walmsley* of *Failsworth*, *John Whitaker*, *Thomas Whittaker*, *John Whittle*, *Robert Whittle*, *Adam Whitworth*, *Henry Wilde*, *James Wilde* of *Cowlishaw*, *Joseph Wilde*, *James Wilde* of *Shaw*, *William Winter* Clerk, *James Whittaker* of *Shaw*, *James Whitworth*, *Thomas Wroe*, *William Wigley* of *Lowside*, *James Whitehead* of *Cross*, *James Whitehead* of *Oldham*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for repairing, widening, altering, diverting, making, completing, improving, and keeping in repair the said Roads, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

Old Officers to continue until removed by Trustees.

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

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or

Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

First Meeting of Trustees.

XII. And be it further enacted, That the Trustees for executing this Act shall meet at the House of *John Bardsley*, known by the Sign of the *King's Arms*, at *Shaw* within *Crompton* aforesaid, or at some other convenient House or Place at *Shaw* aforesaid, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper, and the Hours for such Meetings shall be between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon.

Power to continue or erect Toll Gates, Toll Houses, &c.

XIII. And be it further enacted, That the said Trustees may, and they are hereby authorized and empowered, if they shall think proper, to continue, remove, take away, or alter the Situation of all or any of the Turnpike or Turnpikes, Toll Gate or Gates, Bar or Bars, Chain or Chains, and Toll Houses which have been erected in, upon, or across any Part of the said Roads, or on the Sides thereof, or any Part thereof; and shall and may erect, set up, and build, or cause to be erected, set up, and built, such and so many other Toll Gate or Gates, Bar or Bars, Chain or Chains, Toll House or Toll Houses, and Weighing Machine or Weighing Machines, in, upon, or across any Part or Parts of the new Lines or Pieces of Roads by this Act authorized to be made, and upon the Side or Sides thereof respectively, and from Time to Time to remove, take away, or alter the Situation of the same or any of them, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House or Toll Houses, with suitable Outbuildings and other Conveniences, and may also take in and inclose, from the Lands adjoining the said Roads, convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House.

Power to take Tolls.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed and continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand or take the Tolls or Sums of Money herein-after mentioned, at the several and respective Toll Gates or Turnpikes, or Toll Houses or Side Gates, or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads by this Act directed or authorized to be repaired and amended or made, or any of them, or on the Sides thereof, or of any Part or Parts thereof; (that is to say),

For

Tolls.

For every Horse or Beast drawing any Hearse, Post Chaise, Chariot, Coach, Stage Coach, Diligence, Curricle, Gig, Caravan, or other such Carriage, built and constructed with Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and under Six Inches, the Sum of Seven-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Sixpence:

For One Horse or Beast drawing any Cart, Wain, or other such Carriage, with Two Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence; and for every additional Horse or Beast, the Sum of Three-pence:

For One Horse or Beast drawing any Cart, Wain, or other such Carriage, with Two Wheels of less Breadth than Six Inches at the Bottom or Soles thereof, the Sum of Eight-pence; and for every additional Horse or Beast, the Sum of Four-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score; and so in proportion of any less Number:

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score; and so in proportion for any less Number:

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Which said respective Sums of Money or Tolls shall be demanded or taken for every Time of passing, except as herein-after mentioned, through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be continued or erected or placed by virtue of this Act, in, upon, or across the said Roads, or on the Sides thereof, or on any Part thereof; and the same shall be so demanded and taken before any Horse, Beast, or other Cattle shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain; and which said respective Tolls shall be and they are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Persons having paid Toll to return Toll-free.

XV. Provided always, and be it further enacted, That all and every the Horses, Beasts, and Cattle (except Horses drawing any Stage Coach, Diligence, Van or Caravan, or other Stage Carriage herein-after specified,) in respect whereof the Toll hereby authorized

to

to be taken shall have been paid at any Turnpike or Turnpikes, Toll Gate or Toll Gates on any Part of the said Roads, shall, upon a Note or Ticket, Notes or Tickets, denoting such Payment, being produced, be permitted to return or repass Once Toll-free the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free.

Limiting the Number of Tolls on the whole Line of Roads.

XVI. Provided also, and be it further enacted, That no more than the Tolls following shall be demanded or taken for or in respect of the same Horses, Beasts, or Cattle, for passing and repassing Once along the whole Line of the said Roads; (that is to say), no more than One Toll between *Hollinwood* and *Dryclough*; nor more than One Toll between *Dryclough* and *Shaw*; nor more than Two Tolls between *Shaw* and *Rochdale*; nor more than One Toll between *New Hey* and *Littleborough*; nor more than Two Tolls between *Shaw* and *Grains*; nor more than One Toll between *Bent Green* and *Middleton*; and along any of the remaining Parts of the said Roads not more than One full Toll; and so *toties quoties* for every Time of passing and repassing.

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

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

Post Chaises, &c. to be subject on every new Hiring.

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

Exemptions.

XIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle, Cart or Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime, Dung, Soil, Compost, or Manure for improving Lands, or Stones for the soughing or draining Lands for agricultural Purposes, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll); or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, which has not been bought, sold, or disposed of, nor is going to be sold or disposed of; or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from

Pasture or Watering Place, not going or returning on those Occasions more than Two Miles on the said Roads; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

Exemptions not to be allowed, except, &c.

XX. Provided always, and be it further enacted, That no such Exemption from Toll as herein-before mentioned shall be claimed or allowed, unless the Tires of the Wheels of such Cart or other Carriage with Two Wheels be of the Breadth of Three Inches or more, if drawn by One Horse or other Beast; or of the Breadth of Four Inches and a Half or more, if drawn by Two Horses or other Beasts; or of the Breadth of Six Inches or more, if drawn by Three Horses or other Beasts; nor unless the Tires of the Wheels of such Cart or other Carriage with Four Wheels be of the Breadth of Three Inches or more, if drawn by One or Two Horses or other Beasts; or of the Breadth of Four Inches and a Half or more, if drawn by Three or Four Horses or other Beasts; or of the Breadth of Six Inches or more, if drawn by Five or more Horses or other Beasts.

Application of Money.

XXI. And be it further enacted, That all the Monies which have been subscribed or advanced for or towards making the new Pieces of Road, and all Monies which shall arise and be produced by and from the Tolls by the said recited Acts and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences incidental to and attending the applying for and obtaining and passing of this Act; and then in defraying the Expences of making and completing the Roads by this Act authorized to be made and completed; in erecting and repairing Toll Gates and Toll Houses; in paying the Interest due upon the several Principal Sums of Money which have been borrowed and secured in pursuance of the former Act hereby repealed, and which have been subscribed for the Purposes of this Act, and which shall from Time to Time be borrowed and secured in pursuance of this Act; in the next place, in keeping the said Roads in repair; and lastly, in discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the former Act hereby repealed, and which have been subscribed for the Purposes of this Act, and which may hereafter be borrowed and secured by virtue of this Act.

Trustees to erect Toll Gates and take Tolls on each of the Branches.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, upon each and every Branch of Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted.

No Money to be laid out on Roads where there is no Turnpike erected, or no Tolls taken.

XXIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch of Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Acts.

Subscribers to pay their Subscriptions.

XXIV. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Roads, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time and Times, and in such Parts and Proportions, as the said Trustees shall order and direct, and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-before mentioned.

New Pieces of Road may be made.

XXV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said several new Pieces of Road herein-before described upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads, as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (A.), making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being

subject

subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Map or Plan of Road to remain at the Office of the Clerk of the Peace.

XXVI. And whereas a Map or Plan, describing the Line of the said new Pieces of Road, and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Lines described in such Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Road to be made according thereto.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be the Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, and Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, or in the Schedule to this Act marked (A.), in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed, marked (A.)

XXIX. Pro-

Premises authorized to be purchased by this Act to be taken in Five Years.

XXIX. Provided also, and be it further enacted, That in case the said Trustees shall not, within the Space of Five Years from the passing of this Act, purchase the Lands, Buildings, Tenements, and Hereditaments which they are by this Act or the said recited Acts authorized to purchase, all the Powers granted by this Act or the said recited Acts for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Trustees may contract for the Purchase of Land.

XXX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, or by the making of the said Roads, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat, contract, and agree with the Trustees for executing this Act for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damage as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified

for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Premises, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages to be inquired into and ascertained by a Jury, in the Manner prescribed by the said recited Act passed in the Third Year of the Reign of His present Majesty in Cases where any Damages, Value, or Recompence for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

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

XXXI. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the
1 G. 4. c. 35. Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain, until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements,

Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

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

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled,

settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order to the said Court touching the Application thereof.

Where under 20*l.*

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said Roads, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, or if Persons cannot be found.

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

whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

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

Court may order reasonable Expences to be paid by Trustees.

XXXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Directions as to Construction of Bridge over Rochdale Canal.

XXXVII. And whereas it will be necessary to make the said intended Diversion or new Branch of Road over and across the *Rochdale* Canal in the Township of *Butterworth*, in the said County of *Lancaster*; be it therefore enacted, That the said Trustees shall and they are hereby required, by and out of the Tolls, Funds, or Monies to be received or raised by virtue of this Act, to erect and build a good, firm, and substantial Bridge of Stone or Brick, or both, over

and across the said Canal and the Towing Path thereof, at the Point or Place denoted or shewn upon or in the Map or Plan and Book of Reference deposited with the Clerk of the Peace for the said County of *Lancaster*, with proper and convenient Approaches to and from the same; and the Arch or Span of the said intended Bridge shall not be less than Thirty-six Feet clear between the Side Walls or Abutments thereof; and the Under-side of the Key Stone in, or the Crown of the Arch of the said Bridge, shall not be less than Twelve Feet in Height above the Top Water Level of the said Canal where such Bridge shall be erected or built; and the Springers of the same Bridge shall not be less than Nine Feet in Height above the Top Water Level of the said Canal there; and the Surface of the said Bridge shall be so made or completed that the Ascent of the Road over the said Bridge shall not exceed One Foot in Thirteen Feet, and the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Road; and the said Trustees shall, at all Times for ever after such Bridge shall have been erected or built in manner aforesaid, keep the same Bridge, or any future Bridge to be erected in lieu thereof (and which shall be composed of the like Materials, and be of the like Dimensions and Capacity as are herein-before directed), in good, perfect, and complete Repair.

Not to obstruct the Navigation of the Canal.

XXXVIII. Provided always, and be it further enacted, That the said Trustees shall give Fourteen Days previous Notice in Writing to the said Company of Proprietors, or to their Treasurer, Clerk, Engineer, or Agent for the Time being, when it shall be necessary for the Purposes of this Act to alter the Course of or to draw off the Water in the said Canal, and shall not in and by the Execution or Exercise of all or any of the Powers or Authorities hereby given or granted, do or occasion any Obstruction, Damage, or Injury to the said Canal, or to any of the Works of or belonging thereto, or to any Boats, Barges, or other Vessels navigating therein, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal, and the Cuts or Branches communicating therewith, and the Towing Paths, Wharfs, or other Works belonging thereto, save only such as shall be unavoidable in the erecting or repairing the said Bridge.

Not to deviate in the Company's Land.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Trustees to turn, divert, alter, or make any Part of the said Road or Branches to be repaired or amended and made under or by virtue of the Powers of this Act over the said *Rochdale* Canal, or in or through the *Hollinworth* Reservoir, or the Plantation adjoining, or other the Lands of the said Company of Proprietors at any other Point or Place, or in any other Line or Direction than are respectively denoted or shewn upon or in the said Map or Plan and Book of Reference so deposited with the Clerk of the Peace as aforesaid, without the express Consent and Approbation in Writing of the said Company of Proprietors, or their Committee, Treasurer, Clerk, or Engineer for the Time being; any thing to the contrary notwithstanding.

XL. And

When certain Part of Road near Chadderton Hall is completed, the old Road to be shut up, &c.

XL. And whereas it was by the said recited Act of the Forty-fifth Year of the Reign of His late Majesty enacted, that so soon as the Branch of Road from *Middleton*, on the northerly Side of *Chadderton Hall*, to *Royton*, should be completed and finished, and declared to be open for the Passage of Horses, Carts, and Carriages, by an Order to be made and signed by the Trustees, or any Five or more of them, it should be lawful for the Trustees, and they were thereby directed and required, from the Time of the making and signing of such Order, to divert and turn the present common Highway leading in Front or on the southerly Side of *Chadderton Hall* aforesaid, at a certain Place called the *Nook-of-the-Lane* within *Chadderton* aforesaid, into the said Branch of Road from *Middleton* to *Royton* aforesaid by the same Act authorized to be made, and to block up or destroy, or cause and procure to be blocked up and destroyed, so much of the said Common Highway as lies between the said Place called the *Nook-of-the Lane*, and a House in the Occupation of *Edward O'Conner*, containing in Length One thousand three hundred and eight Yards, or thereabouts; and that the said Trustees might lawfully grant and convey such Part of the said Common Highway as aforesaid, unto such Person or Persons as should be entitled to the Freehold, Reversion, and Inheritance of the *Chadderton* Estate, in lieu and exchange and as a fair Compensation for a like Quantity of Land belonging to him or them, to be had and taken by the Trustees in the making of such Branch of Road as aforesaid, any Law, Usage, or Custom to the contrary notwithstanding: Be it therefore hereby further enacted, That so soon as that Part of the said Branch of Road from *Middleton* aforesaid to *Royton* aforesaid, which lies on the northerly Side of *Chadderton Hall*, and between the House lately occupied by *Edward O'Conner*, but now in the Occupation of *John Haigh*, and the Place where the said intended Road from *Middleton* to *Royton* aforesaid is to communicate with the present Road from *Middleton* to *Royton* aforesaid, shall be completed and finished, and shall be declared to be open for the Passage of Horses, Carts, and Carriages, by an Order to be made and signed by the said Trustees, it shall be lawful for the said Trustees and they are hereby directed and required, from the Time of the making and signing of such Order, to divert and turn the present common Highway leading in Front or on the southerly Side of *Chadderton Hall* aforesaid, at a certain Place called the *Nook-of-the-Lane*, into the said intended Road between the said House in the Occupation of the said *John Haigh*, and the said Road from *Middleton* to *Royton* aforesaid, and at the End of Four Calendar Months next after the Date of such Order to block up and destroy, or cause and procure to be blocked up and destroyed, so much of the said Road as now lies between the said Place called the *Nook-of-the-Lane* and the said House in the Occupation of the said *John Haigh*, containing in Length One thousand three hundred and eight Yards or thereabouts; and the said Trustees may lawfully grant and convey such Part of the said Road as last aforesaid unto such Person or Persons as shall be entitled to the Freehold Reversion and Inheritance of *Chadderton Hall* aforesaid, in lieu and exchange and as a fair Compensation for the Land belonging to *Chadderton Hall* aforesaid, to be had and taken by the said Trustees in the making of the said

Road

Road from the said House in the Occupation of the said *John Haigh*, and the said Road from *Middleton* to *Royton* aforesaid, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that no such common Highway or Road shall be blocked up or destroyed, unless Notice in Writing of such Order having been made as aforesaid, and specifying the Day on which it is intended to carry such Order into Execution, shall be affixed on some conspicuous Place by the Side of the Highway or Road so ordered to be blocked up and destroyed as aforesaid, and also upon the principal Door of the Church or Chapel belonging to the Parish or Parishes within which such Highway or Road shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be Twice inserted in some public Newspaper usually circulated in the County of *Lancaster*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same as herein-after provided; nor shall any such Highway or Road be blocked up or destroyed, in case any such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until after the Determination of such Appeal.

Allowing Appeal against the Order.

XLI. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for blocking up or destroying the said Highway or Road, to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Lancaster* which shall be held within the Space of Four Calendar Months next after the making of such Order, upon giving a Notice in Writing of such Appeal (to be duly signed by such Appellant or Appellants), or leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Ten clear Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the Quashing or Confirmation of the said Order, to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint, and the said Appeal having been so heard and determined shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

If no Appeal the Order to beconclusive.

XLII. Provided also, and be it further enacted, That in case no such Appeal shall be made within the Time aforesaid, the said Order or Orders shall be final and conclusive upon all Persons whomsoever.

If Branches towards Middleton and Royton are not com-

XLIII. Provided always, and be it further enacted, That in case the said Trustees shall neglect and refuse to complete the said Road leading from *Bent Green* to or near to *Middleton*, and to make and complete so much and such Part of the said Branch of Road from at

or near *Middleton* to *Royton* as lies between the said House in the Occupation of the said *John Haigh* and the said Place where the said intended Road is to communicate with the said Road from *Middleton* to *Royton*, for the Term or Time of Five Years from the passing of this Act, then and from thenceforth all and every the Powers and Authorities vested in the Trustees for carrying this Act into Execution shall cease and determine; any thing herein contained to the contrary thereof in anywise notwithstanding.

pleted in Five Years the Act to cease.

XLIV. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House,) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

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

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

Public Act.

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

Commencement and Continuance of this Act.

The SCHEDULE (A.) to which the Act refers.

Description of Property.	Owners.	Occupiers.
Branch from LITTLEBOROUGH to NEW HEY.		
Township of Blatchenworth:		
Garden	Laurence Peel, Esq.	Mr. Isaac Marsden.
Township of Butterworth:		
Embankment	Rochdale Canal Company	Themselves.
Part of Reservoir and Plantation	Ditto	Ditto.
Plantation	Ditto	Ditto.
Barn, Cow House, Stable, and Part of Fold	Mr. John Buckley	Himself.
Garden and Coal House	Ditto	Ditto.
Plantation	Joseph Fenton, Esq.	Himself.
Garden	Mr. William Hague	Benjamin Hurst.
Garden and Fold	Mr. William Meadowcroft	Himself.
Necessary and Factory Yard	Mr. John Sutcliffe	John Sutcliffe and Robert Sutcliffe.
Smithy	Edmund Stock	Thomas Simpson.
Old Smithy	Ditto	Abraham Stock.
Branch from DRY CLOUGH to HOLLINWOOD.		
Township of Royton:		
Pump	James Booth	William Mellor.
Township of Oldham:		
Garden	Mr. Joseph Bradley	Himself.
Garden	John Whitehead	Himself.
Gardens	Thomas Needham	Thomas Needham and S. Cheetham.
Township of Chadderton:		
Workhouse and Garden	Overseers of Chadderton	Themselves.
Cottage and Garden	Robert Radclyffe, Esq.	James Whittaker.
Garden	Overseers of Chadderton	Themselves.
Cottages	John Howard	Jonathan Boardman, James Wood, and Jonathan Needham.
Cottage	Colonel Horton.	
Garden	Robert Radclyffe, Esq.	John Wood.
Coal Pit and Cabin	Messrs. Lees, Jones, & Co.	Themselves.
Garden	Colonel Horton	William Garlick.
Garden	Ditto	Trustees of Cowhill School.
Coal Pit	Messrs. Lees, Jones, & Co.	Themselves.
Canal Embankments	Ditto	Ditto.
Garden	Thomas Taylor	Joseph Wright.
Kitchen Garden and Necessary	Mr. George Farrand	Thomas Heap.
Garden	Joshua Kay Robinson	James Dalton.
Coal Pit	Ditto	Thomas Wroe.
Township of Oldham:		
Orchard and Garden	Mr. Thomas Griffiths	George Fildes.
Fold	Richard Sommersgill	Himself.
Garden	Edmund Whitehead	Himself.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.