ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. vi.

An Act for repairing, maintaining, and improving the Road from the Town of *Rochdale* to near *Hand Bridge* near the Town of *Burnley*, and other Roads communicating therewith, and for making and maintaining other Roads also to communicate therewith, all in the County Palatine of *Lancaster*. [22d *March* 1837.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing the Road leading from the Town of* Rochdale *in the County Palatine of* Lancaster *to the Town of* Burnley *in the said County, and for repairing and making certain other Roads to communicate therewith:* And whereas considerable Sums of Money are now due and owing on the Credit of the Tolls authorized to be taken by the said Act on the said Roads, which cannot be paid off, nor the Interest thereof be discharged, nor can the said Roads be improved and effectually maintained and kept in repair, unless the Powers and Provisions of the said Act are amended and enlarged, and the Tolls authorized by the said Act to be taken on the said Roads altered or increased: And whereas the making and maintaining Two new Lines of Turnpike Road, the one of the said new Lines of Turnpike Road to commence 6 G. 4. c. 145.

at or near a Place on the present Line of the said *Rochdale* and *Burnley* Turnpike Road called *Trough Gate* otherwise *Trough Yate*, in the Township of *Spotland* in the said Parish of *Rochdale*, and to terminate at or near a Place called *Lee Mill*, in the Township of *New Church* in the Forest of *Rossendale* in the Parish of *Whalley*, on the Turnpike Road leading from *Haslingden* to *Todmorden*, the other of the said new Lines of Turnpike Road to commence at or near a Place called *Trough Syke Engine*, in the Township of *Spotland* and Parish of *Rochdale* aforesaid, and on the said intended Line of Road from *Trough Gate* otherwise *Trough Yate* to *Lee Mill* aforesaid, and to terminate at or in a certain Close of Land known by the Name of *Bank House Holme* otherwise *Spring Meadow*, belonging to *James Whitaker* Esquire, in the Township of *New Church* in the Forest of *Rossendale* and Parish of *Whalley* aforesaid, contiguous to the said Turnpike Road from *Haslingden* to *Todmorden*, will open a more commodious Communication than there is at present between the Town of *Rochdale* and the populous Villages on the present and intended Lines of the said Roads and other Places, and will be of public Utility: And whereas it is expedient that the said recited Act should be repealed, and further and other Powers and Provisions granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said recited Act of the Sixth Year of the Reign of His said late Majesty shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put in execution for repairing the Roads, &c.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of repairing, maintaining, and improving the aforesaid Turnpike Road leading from the Town of *Rochdale* to the Town of *Burnley* aforesaid, commencing at or opposite to the North End of a Dwelling House in *Toad Lane* in *Rochdale*, late in the Occupation of *Ann Fildes*, and ending at a Point on the present Line of the said Turnpike Road One hundred Yards on the Southwardly Side from the Foot of a certain Bridge called *Hand Bridge*, near the Town of *Burnley*, and also the Road commencing at or near a certain Turnpike Gate situate on the said Road at or near the Village of *Whitworth* in the said Township of *Spotland* and Parish of *Rochdale*, and passing by or near certain Places called *Hendin Smithy*, *Lower Healey*, and *Field House*, in the Townships of *Spotland* and *Hundersfield*, to or near the End of a certain Street or Place called *Saint James's Street*, in the Hamlet of *Wardleworth* in the said Township of *Hundersfield*, there uniting with a certain Street called *Yorkshire Street*, in the said Hamlet, and the Road commencing at or near a certain Place called *Copy Clough*, in the Township of *Cliviger* and Parish of *Whalley* aforesaid, and terminating in a certain other Turnpike Road leading from *Burnley* to *Halifax* at or near a certain Place called *Jack Hey Lane*, in the said Township of *Cliviger*, and for making and maintaining the said intended new Lines of Turnpike Road from *Trough Gate* otherwise *Trough Yate* to *Lee Mill*, and from *Trough Syke Engine* to *Bank House Holme* otherwise *Spring Meadow*, all in the said County Palatine of *Lancaster*.

III. And

Tolls liable to Debts, &c. contracted under former Act.

III. And be it further enacted, That the Tolls hereby granted and authorized to be taken on the said Roads shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls granted by the said recited Act of the Sixth Year of the Reign of King *George* the Fourth, or any former Act or Acts thereby repealed, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been advanced or borrowed or had become due on the Credit of this Act, or of the Tolls hereby granted; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said Act hereby repealed, or any such former Act, shall be liable to the Payment thereof to the Trustees for executing this Act, and such Sums shall be applied for the Use of the said Roads.

Trustees appointed.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Lancaster*, together with *John Ashworth*, *John Ashworth* junior, *Robert Artindale*, *David Ashworth*, *Richard Ashworth* of *New Hall Hey*, *John Aspinall* of *Reedley*, *Edward Ball*, *John Buckley*, *Charles Butterworth*, *James Butterworth*, *James Butterworth* of *Rockliffe Vale*, *Edmund Butterworth* of the same Place, *Joseph Holt Butterworth*, *James Buxton*, *John Buxton*, *Abraham Brierley*, *James Butterworth* of *Cowm*, *Thomas Buxton*, *Jacob Bright* of *Green Bank*, *John Bright* of *Green Bank*, *Thomas Bright* of *Green Bank*, *James Brierley* of *West Hill*, *William Barlow* of *Hamer Hall*, *James Brierley* of *Toad Lane*, *Samuel Brierley* of *Yorkshire Street*, *Hugo Malveysin Chadwick*, *John Collinge*, *John Chadwick*, *John Chadwick* of *Heights*, *James Chadwick* the younger, of *Rochdale*, *John Crossley* Esquire, of *Scaitcliffe*, *Edmund Dawson*, *James Dearden*, *Thomas Ferrand Dearden*, *Henry Dearden*, *John Earnshaw*, *John Entwisle*, *John Entwisle* the younger, *John Elliott*, *John Foster*, *Charles Dilworth Ford*, *Hutton Rawlinson Ford*, *James Fenton*, *James Folds* of *Burnley*, *Richard Gould* of *Todmorden*, *Thomas Grimshaw* of *Fulledge*, *Holdin Hammerton*, *Reginald Hargreaves*, *George Hargreaves*, *Henry Hargreaves*, *John Hargreaves* of *Blackburn*, *William Hudson*, *Timothy Hoyle*, *Lawrence Heyworth*, *James Heyworth*, *James Heyworth* Clerk, *Heyworth Heyworth*, *John Holland*, *James Holt* of *Stubby Lee*, *John Holt*, *Edward Hopwood*, *John Howorth*, *Henry Hoyle* of *New Hall Hey*, *George Hardman* of *New Hall Hey*, *John Haworth* of *Horncliffe House*, *John Hargreaves* of *Newchurch*, *John Hardman Heyworth*, *John Heelis* of *Burnley*, *Samuel Haworth* of *Burnley*, *George Holgate* the elder, *Thomas Holgate*, *William Holgate*, *Thomas Edward Hammerton*, *John Howarth* the younger, of *Hempsteads Bacup*, *Thomas Holland* of *Tonacliffe*, *John Leach Holland*, *John Hardman* of *Rochdale*, *John Kershaw* of *Rochdale*, *James King*, *James Kay* of *Whitworth*, *Edward Greenwood Kay* of *Horsecroft*, *James King* the younger, *John Law*, *James Law*, *John Lomax*, *Samuel Lomax*, *Richard Holt Lomax*, *James Lord*, *John Lord*, *Thomas Lees* of *Liverpool*, *John Leach* of *Healey Hall*, *James Maden* of *Greens*, *John Milne* of *Burnedge*, *James Milne* of *Burnedge*, *Robert Munn* of *Stacksteads*, *Robert Mosley Master* Clerk, *George Ormerod* of *Fern Hill*, *John Ormerod* of *Fern Hill*, *George Ormerod* of *Rose Grove*, *Peter Ormerod*, *John Ormerod* of *Malham Waterhouse*, *James Pilling*, *Henry Parkinson* of *Burnley*,

Burnley, *John Petrie* of *Rochdale*, *James Pilling* the younger, of *Bridge Fold*, *John Roberts* of *Bacup*, *James Royds*, *Clement Royds*, *Albert Hudson Royds*, *John Roby*, *John Roberts* of *Burnley*, *James Roberts*, *William Roberts* of *Burnley*, *William Roberts* of *Rochdale*, Solicitor, the Honourable *James Yorke Scarlett*, *James Schofield*, *James Scholfield* of *Baltic*, *James Starky*, *Henry Slater* of *Lane Side*, *James Sanderson*, *Richard Shaw*, *James Taylor* of *Todmorden Hall*, *James Taylor* of *Whitworth*, *Peregrine Edward Towneley*, *Charles Towneley*, *John Towneley*, *William Turner* of *Flax Moss*, *John Townsend*, *Richard Townsend*, *Samuel Taylor* of *Rochdale*, *John Tweedale* of *Healey Hall*, *Jacob Tweedale* of *Healey Hall*, *Walter Vavasour*, *John Sager Veevers*, *Thomas Whitaker* of *Holme*, *James Whitaker* senior, of *Broadclough*, *James Whitaker* junior, of *Broadclough*, *John Witham*, *Thomas Witham*, *John Whitworth*, *William Whitworth* of *Saint John's College*, *Cambridge*, *James Whitaker* of *Wardle*, *Thomas Wilkinson* of *Rochdale*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, maintaining, making, and improving the said Roads, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

V. 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 be holden by virtue of this Act, to elect and appoint any Number of fit and proper Persons, being duly qualified to act as Trustees of Turnpike Roads in *England* (not exceeding Three in the whole, in addition to the Number of Trustees in and by this Act 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.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name of the *George and Dragon* Inn, in the Town of *Bacup*, or at some other convenient Place near the said Roads, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Time or Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

Respecting Toll Gates.

VII. And be it further enacted, That the several Toll Gates, Turnpikes, Bars, Chains, Side Bars, and Toll Houses erected and now standing and being in or upon or across the said present Turnpike Roads, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and set up or built, upon, in, or across the said present Turnpike Roads, and also upon any Road or Roads to be made by virtue of this Act, or on any Part of such Roads or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Bar or Bars, and Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll

Gates or Turnpikes, or Bars or Chains, and such future Toll Gates, Bars, and Chains, or any or either of them, as they the said Trustees shall from Time to Time think proper.

Power to take Tolls.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take or cause to be demanded and taken at the several and respective Turnpikes, Toll Gates, Bars, and Chains now erected or continued or hereafter to be erected upon, across, or on the Sides of the said Roads (subject to the Provisions herein-after contained), the Tolls or Sums herein-after mentioned, or any Sum or Sums not exceeding the Tolls or Sums herein-after mentioned, and on every Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night; (that is to say,)

Tolls.

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

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

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

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

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

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

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

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence:

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

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

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

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein-before granted, or

any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said Sums of Money or Tolls shall or may be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, chargeable with any such Sums of Money or Tolls, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across or on the Side of the said Roads, or any or either of them; and such respective Tolls or Sums of Money shall be and they are hereby vested in the Trustees for putting this Act in execution, and shall be applied in manner herein-after directed.

Each Payment at any Gate to clear the same Gate for repassing once.

IX. Provided always, and be it further enacted, That in all Cases where any Payment or Payments shall have been made of the said Tolls at any Gate or Gates on any or either of the said Roads in respect of the passing of any Horses, Beasts, or Cattle, such Horses, Beasts, or Cattle shall be permitted to repass once Toll-free in respect of each such Payment through the Gate or Gates at which such Payment or Payments shall have been made, on a Note or Ticket, Notes or Tickets, being produced denoting such Payment or Payments, and also through such Gate or Gates (if any) which the same Ticket shall free, on the same Day, to be computed as aforesaid.

Horses, &c. to pass and repass twice for the first Payment of Toll.

X. Provided also, and be it further enacted, That all Horses or Beasts, drawing or not drawing, and passing through any Gate on any Part of the said Roads, in respect whereof the Toll shall have been paid, shall be allowed not only to repass once Toll-free as aforesaid, but shall also be allowed to pass and repass a Second Time on the same Day, to be computed as aforesaid, Toll-free through the Gate at which such Payment shall have been made, in respect of the first Payment of Toll which shall have been made on such Day; and after such Horses or Beasts shall have so passed and repassed a Second Time Toll-free, then such Horses and Beasts shall be again liable to Toll for every subsequent Time of passing on such Day, but not for repassing after each Payment of Toll.

Limiting the Number of Payments on each Line of Road.

XI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand or take the respective Sums or Tolls aforesaid at any greater Number of Gates than is herein-after mentioned for or in respect of the same Horses, Beasts, or Cattle passing or repassing once through all the Toll Gates, Turnpikes, or Side Gates along the whole Line of each of the respective Roads to be amended, improved, or made by virtue of this Act, notwithstanding there may be a greater Number of Gates erected or continued on the said Roads respectively; (that is to say,) at no more than Six Gates on the whole Line of Road from *Rochdale* to *Burnley*, and at no more than Three Gates on both Lines of Road from *Whitworth* to *Saint James Street* in *Wardleworth* and to *Toad Lane*, and at no more than Two Gates on the whole Line of Road from *Copy Clough* to *Jack Hey Lane*, and at no more than One Gate on the whole Line of Road from *Trough Gate* otherwise *The* of *Yate* to *Lee Mill*, and at no more than One Gate on the whole Li Road from *Trough Syke Engine* to *Bank House Holme*.

XII. Pro-

Stage Coaches, &c. to pay each Time of passing;

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Stage Cart, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than by Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing along the said Roads or any Part thereof.

Post Chaises, &c. on every new Hiring.

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

One-horse Carts, &c. to be weighed.

XIV. And be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, or having the Sole or Bottom of such Fellies of such Wheels of any greater or less Breadth than Four Inches and a Half, shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Roads, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses or other Beasts are now liable to by Law; and every such Cart or other Carriage having the Soles or Bottoms of the Fellies of the Wheels of the Breadth of Four Inches and a Half or upwards, the whole of such Breadth pressing on the Surface of the said Road, drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Forty-five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Forty Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), shall pay, and every such Cart or other Carriage having the Sole or Bottom of the Fellies of the Wheels of less Breadth than Four and a Half Inches, drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Twenty-eight Hundred Weight, whether in Summer or Winter, shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls granted by this Act) to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to by Law.

Lime for Manure exempted from Toll.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be specially called for the Purpose, to make an Order or Orders from Time to Time that no Person shall be liable to the Payment of Toll for any Horse or Beast laden with Lime, or for any Horse or Beast drawing any Waggon, Cart, or other such like Carriage laden only with Lime for the Improvement of Land, or returning unladen or empty from having been only so employed; and

and from and after the making of any such Order such Exemption may be claimed and shall be allowed accordingly, any Law or Statute to the contrary notwithstanding; and such Orders may be revoked and renewed from Time to Time as the said Trustees shall think proper at any Meeting or Meetings of which special Notice shall be given.

Application of Tolls and Money borrowed.

XVI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, or any previous Act or Acts relating to the said Roads, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, 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 applied to and for the several Uses, Intents, and Purposes, and in the Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences incurred in or incidental to the applying for, preparing, obtaining, and passing this Act; and, secondly, in paying Expences of Books, Advertisements, Salaries of Officers, and other such current Expences of the Trustees, and in repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts, and in paying and discharging the Interest of any Monies borrowed upon personal Security, or to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Roads or any Part thereof, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; and, thirdly, in defraying the Expences of diverting, altering, making, widening, and improving, repairing and keeping in repair, the said Roads; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby repealed, or any previous Act or Acts relating to the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act.

Rights of Mortgagees not to be prejudiced.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Rights of any Mortgagees holding any Assignment of the Tolls made or granted before the passing of this Act.

Tolls not to be applied to repair Branch Roads, &c.

XVIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made or repaired by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Toll shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Roads than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Trustees not to repair Roads which

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies now in

in the Hands of the Treasurer of the said Trustees, or any Money which shall be borrowed on the Credit of this Act, or any Money to arise from any of the Tolls by this Act granted, in the Repair of any Road or Way in any Town the Roads or Ways in which are directed to be repaired under the Powers or Provisions of any Local Act of Parliament.

Roads directed to be repaired by any Local Act.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, to make the said Two new Lines of Road from *Trough Gate* otherwise *Trough Yate* to *Lee Mill*, and from *Trough Syke Engine* to *Bank House Holme*, herein-before mentioned and described, upon, in, over, and through any Lands or Grounds or Hereditaments, of such Width and Dimensions as they shall think proper, not exceeding Sixty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences as shall be necessary and expedient for the Accommodation of all Persons having Occasion to pass thereon, and for the Convenience of the several Owners and Occupiers of the Lands in or through which the said new Roads respectively shall be made; and for such Purpose or Purposes it shall and may be lawful for the said Trustees, and all Persons acting under their Authority, and they are hereby authorized and empowered, to enter upon and to take and use the Lands, Hereditaments, and Premises upon, over, or through which the Lines of the said respective Roads are laid down or described in the Maps or Plans and Books of Reference herein-after mentioned, making or tendering Satisfaction to the Owners or Proprietors of all private Lands, Hereditaments, and Premises so taken and used for the same, or for any Loss or Damage they may sustain thereby.

New Roads may be made.

XXI. And whereas Maps or Plans describing the Lines of the said intended new Lines of Road from *Trough Gate* otherwise *Trough Yate* to *Lee Mill*, and from *Trough Syke Engine* to *Bank House Holme*, and the Lands over or through which the same are to be made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the said Maps or Plans 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 of or Extracts therefrom, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from the said Maps or Plans and Book of Reference; and the said Trustees in making the said Two Lines of Road shall not deviate over any private Lands or Premises more than One hundred Yards from the Lines described in the said Maps or Plans 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.

Plans deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Limiting Deviations from Plans.

XXII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said respective Two new Lines of Road into, through, over, or across the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands and Premises over which the same is or are

Errors in the Map, &c. not to prevent the Execution of the Act.

set out and described in such Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the before-mentioned Lists or Book of Reference respectively, in case it shall appear to any Two or more of the Justices of the Peace for the said County, and be certified under their Hands, that such Error or Omission proceeded from Mistake.

Repositories for Scrapings, &c. to be provided.

Two Justices empowered to settle Differences as to Value of Land taken for such Purpose.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any one Place Six Yards square, on the Sides of the said Roads, as Repositories for broken and unbroken Materials for making and repairing the same, and for depositing the Scrapings off the said Roads; and in case any Difference shall arise between such Trustees and the Owner of such Land or Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined by any Two of His Majesty's Justices of the Peace acting for the County where the said Land or Ground shall be situated, in manner directed by any Law or Statute relating to Turnpike Roads in *England* with respect to getting Materials for the Repair of any Turnpike Road.

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

XXIV. And be it further enacted, That it shall be lawful for the Trustees of the said Roads, and they are hereby authorized and empowered, to enter into Agreements with any Owner or Owners of Lands, Tenements, or Hereditaments liable by reason of the Tenure thereof to the Repair of any Part or Parts of the said Roads, for the Payment of such annual Sum or Sums of Money to the said Trustees as they shall think proper, in lieu of Repairs to be done *ratione tenuræ* by such Owner or Owners, or his or their Tenant or Tenants for the Time being, for any Term or Number of Years not exceeding the Term granted by this Act; and the said Trustees shall be subject and liable to keep such Part or Parts of the said Roads *ratione tenuræ* in good and sufficient Repair, and shall indemnify the said Owner or Owners, or their respective Tenants, from the Consequences of any Indictment or Indictments which may be preferred on account of any Part or Portion, Parts or Portions of the said Roads *ratione tenuræ* being in insufficient Repair during the Existence of such Agreements; but no such Agreement shall extend or be construed to extend to invalidate or in any Manner to prejudice or affect the Order or Determination made by any of His Majesty's Justices of the Peace longer or further than during the Existence of such Agreements.

Temporary planting of young Trees not to prevent the taking Materials for the Repair of Roads from private Lands.

XXV. And whereas temporary Plantations are sometimes made by the Owners or Occupiers of Lands or Grounds containing Materials proper for the Repair of the said Roads, whereby the Powers of the said Trustees for taking such Materials are evaded, to the great Prejudice of the said Roads, and whereby the Expence of obtaining Materials for such Purpose is greatly increased; be it therefore further enacted, That if at any Time or Times after any Order of the said Trustees shall have been made for getting Materials for the Repair of the said Roads from any Lands or Grounds not being a Plantation or Nursery for Trees previously to and at the Time of the making of any such Order, and after Service of a Copy of such Order on the Owner or Occupier of such Lands or Ground, or after leaving a Copy of such

Order at the last or usual Place of Abode of any such Owner or Occupier, any Person shall plant any young Trees or other Plants in or upon any such Land or Ground, it shall nevertheless be lawful for the said Trustees, or their Surveyor or other Person acting under their Authority, and they or he are or is hereby empowered, to enter upon, and to dig and take and carry away any such Materials for repairing the said Roads, from Time to Time as they shall think proper, in and from any such Lands or Grounds, in like Manner as they are by Law authorized to do in Cases where Materials are authorized to be taken from any private Lands or Grounds not being a Plantation or Nursery for Trees; any Law or Statute to the contrary notwithstanding.

Power to make new Roads not to defeat Liabilities to repair the present Roads.

XXVI. Provided always, and be it further enacted, That the Powers herein contained for making and maintaining any new Line of Road shall not extend or be construed to extend to defeat, suspend, or affect the Execution of any other of the Powers and Provisions of this Act, or to suspend or annul or in any Manner affect the collecting of Tolls, or to suspend, annul, or in any Manner affect any Liabilities imposed by any Law or Statute relating to Turnpike Roads or Highways in *England* on the Inhabitants of any Township or Parish, Townships or Parishes, in which any Part of any of the other Roads by this Act put under the Care of the said Trustees lies, although any such new Line of Road shall not be commenced, or although the same shall not at any Time be made or completed, but all such Powers and Provisions for the collecting and recovering of Tolls and otherwise, and all Liabilities, Laws, and Statutes, shall nevertheless be and continue in as full Force and Effect for and towards the Maintenance and Repair of each and every and all the Lines of Road comprised in this Act; and all the Powers and Authorities by this Act, or by any Law or Statute relating to Turnpike Roads in *England*, given to the said Trustees, and their Collectors and Surveyors and other Officers, for any of the Purposes of this Act, may be put into execution as fully and effectually as if the said Trustees had not been authorized to make or maintain any such new Line or Lines of Road, or as if all and every such new Line or Lines of Road had been made and completed.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XXVII. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance, or either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

TheRights of Way to cease when Land not wanted.

XXVIII. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the

the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of using the Land as if they had purchased the Fee Simple thereof.

XXIX. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

For preventing certain Nuisances.

XXX. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining the said Roads or any Part thereof, or shall hang or put or place any Hook or Hooks or other Thing or Things to, from, or in any House, Shop, or Place adjoining or being near to the said Roads or any Part thereof, so as to project into the same, or to be an Annoyance to any Person or Persons or Cattle passing thereon, or prevent the free and safe Use of the whole Breadth of the said Roads, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above any Damage that may be occasioned thereby; and if any Person shall erect or place any Privy or Pigstye, or other offensive Erection, Matter, or Thing, on the Side of any Part of the said Roads, or near thereto, so as to be a Nuisance to Passengers thereon, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and if any Person owning or occupying any Land or Premises whereon any such offensive Erection, Matter, or Thing is or shall be erected or placed shall neglect to remove and clear away the same within Forty-eight Hours after Notice in Writing signed by any Three or more of the said Trustees, or their Clerk by their Order, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every Day after the Expiration of Forty-eight Hours from the Day of the Service of such Notice during which any such offensive Erection, Matter, or Thing shall be continued or remain unremoved or not cleared away.

Public Act.

XXXI. 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.

Commencement and Continuance of this Act.

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

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