ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxiv.

An Act for more effectually repairing the Road from *Sharples* to *Hoghton* in the County of *Lancaster*. [17th *June* 1852.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading* 4 G.4. c. 22.
from the Bolton and Blackburn *Road in* Sharples *to the* Blackburn and Preston *Road in* Hoghton *in the County of* Lancaster, *called* "*The* Sharples and Hoghton *Turnpike Road:*" And whereas the Term granted by the said recited Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be further continued: And whereas considerable Sums of Money are now due and owing upon the Credit of the Tolls authorized to be collected on the said Road: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parlia-

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

Recited Act repealed, and this Act to be put in force.

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of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Sharples and Hoghton* Road Act, 1852."

Interpretation of Terms.

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

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

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

The Expression "the Road" or "the said Road" shall mean the Road to which this Act relates:

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

Monies and Property vested in new Trustees.

IV. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the said Act hereby repealed; and they shall be liable (except the Arrears of Interest as herein-after mentioned) to all the Debts and Engagements to which the Trustees acting under the said recited Act may be liable at the Time of the Repeal thereof.

Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *John Horrocks Ainsworth*, *James Ainsworth*, *John Ashworth*, *Edmund Ashworth*, *John Ashworth* the younger, *Thomas Ashworth*, *Daniel Arkwright*, *William Alston*, *Edward Bolling*, *Stephen Blair*, *Richard Badger*, *Joseph Badger*, *Christopher Briggs*, *James Brandwood*, *John Brandwood*, *Robert Bolton*, *Matthew Blakiston*, *James Cocker*, *Robert Chadwick*, *Giles Cross*, *John Eccles*, *Joseph Eccles*, *James Forrest*, Doctor *William Forrest*, *Henry Brock Hollinshead*, *Robert Hopwood*, *Robert Hopwood* the younger, *Joseph Haddock*, *Edmund Haworth*, *Sharples*, *Thomas Hampson*, *Peter Heywood*, *John Hindle*, *Thomas Gardner Horridge*,

The Sharples and Hoghton Road Act, 1852.

Horridge, *Robert Johnson*, *John Johnson*, *James Knowles*, *Eagely Bank*, *William Longworth*, *John Langshaw*, *William Longworth* the younger, *John Mawdsley*, *William Mawdsley*, *John Mason*, *James Miller*, *Thomas Turner Mercer*, *John Magnall*, *James Ormrod*, *Robert Orrell*, *Christopher Parkinson*, *Robert Parke*, *John Parkinson Parke*, *Thomas Blinkhorn Parke*, *John Parke*, *William Bashall Parke*, *George Slater*, *James Slater*, *James Scowcroft*, *Joseph Slater*, *John Nuttall Slater*, *Thomas Slater*, *George Slater* the younger, *William Slade*, *Joseph Thwaites*, *Henry Wright* Clerk, *Charles Wright* Clerk, *Thomas Wright*, and *William Woods*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

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

First Meeting of Trustees.

VII. That the Trustees shall hold their First Meeting at the *Lever's Arms* Hotel in the Town of *Bolton-le-Moors* in the County of *Lancaster*, or at some other convenient Place in the said Town, on the Day of the Commencement of this Act, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn themselves to meet at such Time, and at such Place in the said Town or in the Neighbourhood of the said Road, as they shall think proper.

Power to appoint Committees.

VIII. That the Trustees may from Time to Time appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the Purposes of this Act; and the said Committee or Committees may proceed and act according to such Appointment, and in conformity to any Rules, Instructions, or Regulations which may be made or laid down by the Trustees.

Road to which this Act is applicable.

IX. That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving, and keeping in repair the Road from the *Bolton and Blackburn* Road near to the *Lamb* Inn in *Sharples* to the *Blackburn and Preston* Road near to *Brindle Lane End* in *Hoghton*, all in the County Palatine of *Lancaster*.

Present Tolls continued for a certain Time.

X. That, notwithstanding the Repeal of the said recited Act, the several Tolls now payable by virtue of the same Act shall continue to be

be paid at the Toll Gates upon or at the Side of the said Road until the Thirtieth Day of *October* One thousand eight hundred and fifty-two.

Power to take Tolls herein specified.

XI. That upon and after the said Thirtieth Day of *October* One thousand eight hundred and fifty-two it shall be lawful for the Trustees to demand and take or cause to be demanded and taken at the several and respective Toll Gates which shall be upon or at the Side of the said Road, such several and respective Tolls as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Barouche, Berlin, Calashe, Cabriolet, Curricle, Phaeton, Chaise, Sociable, Hearse, Break, Whiskey, Gig, Fly, Chair, Car, Van, Caravan, Taxed Cart, Market Cart, or other like Carriage, as follows; (that is to say,) where there are Two or more such Horses or Beasts of Draught, the Sum of Sixpence each; and where there is only One such Horse or Beast of Draught, the Sum of Eightpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, or other such Four-wheeled or Three-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards on the Bottom or Sole thereof, as follows; that is to say, where there are Two or more such Horses or Beasts of Draught, the Sum of Fivepence each; and where there is only One such Horse or Beast of Draught, the Sum of Ninepence:

For every Horse or other Beast of Draught drawing any Cart or other such Two-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, or upwards, as follows; that is to say, where there are Two or more such Horses or Beasts of Draught, the Sum of Sixpence each; and where there is only One such Horse or Beast of Draught, the Sum of Eightpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage with Wheels of the Breadth of Four and a Half Inches as aforesaid, or upwards, and not so broad as Six Inches, One Fourth more than the Tolls which are by this Act authorized to be taken for every Horse or other Beast of Draught drawing any Carriage of the same Description with Wheels of the Breadth of Six Inches:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage with any of the Wheels of less Breadth than Four Inches and a Half as aforesaid, One Half more than the Tolls which are by this Act authorized to be taken for every Horse or other Beast of Draught drawing any Carriage of the same Description with Wheels of the Breadth of Six Inches:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the said Road by Machinery or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence:

For every Dog or Goat drawing any Truck, Cart, or other Carriage or Vehicle whatever, the Sum of One Penny:

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

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

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

Which said Tolls shall be paid before any Horse, Beast, Dog, Cattle, or Carriage whatsoever in respect of which a Toll is payable shall be permitted or authorized to pass through any Toll Gate which shall be by virtue of this Act upon or at the Side of the said Road.

As to the fractional Part of a Halfpenny.

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

Tolls to be paid but once a Day at the same Gate.

XIII. That every Horse, Beast, Animal, and Carriage in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the said Road shall, upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through the same Toll Gate or any other Toll Gate which the Ticket for such Payment shall free, except in the Cases herein-after mentioned.

Limiting the Number of Tolls to be taken on the same Day.

XIV. That no more than Three full Tolls shall be taken (except in the Cases herein-after mentioned) for passing or repassing any Number of Times on the same Day, with the same Horses, Beasts, or Carriages, through all or any of the Toll Gates upon or at the Side of the said Road.

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

XV. That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage propelled by Machinery, used for the same Purpose, shall be payable and paid every Time of passing or repassing along the said Road.

Postchaises, &c. on every new Hiring.

XVI. That the Tolls hereby made payable for or in respect of Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery, let out to Hire, shall be payable and paid every Time of passing or repassing along the said Road whenever any new Hiring thereof shall take place.

One horse Carts may be weighed.

XVII. And whereas it frequently happens that Carts drawn by One Horse passing along the said Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses: Be it therefore enacted, That all Carts passing along the said Road drawn by One Horse only shall and may be weighed at any Weighing Machine which may be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

As to Interest on Money borrowed.

XVIII. And whereas the Principal Money now owing on the Credit of the Tolls authorized to be taken on the said Road amounts to the Sum of Eight thousand one hundred and fifty-three Pounds Sixteen Shillings and Elevenpence, and there is a large Arrear of Interest due thereon: Be it enacted, That all Arrears of Interest on the said Principal Money up to the First Day of *January* One thousand eight hundred and fifty-two, amounting to Nineteen thousand eight hundred and seventy-six Pounds and Three Shillings, shall be considered as satisfied and discharged, and that from thenceforth Interest at the Rate of OnePound and Five Shillings *per Centum per Annum* shall be payable on the said Principal Money.

Application of Monies.

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

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

Secondly, in paying the Expenses of erecting, and providing, altering and keeping in repair, the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the said Road; but the Amount so applied shall not exceed the Sum of Forty-four Pounds *per Annum*, exclusive of

of the Wages of Toll Gate Keepers, and Expenses of Actions at Law or Indictments:

Thirdly, in paying Interest after the Rate of One Pound and Five Shillings *per Centum per Annum* from the First Day of *January* One thousand eight hundred and fifty-two upon the said Principal Sum of Eight thousand one hundred and fifty-three Pounds Sixteen Shillings and Elevenpence, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said Road:

Fourthly, in reducing, paying off, and discharging, in manner herein-after mentioned, the several Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Road:

And, lastly, in paying the Expenses of maintaining and keeping in repair the said Road.

As to the Mode of Discharging Debt.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or the Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Lancaster*, or by Letter addressed to each Mortgagee; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Credit of the said Tolls to the Creditor who shall by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Credit of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same

same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, or otherwise as the Trustees shall think fit.

Trustees to execute Mortgages for Money borrowed before the passing of this Act.

XXI. And whereas no Mortgage has been executed in respect of any of the Money now owing on the Credit of the Tolls on the said Road: Be it therefore enacted, That it shall be lawful for the Trustees at any of their Meetings to make and execute Mortgages of the Tolls by this Act granted or authorized to be collected upon the said Road, and of the Toll Gates and Toll Houses for collecting the same, unto any Person to whom any such Money is or shall be owing, or to his, her, or their Executors, Administrators, or Assigns, as a Security for the Principal Money owing to him or them, with Interest thereon after the Rate aforesaid; and every such Mortgage shall be prepared at the Expense of the Party requiring the same, and may be made in the Manner and Form directed by any Law or Statute relating to Turnpike Roads in *England*, or as near thereto as the Circumstances of the Case will admit; and that until each such Creditor shall have obtained a Mortgage he shall be deemed an Equitable Mortgagee of the said Tolls in respect of the Debt owing to him.

For Payment of Monies for which a valid Discharge cannot be given.

XXII. That in case any Person who shall be entitled to any Debt owing on the Credit of the Tolls on the said Road cannot be found, or is not known, or in case a valid Discharge for any Money payable in respect of any such Debt cannot be given to the Trustees, then and in every such Case it shall be lawful for the Trustees, if they shall think fit, from Time to Time, with the Privity of the Accountant General of the High Court of Chancery, to pay any Money amounting to or exceeding the Sum of Fifty Pounds which shall be payable in respect of any such Debt into the Bank of *England*, to the Account of such Accountant General in the Matter of the "*Sharples and Hoghton* Trust" and the Person to whom such Money belongs (describing such Person as he is described in the Register or Books of the said Road, or otherwise, as accurately as Circumstances may admit), on trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Money to the Party entitled thereto, or otherwise, as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, whether with respect to the Mode of applying for the Order of the said Court or otherwise howsoever, shall be applicable

10 & 11 Vict. c. 96.

applicable to all Monies paid into the said Bank pursuant to this Act; and all Monies so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the Trustees.

Mortgagees not to take possession of Toll Gates, &c. but for Arrears of Interest.

XXIII. That whenever and so long as the Interest of any Mortgage upon the Tolls of the Road shall be duly paid at the Rate in this Act mentioned, within Three Calendar Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due at the Rate in this Act mentioned upon all the Principal Sums for the Time being owing on the Credit of the said Tolls, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Principal Sums shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

No more Money to be borrowed on the Tolls.

XXIV. That it shall not be lawful for the Trustees to borrow any further Sum of Money on the Credit of the Tolls by this Act authorized to be taken.

Road not exempt from Provisions of future General Acts.

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

 XXVI. That

Term of Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.