



ANNO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. xl.

An Act for repairing the Road from *French Top* in the West Riding of the County of *York* to *Stayley* in the County Palatine of *Chester*.

[11th June 1838.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from* 33 G.3. c.140. *or nearly from French Top in the Parish of Saddleworth in the West Riding of the County of York to Brookhouses in the Parish of Glossop in the County of Derby; and for repairing and altering the Road leading from or nearly from a Close called Copley Meadow, in Stayley, to or near to Stayley Bridge in the County of Chester: And whereas another Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for continuing* 54 G.3. c.81. *the Term and enlarging the Powers of an Act of His present Majesty, for making a Road from French Top in the West Riding of the County of York to Glossop in the County of Derby, and for repairing the Road leading from Copley Meadow to Stayley Bridge in the County Palatine of Chester: And whereas the Trustees acting under or by virtue of the said recited Acts have proceeded to carry the said Acts into execution, so far as the same relate to that Part of the Road which is situate between *French Top* aforesaid in the**

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said West Riding of the County of *York* and the *Manchester* and *Saltersbrook* Turnpike Road at or near *Stalybridge* in the County of *Chester*, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken or collected upon the said Road, which Money still remains due and owing, and cannot be repaid, or the Interest thereof discharged, nor can this Part of the said Road be effectually amended, improved, and kept in repair, unless the Term granted and continued by the said recited Acts be further continued; and it is expedient that the Tolls payable thereon should be altered and increased: And whereas it is expedient that the said recited Acts of the Thirty-third and Fifty-fourth Years of the Reign of His Majesty King *George* the Third should be repealed, and further and more effectual Powers and Provisions granted and made instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Third *Monday* next after the passing of this Act the said recited Acts passed in the Thirty-third and Fifty-fourth Years of the Reign of His Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to be put into execution for the Purpose 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 more effectually repairing, amending, widening, diverting, altering, and from Time to Time improving and keeping in repair as a Turnpike Road, the said Road from *French Top* in the Parish of *Saddleshworth* in the West Riding of the County of *York*, through the Hamlet of *Micklehurst* and Township of *Stayley* in the Parish of *Mottram in Longdendale* to or near to *Staley Bridge* in the said County of *Chester*.

Appointment of Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York* and the Counties of *Chester* and *Lancaster* respectively, together with *Aaron Adshead, George Adshead, James Adshead, Charles Cheetham Bayley, James Bayley, Joseph Bayley, George Bramall, Josiah Bramall, Charles James Buckley, Frederick Buckley, Francis Shaw Buckley, James Buckley of Stalybridge, James Buckley of Saddleshworth, Richard Buckley, Robert Buckley, John Cheetham, the Reverend Joseph Saville Roberts Evans Clerk, Abel Harrison, David Harrison, William Harrison, James Howard, John Howard, Ralph Howard, George Hyde, Joseph Hyde, Samuel Hyde senior, Samuel Hyde junior, Benjamin Kirk, John Lees, John Newton, Samuel Schofield, Peter Shaw, James Wilkinson, Robert Wilkinson,* and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time at any of their Meetings to be held in pursuance

pursuance of this Act, to elect and appoint any Number of 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 herein named, to be Trustees for the Purposes of this Act; and such Persons so to be elected and appointed shall be Trustees, and shall have and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein and hereby named and appointed.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Eagle Inn* in *Stalybridge* in the said County of *Chester*, or at some other convenient Place on or near the said Road, upon the Third *Monday* 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 afterwards adjourn to and meet at such Times and Places upon or near to the said Road as the said Trustees shall think proper to appoint.

First Meeting of the Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Side Bars, Toll Houses, and Weighing Machines now erected upon the said Road or upon the Sides thereof, and also to erect and build others in lieu thereof or in addition thereto upon the said Roads, or upon any Part or Parts thereof, or upon the Sides thereof, when and where and as they shall judge proper, and from Time to Time to alter or take down, and to re-erect or re-construct, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Power to continue Toll Gates.

VII. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, upon the said Road, the several Tolls following, before any Horse, Cattle, or Carriage shall be permitted to pass through any Turnpike or Toll Gate erected or to be erected upon, across, or on the Side of the said Road; that is to say,

Tolls to be taken.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Berlin, Landau, Hearse, Calash, Chaise, Curricule, Gig, Taxed Cart or Market Cart, or other such like Carriage, the Sum of Nine-pence :

Tolls.

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other Carriage having the Fellies of the Wheels thereof of the Dimensions following; *videlicet.*, of the Breadth of Six Inches, Sixpence; of the Breadth of Four and a Half Inches, Seven-pence Halfpenny; of less Breadth than Four and a Half Inches, Nine-pence :

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

For every Dog drawing any Carriage or other Machine, the Sum of Three-pence :

For every Carriage of any Description whatever, propelled or moved by Steam or Machinery, or by any other Power than Animal Power, the Sum of Three Shillings :

For

For every Drove of Oxen or other Neat Cattle, the Sum of Two Shillings *per* Score, and so in proportion for any less Number :  
For every Drove of Calves, Sheep, Swine, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any less Number.

One full Toll only to be taken in One Day.

VIII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded and taken for or in respect of the same Horses, Cattle, Beasts, or Carriages, in any One Day, (except in the Cases herein-after mentioned,) for passing and repassing once through all the Turnpikes or Toll Gates now or hereafter to be erected on the said Road or on the Sides thereof.

Fractional Parts of a Halfpenny in Tolls.

IX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of Tolls for passing and repassing.

X. And be it further enacted, That in all Cases where the Tolls by this Act granted shall have been paid for or in respect of the passing of any Horse, Mule, Ass, or other Cattle through any Turnpike or Toll Gate erected or to be erected on the said Road or on the Sides thereof, the Horses, Mules, Asses, or other Cattle in respect whereof such Toll shall have been paid (except in the Cases herein-after mentioned) shall be permitted to repass Toll-free on the same Day through the said Turnpike or Toll Gate at which such Payment shall have been made, upon a Note or Ticket being produced denoting such Payment, and also though such Turnpikes or Toll Gates (if any) as the same Note or Ticket shall free.

Stage Coaches to pay each Time of passing and repassing.

XI. Provided always, and be it further enacted, That the Tolls hereby made payable shall be payable for or in respect of all Horses, Mules, Asses, or other Cattle drawing any Stage Coach, Van, Caravan, or any other Carriage whatever conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing through all or any of the said Turnpikes or Toll Gates upon the said Road: Provided always, that no further or additional Toll shall be payable in respect of the Horses, Mules, Asses, or other Cattle drawing any Stage Coach, Van, Caravan, or other such Carriage, on account only of the Horses or other Cattle drawing the same having been changed.

Post Chaises to pay on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Mules, Asses, or other Cattle let out to Hire, whether for riding, or for drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing through all or any of the said Turnpikes or Toll Gates on the same Day, as often as a new or fresh Hiring shall take place.

Horses drawing different Waggon liable again to Toll.

XIII. And be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse, Mule, Ass, or other Cattle drawing any Waggon, Cart, Dray, or other such Carriage, for passing through any of such Turnpikes or Toll Gates, and

and such Horse, Mule, Ass, or other Cattle shall be afterwards employed during the same Day in drawing a different Waggon, Cart, Dray, or other such Carriage, every such Horse, Mule, Ass, or other Cattle so drawing shall be again liable to Toll in respect of drawing such different Waggon, Cart, Dray, or other such Carriage.

XIV. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam or Machinery, or by any other Power than Animal Power, shall be paid every Time of the passing and also every Time of the repassing of such Carriage along the said Road.

Steam Carriages to pay each Time of passing and repassing.

XV. And be it further enacted, That all Monies which on the Day of the Commencement of this Act shall be in the Hands of the said Trustees, and remaining undisposed of, and also the Monies which shall arise and be produced by and from the Tolls by 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, and not otherwise appropriated or directed to be applied, shall 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 which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto respectively; in the next place, (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and for Repair and Maintenance or Erection of Turnpikes, Toll Houses, and other Buildings, Side Gates, Bars, Chains, Weighing Engines, and other necessary current Expences incidental to the Execution of this Act,) in paying and discharging the Interest in respect of the Monies now due and owing on the Credit of the Tolls granted and made payable by the said recited Acts hereby repealed; in the next place, in paying off and discharging the Interest of any Sums of Money which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted; in the next place, in repairing, amending, widening, diverting, altering, improving, and keeping in repair the said Road, and in otherwise putting this Act into execution; and the Residue of the Monies so to be collected and received shall be applied in repaying the Principal Monies for the Time being due and owing on the Credit of the said recited Acts and this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the Trustees shall from Time to Time appoint.

Application of Tolls.

XVI. 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.

Public Act.

XVII. And be it further enacted, That this Act shall commence and take effect upon the Third *Monday* next after the passing of  
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Commencement and Duration of this Act.

this Act, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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