



ANNO NONO

# GEORGII IV. REGIS.

\*\*\*\*\*

*Cap. xi.*

An Act for more effectually repairing the Road  
from *Bury* to *Little Bolton* in the County  
Palatine of *Lancaster*. [26th March 1828.]

**W**HEREAS an Act was passed in the Second Year of the  
Reign of His present Majesty King *George* the Fourth,  
intituled *An Act for making a Road from Bury in the* 2 G. 4. c. 90. 1  
*County Palatine of Lancaster to or near a certain House known by the*  
*Sign of the Bull and Wharf, in the Township of Little Bolton in the*  
*said County*: And whereas several Sums of Money have been borrowed  
on the Credit of the Tolls by the said recited Act granted or author-  
ized to be collected, which Money still remains due, and the same  
cannot be paid off, nor can the said Road be finished or kept in suf-  
ficient Repair, unless the Term and Powers in and by the said 2  
Act given and granted are continued and enlarged: And whereas an  
Act was passed in the Third Year of the Reign of His present Majesty,  
intituled *An Act to amend the General Laws now in being for regu-* 3 G. 4. c. 126.  
*lating Turnpike Roads in that Part of Great Britain called England*:  
And whereas another Act was passed in the Fourth Year of the  
Reign of His said present Majesty, intituled *An Act to explain* 4 G. 4. c. 95. 3  
*and amend an Act passed in the Third Year of the Reign of His pre-*  
*sent Majesty, to amend the General Laws now in being for regulating*  
*Turnpike Roads in that Part of Great Britain called England*:  
And whereas another Act was passed in the Fifth Year of the  
[Local.] N n Reign

5 G. 4. c. 69. Reign of His said 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*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: 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 the said first-recited Act, and the several Powers, Exemptions, Penalties, Forfeitures, Provisions, Matters, and Things therein contained, shall, from and after the First Day of *May* One thousand eight hundred and twenty-eight, be and the same are hereby repealed, and this Act shall from thenceforth commence and take effect and be put in execution, for making, repairing, maintaining, widening, diverting, improving, and keeping in repair the Road from *Bury* in the County Palatine of *Lancaster* to or near a certain House known by the Sign of the *Bull and Wharf*, in the Township of *Little Bolton* in the said County.

Recited Act  
2 G. 4. c. 90.  
repealed,  
and this Act  
to take  
Effect.

Powers of  
General  
Turnpike  
Acts extend-  
ed to this  
Act.

II. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years 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 respectively as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

New Term  
and Tolls  
liable to the  
former  
Debts, &c.

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 by the said first-recited Act to be taken or received, and of all the Interest due and to grow due thereon, on the said Road, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; 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 carrying the said first-recited Act into Execution, on the said Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c.  
to remain in  
force.

IV. And be it enacted, That all Bonds, Covenants and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said first-recited Act into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of such Act, shall remain in full Force and Effect, and be and continue

tinue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said first-recited Act.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said first-recited Act had not been repealed.

Books used under former Act to be Evidence under this Act.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County Palatine of *Lancaster* for the Time being, together with the Right Honourable *Edward Smith Stanley*, commonly called *Lord Stanley*, the Right Honourable *Richard Grosvenor*, commonly called *Lord Belgrave*, the Right Honourable *George Augustus Frederick Henry Bridgman*, commonly called *Viscount Newport*, the Honourable *Edward Geoffrey Stanley*, the Reverend *Geoffrey Hornby*, the Reverend *James Slade*, the Reverend *John Haughton*, the Reverend *James Lyon*, the Reverend *Thomas Foxley*, *John Alexander*, *Richard Ainsworth*, *Samuel Ashton*, *John Bowker* of *Prestwich*, *Thomas Bridge*, *John Brown*, *William Calrow*, *Thomas Calrow*, *Ellis Chantler*, *Robert Ellis Cunliffe*, *John Cunliffe*, *John Elliott*, *Joseph Fenton*, *Ralph Fletcher*, *Ellis Fletcher*, *James Fletcher* of *Bury*, *William Fox*, *William Goodlad*, *William Grant*, *John Grant*, *John Grundy*, *John Grundy* the younger, *Edmund Grundy*, *Richard Hamer*, *Daniel Hamer*, *William Hardman*, *William Hardman* junior, *John Haworth*, *Thomas Hill*, *Richard Hodgson*, *Roger Holland*, *Samuel Holker*, *Samuel Holker* junior, *Thomas Howard*, *Thomas Hutchinson*, *William Heap Hutchinson*, *John Hutchinson*, *James Hutchinson*, *James Hutchinson* junior, *William Hutchinson* junior, *John Kay* of *Lark Hill*, *Charles Kenyon*, *Richard Lomax*, *Richard M'Mellon*, *Thomas Norris* of *Redvales*, *Thomas Norris* of *Stanley Street*, *Allen Norris*, *James Norris*, *Thomas Norris* junior, *William Norris*, *George Openshaw*, *James Openshaw*, *Thomas Oram*, *Robert Parks*, *Joseph Peel*, *George Piggott*, *John Pilkington*, *Arthur Potter*, *Thomas Smalley Potter*, *Peter Potter*, *Thomas Ridgway*, *Edmund Rothwell*, *John Sharpe*, *Thomas Shaw*, *John Shaw*, *Nicholas Starkie* of *Huntroyd*, *John Taylor*, *Peregrine Edward Towneley*, *Henry Vernon*, *Richard Walker*, *Oliver Ormrod Walker*, *James Watkins*, *James Whitehead*, *Samuel Woodcock*, *Robert Wood*, *Abraham Wood*, *George Wood*, *James Wrigley* and *Joseph Wrigley*, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be, and they and their Successors, to be elected in manner directed by the said recited Acts; are hereby appointed Trustees for making, amending, widening, improving, and keeping in

Trustees appointed.

in repair the Road from *Bury* in the County Palatine of *Lancaster* to or near a certain House known by the Sign of the *Bull and Wharf*, in the Township of *Little Bolton* in the said County, and for carrying the said Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose (of which Meeting and the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees, so elected and appointed (being duly qualified), shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, as if they had been nominated and appointed in and by this Act.

First Meeting of Trustees.

VIII. And be it further enacted, That the said Trustees shall meet at the *Eagle and Child* in the Town of *Bury* aforesaid, or at some other convenient Place in the said Town, on the Second Day of *May* One thousand eight hundred and twenty-eight, or as soon after as conveniently may be, and shall then and there proceed to put the said Acts of the Third and Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

Former Officers (except the Treasurer) to continue.

IX. And be it further enacted, That the Clerk, Surveyor, and other Officer (except the Treasurer) who have been appointed under and employed in the Execution of the said first-recited Act, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing them, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed under or by virtue of this Act, and the said Acts of the Third and Fourth Years of the Reign of His present Majesty.

Books, &c. relative to former Act to be delivered to Trustees under this Act.

X. And be it further enacted, That all Persons who are or have been employed, or who have received any Money on account of the Road by the said first-recited Act authorized to be made and kept in repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts are required to pay or account for the same.

XI. And

XI. And whereas the whole of the Road authorized to be made and maintained by the said first-recited Act has not yet been completed, nor has the whole of the Land necessary for the same been purchased; be it therefore enacted, That it shall be lawful for the said Trustees to purchase, take, use, and enter into and upon the Lands and Grounds, or any of them, mentioned and described in the Map or Plan and Book of Reference particularly referred to in the said first-recited Act and this Act, and form, complete, make, and maintain the Road from near to *Tonge Bridge to Little Bolton*; by the said recited Act and this Act authorized to be made and maintained, over and across the said Lands and Grounds.

Trustees may complete the Road.

XII. And whereas a Map or Plan describing the Line of the said intended Road, and the Lands, Hereditaments, and Premises through or over which the same is to be carried, together with a Book of Reference containing Lists of the Names of the Owners or reputed 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 Palatine 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 and Extracts therefrom, at their Will and Pleasure, paying to such 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 the said Map or Plan and Book of Reference; and the said Trustees in making such new Road shall not deviate more than One hundred Yards from the Line thereof described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over and through whose Lands and Grounds such Deviation shall be made.

Maps of Road deposited with the Clerk of the Peace shall remain there, and be open to Inspection.

Road not to deviate from Map.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are, or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are mentioned and described in this Act, or set forth and described in the said Map or Plan or Book as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in this Act, or in the said Map or Plan and Book of Reference, 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, Omission, or Mis-statement proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Misnomers not to prevent Execution of Act.

XIV. And be it further enacted, That for the Purpose of making the said Road it shall be lawful for the said Trustees, and they are hereby authorized and empowered to purchase, take, and use the  
[Local.] O o several

Trustees empowered to purchase Houses, &c.

several Houses, Gardens, and other Premises mentioned and described in the Schedule hereunto annexed.

Such Power  
of purchas-  
ing to cease  
after Five  
Years.

XV. And be it further enacted, That in case the said Trustees shall not purchase the Houses, Gardens, and other Premises mentioned and described in the Schedule hereunto annexed, within the Space of Five Years from the passing of this Act, all the Powers hereby or by the said recited Acts given for purchasing the same shall cease and determine, save and except as to such Parts thereof as have been already purchased, and save and except with the Consent in Writing of the Owners of such Houses, Gardens, and other Premises which the said Trustees shall desire to purchase.

Trustees to  
continue or  
erect Turn-  
pikes.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or remove the several Turnpikes, Toll Gates, and Toll Houses erected by the Trustees acting under the said first-recited Act, and from Time to Time to erect any other Turnpikes, Toll Gates, or Bars, if they shall think fit, upon, across, or by the Side of any Part of the Road by this Act authorized to be made, improved, and kept in repair.

Tolls to be  
taken on  
Road.

XVII. And be it further enacted, That from and after the First Day of *May* One thousand eight hundred and twenty-eight the respective Tolls or Duties following shall be demanded and taken before any Horse, Beast, or other Cattle, or any Carriage, shall be permitted to pass through any Turnpike or Gate erected or to be erected by virtue of the said recited Acts or this Act upon or across the said Road from *Bury* to *Little Bolton*; (that is to say,)

Tolls.

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

For every Score of Oxen or Neat Cattle the Sum of One Shilling; and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Sixpence; and so in proportion for any greater or less Number:

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

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage, with Wheels of the Breadth of Six Inches or upwards on the Bottom or Sole thereof, the Sum of Seven-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage, with Wheels of the Breadth of Four and a Half Inches on the Bottom or Sole thereof, and not of the Breadth of Six Inches, the Sum of Nine-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage, with Wheels of less Breadth than Four and a Half Inches on the Bottom or Sole thereof, the Sum of Ten-pence:

For every Horse or Beast of Draught drawing any Cart or other Two-wheel Carriage with Wheels not less than Six Inches in Breadth on the Bottom or Sole thereof, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Cart or other Two-wheel Carriage with Wheels of less Breadth than Six Inches on the Bottom or Sole thereof, the Sum of Eight-pence :

Which said several and respective Tolls hereby granted shall be and the same are hereby vested in the said Trustees for executing this Act, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of in such and the same Manner, and by such and the same Ways and Means, and with such Exemptions, Powers, Provisions, Remedies, and Restrictions, as are contained in the said recited Acts and this Act.

Tolls vested  
in Trustees.

XVIII. And be it further enacted, That in case Toll shall have been paid for or in respect of any Horse, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, or Side Gates now erected, or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle, for returning once through the same Turnpike, Toll Gate, or Side Gate the same Day before Twelve of the Clock at Night; and every Person, on producing a Note or Ticket denoting the Payment of such Toll, shall, except in the Cases herein-after mentioned, be permitted to return through such Turnpike, Toll Gate, or Side Gate, with such Horse, Beast, or Cattle, Toll-free.

Tolls not to  
be paid on  
returning.

XIX. And be it further enacted, That no more than Two full Tolls shall be payable for the passing of the same Horse, Beast, Cattle, or Carriage along the whole Line of Road on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), through all the Toll Gates or Turnpikes erected or to be erected on the said Road.

Limiting the  
Number of  
Tolls.

XX. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, for each Time of passing or repassing through the Toll Gates or Toll Bars on the said Road.

Stage  
Coaches, &c.  
travelling for  
Hire to pay  
each Time  
of passing.

XXI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road whenever any fresh Hiring thereof shall take place.

Post Chaises  
for every  
fresh Hiring.

XXII. Provided also, and be it further enacted, That in case the Toll herein-before authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle, or of any Carriage of any Description, not being a Stage Carriage or Post Chaise, or other Carriage let out to Hire, through any One of such Toll Gates, or Turnpikes or Side Gates on the said Roads, or any of them, Twice in any One Day, to be computed as aforesaid, such Horse, Beast, Cattle,

Tolls to be  
paid but  
Twice a  
Day for  
other Horses  
or Carriages.

or

or Carriage shall, upon the Production of a Ticket or Tickets denoting that Two Tolls have been paid on that Day at such Gate, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, upon, across, or on the Sides of the said Roads, as the Ticket or Tickets for such Payment shall free; at any Time and Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

One Horse  
Carts may  
be weighed.

XXIII. And whereas great Injury hath frequently been occasioned to the said Road by reason of the excessive Weight of Coals and other Merchandize placed upon Carts drawn by One Horse only; 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 now erected or to be erected on the said Road; and that every Cart drawn by One Horse shall be allowed, together with the Loading of such Cart, the Weight of One Ton Two Hundred Weight in Winter, and One Ton Five Hundred Weight in Summer, and there shall be paid for every Hundred Weight exceeding those respective Weights aforesaid the Sums specified in the said recited Act of the Third Year of the Reign of His present Majesty for or in respect of Overweight.

Application  
of Tolls and  
Money bor-  
rowed.

XXIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said first recited Act, 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 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 the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on the said Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable on the said Road; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Road, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Out-buildings, upon, across, and by the Sides of the said Road, and otherwise in executing the other Powers of this Act; 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 first-recited Act, and also the several Principal Sums of Money which may hereafter be borrowed and secured

secured by virtue of this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing by or on account of the said Road. *A*

XXV. And be it further enacted, That this Act shall be deemed Public Act. 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.

XXVI. And be it further enacted, That this Act shall commence upon the Second Day of *May* One thousand eight hundred and twenty-eight, and shall from thenceforth continue for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament. *Commence-ment and Continu-ance of Act.* *5*

[*Local.*]

*P p*

SCHE-

*37*  
*2*  
*62*

## SCHEDULE to which this Act refers.

Description of Property.	Owners.	Occupiers.
Butcher's Shop, House, } Back Kitchen, Slaughter } House, and Stable } House and Premises - } House, Yard, and Back } Premises - } House, Yard, and Back } Premises - } House, Yard, and Back } Premises - }	Earl of Derby - Earl of Derby - Earl of Derby - Earl of Derby Earl of Derby - Earl of Bradford Earl of Bradford Earl of Bradford	Ann Wardleworth. Pierre Calliett. Joseph Pilkington. * Thomas Pilkington. Richard Ashton. Charles Craigie. Charles Craigie. Executors of Thomas Fogg. Bolton and Bury Canal Company.
A Garden and Yard - A Garden, - - Garden and Grass Plot - Weighing Machine, and } House thereto - }	Bolton and Bury } Canal Company }	

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1828.