



ANNO DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. xli.

An Act to continue the Term of the Act of the Sixth Year of *George* the Fourth, Chapter Fifty-one (Local), so far as relates to the Turnpike Road between *Manchester* and *Audenshaw* in the Parish of *Ashton-under-Lyne*, all in the County Palatine of *Lancaster*; and to make better Provision for the Repair of the Road; and for other Purposes. [5th *June* 1851.]

**W**HEREAS the Act of the Sixth Year of *George* the Fourth, 6 G. 4. c. 51. Chapter Fifty-one (Local), authorized the Construction of a Turnpike Road from *Great Ancoats Street* in *Manchester*, through the several Townships, Divisions, or Districts of *Manchester*, *Beswick*, *Bradford*, *Clayton Demesne*, and *Droylsden*, to a Field in *Audenshaw* in the Parish of *Ashton-under-Lyne*, all in the County Palatine of *Lancaster*, with Two Branches of Road therefrom: And whereas by Section Thirteen of the Act of the Seventh Year of *George* the Fourth, Chapter Sixteen (Local), the Trustees of that Act were authorized to make and maintain One Quarter of a Mile in Length of the Road in *Audenshaw* aforesaid authorized by the first-recited Act, and by Section Fourteen of the reciting Act Provision was made for an Agreement between the Trustees of the first-recited [Local.] 6 T Act 7 G. 4. c. 16.

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Act and the Trustees of the reciting Act with reference to the making and maintaining of that Portion of Road: And whereas the Road authorized by the first-recited Act has been made, the said Quarter of a Mile thereof, under the Powers of the secondly-recited Act, and the Remainder thereof under the Powers of the first-recited Act; but neither of the Two Branches of Road therefrom hath been made, and no Agreement hath been made, under the Authority of Section Fourteen of the secondly-recited Act: And whereas the Term granted by the first-recited Act, and from Time to Time continued by other Acts, will expire on the First Day of *November* One thousand eight hundred and fifty-one: And whereas the Sum of Nineteen thousand five hundred and thirty-eight Pounds Eighteen Shillings and Threepence, advanced on the Credit of the Tolls authorized by the first-recited Act, remains owing, with a large Arrear of Interest thereon, and the same cannot be paid off, and the Road made under the Authority of that Act cannot be effectually maintained, unless further Powers be granted, and the Term of that Act be further continued: And whereas it is expedient that the first-recited Act and the Thirteenth and Fourteenth Sections of the secondly-recited Act be repealed, and that other Provisions be made in lieu thereof; but such 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 of and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*The Manchester and Ashton-under-Lyne New Road Act, 1851.*"

Interpretation of Terms.

II. That in this Act the following Words and Expressions have the several Meanings respectively hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (to wit,)

The Word "Person" includes Corporation:

The Expression "the Trustees" means the Trustees for carrying this Act in effect:

The Expression "the Road" means the Turnpike Road authorized by this Act to be maintained:

The Word "Toll-gate" includes Toll Houses, Toll Bars, Turnpike Gates, Side Gates, Side Bars, and Chains on, across, in, and at the Side of the Road:

The Expression "the Bond Debt" means the Principal Sum of Nineteen thousand five hundred and thirty-eight Pounds Eighteen Shillings and Threepence secured on the Credit of the Tolls by the first-recited Act granted:

The Word "Creditor" means a Person entitled to any Part of the Bond Debt.

III. That

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III. That upon and from the Commencement of this Act the first-recited Act, and the Thirteenth and Fourteenth Sections of the secondly-recited Act, shall be respectively repealed, and this Act shall thereafter be put in execution during the Term and for the Purposes therein expressed.

First-recited Act and Part of secondly-recited Act repealed.

IV. That this Act shall be put in execution for more effectually improving, maintaining, and keeping in repair the said Turnpike Road leading from *Manchester*, through *Beswick*, *Bradford*, *Clayton* Demesne, and *Droylsden*, to its Junction at *Audenshaw* in the Parish of *Ashton-under-Lyne* with the *Manchester and Salters Brook* Road, all in the said County Palatine of *Lancaster*, but shall not extend to either of the Two Branches therefrom respectively authorized by the first-recited Act, or any Part thereof respectively.

Road to which this Act is applicable.

V. That all Monies due to and all Property and Choses in Action vested in the Trustees of the first-recited Act shall upon the Commencement of this Act be vested in the Trustees, and the Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had become due to or had been vested in them under the first-recited Act.

Property under first-recited Act vested in the Trustees.

VI. That all Books of Proceedings kept by or under the Direction of the Trustees of the first-recited Act, and thereby made Evidence, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Former Books to be Evidence.

VII. That all Bonds, Conveyances, Leases, Mortgages, Securities, and Contracts made to, by, with, or for the Trustees of the first-recited Act, and all Debts due by those Trustees, shall continue and be in full Force, and available in all Courts of Law and Equity, for, against, and with reference to the Trustees, and shall be recoverable from them, as if the same respectively had been made to, by, with, or for or had been contracted by the Trustees; and all Notices given by the Trustees of that Act for any Purpose relating to the Road shall be as effectual as if the same had been given by the Trustees.

Contracts, &c. to remain in force.

VIII. That every Officer appointed under the first-recited Act shall hold and be entitled to his respective Office and Emoluments until removed from such Office by the Trustees, and shall, until so removed, have the like Power and Authority for the Purposes of this Act, and be subject to the like Penalties, Removal, Rules, and Regulations, as if he had been appointed by virtue of this Act.

Officers to continue till removed.

IX. That the Trustees shall not in the Execution of this Act wilfully occasion any Damage to any of the Works or Property of the Company of Proprietors of the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, or prevent, hinder, or prejudice

For Protection of the Ashton Canal.

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dice the full and free Use and Enjoyment of that Canal, and the Branches, Towing-paths, Wharves, and Works thereof.

## Trustees.

X. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, and *John Ashworth* senior, *John Ashworth* junior, *Henry Ashworth*, *Edward Allen*, *Thomas Armstrong*, *Edmund Buckley*, *John Bradbury*, *John Bradbury* junior, *John Barlow*, *Alexander Bower*, *Robert Benson*, *James Smith Buckley*, *Joseph Boardman*, *David Cheetham*, *George Royle Chappell*, *George Clark*, *Samuel Christy*, *Richard Christy*, *Henry Coupe*, *Charles Cordingly*, *Robert Duck*, *John James Bartholemew*, *Edward Frere*, *George Edward Frere*, *John Grimshaw*, *Robert Hyde Greg*, *Daniel Grant*, *William Gibson*, *Joseph Gibbons*, *Sir Henry Bold Hoghton*, *Peter Richard Hoare*, *George Matthew Hoare*, *Henry James Hoare*, *Matthew Edward Hoare*, *Charles Hugh Hoare*, *Thomas Houldsworth*, *Reverend William Hutchinson*, *David Harrison*, *Abel Harrison*, *Joseph Howarth*, *John Kennedy*, *Samuel Kay*, *James Kershaw*, *James Lees*, *John Leach*, *Edmund Leigh*, *Silas Leigh*, *Henry Leader*, *Henry Lees*, *Sir Oswald Mosley*, *James Meadows*, *Matthew Newton*, *John Ousey*, *William Parkinson*, *Thomas Porter*, *Reverend John Piccope*, *Robert Townley Parker*, *Thomas Townley Parker*, *George Peel*, *Joseph Peel*, *John Preston*, *Robert Pritchard*, *Charles Ryder*, *John Ryder*, *John Withinshaw Ridgway*, *Joshua Ronchetti*, *Reverend James Spencer*, *John Swindells*, *James Schofield*, *Edward Timson*, *Thomas Taylor*, *James Taylor*, *Joshua Todd*, *Stephen Taylor*, *Thomas Walmsley*, *Abel Buckley Wimpenny*, *John Wood*, *George Wyatt*, *Thomas Webster*, and their Successors, being respectively duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for executing this Act.

## Election of additional Trustees.

XI. That the Trustees may at any Meeting under this Act elect any Number of Persons, duly qualified to act as Trustees of this Act, not exceeding Three, in addition to the Trustees by this Act appointed, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been thereby appointed.

## First Meeting of Trustees.

XII. That the Trustees shall hold their First Meeting at the *Clarence Hotel* in *Manchester*, or at some other convenient Place in the Neighbourhood of the Road, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time, and at such Place in the Neighbourhood of the Road, as they shall think proper.

## Committees.

XIII. That the Trustees may from Time to Time appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall at any General or Special Meeting of the Trustees be determined on by them;

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them; and such Committees may proceed and act according to such Appointment, but shall always be accountable according to such Instructions and Regulations.

XIV. That the Toll Gates and Weighing Machines being at the Commencement of this Act on, across, in, and at the Sides of the Road shall be continued until removed by the Trustees, and the Trustees may from Time to Time set up, on, across, in, and at the Sides of the Road, such Toll Gates and Weighing Machines, and remove the present and future Toll Gates and Weighing Machines: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the Road or on the Sides thereof unless the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Act of 9th *George* the Fourth, Chapter Seventy-seven.

As to Toll  
Gates and  
Weighing  
Machines.

XV. That the Trustees, or any Person continued or appointed Collector of the Tolls by this Act granted, may, at the several Toll Gates for the Time being continued or set up by virtue of this Act, demand and take, once in every Day, computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, the following Tolls; that is to say,

Power to  
take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, and not used only for the Conveyance of Milk, any Sum not exceeding Sixpence;

And if used only for the Conveyance of Milk, any Sum not exceeding Threepence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, and not used only for the Conveyance of Milk, any Sum not exceeding Sixpence;

And if used only for the Conveyance of Milk, any Sum not exceeding Threepence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels whereof shall be of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Sole thereof, and not used only for the Conveyance of Milk, any Sum not exceeding Five-pence;

And if used only for the Conveyance of Milk, any Sum not exceeding Twopence Halfpenny:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels

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whereof

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whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, any Sum not exceeding Fourpence ;  
For every Dog drawing any kind of Vehicle, the full Sum of One Penny ;

For every Horse, Mule, or Ass, (not drawing,) laden or unladen, any Sum not exceeding One Penny ;

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Tenpence *per* Score, and so in proportion for any less Number ; and

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding Fivepence *per* Score, and so in proportion for any less Number :

Which respective Tolls shall be so demanded and taken before any such Animal shall be entitled or permitted to pass through any such Toll Gate.

As to the Fraction of a Halfpenny in Tolls.

XVI. That in every Case in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act granted One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be taken once a Day in certain Cases.

XVII. That, except as by this Act otherwise provided, upon Payment of the Toll by this Act granted for the passing of any Animal through any Toll Gate such Animal shall, when drawing the same Carriage or not drawing, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted at all Times during that Day to pass Toll-free through the same Toll Gate, and also on Payment of Half the Toll, or, as the Case may be, Toll-free through every other Toll Gate.

Only One and a Half Toll to be taken in One Day in certain Cases.

XVIII. That, except as by this Act otherwise provided, more than One full Toll and also One Half of such full Toll shall not be taken in respect of the same Animal passing any Number of Times in any One Day through all or any of the Toll Gates.

Stage Coaches to pay every Time of passing.

XIX. That the Tolls by this Act granted in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward shall be paid for every Time of passing along the Road.

Postchaises to pay on every new Hiring.

XX. That the Tolls by this Act made payable in respect of Horses or Beasts let out to Hire, and drawing any Postchaise or other like Carriage, shall be paid for every Time of passing along the Road under any new Hiring thereof.

Tolls vested in Trustees.

XXI. That the Tolls by this Act granted are hereby vested in the Trustees, and shall be applied for the Purposes of this Act.

XXII. That

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XXII. That all Monies which before the Commencement of this Act shall have been raised and produced by virtue of the first-recited Act, and shall be remaining unappropriated or undisposed of, and all Monies which shall be received by the Trustees in respect of the Tolls by this Act granted or otherwise, shall be applied as follows; (that is to say,)

Application  
of Monies.

First, in paying, without Prejudice to the Second Payment, the Expenses of obtaining and passing this Act and incident thereto:

Secondly, in paying the Expenses, not exceeding Thirty-five Pounds a Year, of continuing, setting up, removing, altering, and repairing Toll Gates, and of the Management of the Road:

Thirdly, for Four Years next after the above-mentioned Expenses are paid, in paying the Expenses of improving, maintaining, and repairing the Road:

Fourthly, after such Four Years, in paying or contributing towards the Expenses of maintaining, repairing, and improving the Road to an Extent not exceeding Two hundred Pounds a Year:

Fifthly, in paying Interest after the yearly Rate of Ten Shillings on the Hundred Pounds from the Termination of the said Term of Four Years on the Bond Debt:

Sixthly, in paying off, as by this Act provided, the Bond Debt.

XXIII. That whenever the Sum applicable towards the Discharge of the Bond Debt shall amount to Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a Part of the Bond Debt to some Person entitled thereto, and shall, Twenty-eight Days at least before such Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, by Letter transmitted through the General Post to every Creditor, addressed to his usual Place of Residence; and at such Meeting the Trustees shall apply such Sum or (as the Case may require) a Portion thereof in or towards the Discharge of a Part of the Bond Debt 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 his Portion of the Bond Debt, and after Payment to such Creditor shall apply the Surplus (if any) of such Sum, or (as the Case may require) a Portion thereof, in or towards the Discharge of a further Part of the Bond Debt to the Creditor who shall by like Proposal have offered to accept the next lowest Composition in respect of his Portion of the Bond Debt, and so on until such Sum be exhausted; and whenever Two or more Creditors shall by such Proposals have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between such Creditors, or may pay such Composition rateably between such Creditors, as the Trustees think fit; and if there be not any such Proposal, or if there be any Surplus of such Sum after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the

Mode of  
discharging  
Bond Debt.

Trustees

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Trustees may, as they think fit, apply such Sum or (as the Case may be) the Surplus thereof rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot.

Mortgagees not to take possession of Toll Gates so long as Interest is paid.

XXIV. That whenever and so long as Interest to the 31st *December* then last is within One Month thereafter paid to a Creditor on his Portion of the Bond Debt, he shall not take possession of any Toll Gate; and when a Creditor who has taken such Possession is fully paid all Interest due to the 31st Day of *December* then last on his Portion of the Bond Debt, with all Costs to which he is entitled, he shall within Twenty-one Days thereafter render an Account, with proper Vouchers, to the Clerk to the Trustees, and pay over any Balance to their Treasurer, and deliver Possession of the Toll Gates to the Trustees, or some Person appointed by them to receive such Possession; anything in any Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

Trustees not to borrow any more Money on Mortgage.

XXV. That the Trustees shall not borrow any further Sum on Mortgage, anything in any Act relating to Turnpike Roads in *England* to the contrary notwithstanding.

Trustees not to repair Streets in Manchester.

XXVI. That the Trustees shall not repair any Part of the public Streets in *Manchester* which are now or at any Time hereafter shall be pitched and paved by the Surveyors of the Highways in *Manchester*, or which shall be under the Control of any Commissioners or other Body having under any other Act the Management thereof.

Road not exempt from Provisions of any future General Act.

XXVII. That this Act or anything therein contained shall not exempt the Road from the Provisions of any General Act for the Consolidation or improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXVIII. That this Act shall commence on the Third *Monday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years.

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