



ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xcix.

An Act for repairing and improving the Roads from *Prestwich to Bury and Ratcliffe* in the County Palatine of *Lancaster*. [23d June 1832.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads from Prestwich to Bury and Ratcliffe in the County Palatine of Lancaster*: And whereas the Trustees acting under and by virtue of the said Act have proceeded in the Execution thereof, and in so doing have found that the Powers and Provisions of the said Act are in some respects defective, and insufficient for the Purposes intended: And whereas the Sums of Money due and owing upon the Credit of the Tolls by the said Act granted cannot be repaid, nor can the Roads in the said Act comprised be effectually kept in repair, improved, and made commodious to the Public, unless the Powers and Provisions of the said Act be amended and enlarged, and the Tolls increased or altered: And whereas for the Purposes aforesaid it is expedient that the said Act should be repealed, and that other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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,

10 G. 4. c. 30.

[Local.]

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That

Recited Act
repealed;

That upon the Twenty-fifth Day of *July* One thousand eight hundred and thirty-two the said Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

and this Act
to be put in
execution
instead
thereof.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, maintaining, repairing, widening, altering, diverting, and from Time to Time improving and keeping in repair the Road leading from a certain Place where formerly stood a certain House called *Highfield House*, situate in *Rooden Lane* within the Township of *Prestwich*, by a certain Place called *Besses-o'-th-Barn*, in the Township of *Pilkington*, and by the Village of *Whitefield*, to a certain Dwelling House at the Commencement of the Town of *Bury* now in the Occupation of *John Hutchinson* Esquire, and from a certain Dwelling House situate at *Besses-o'-th-Barn* aforesaid, and now or late in the Occupation of *James Clegg*, by *Ditch Ash* in the Township of *Pilkington* aforesaid, to the Extremity of the said Road near *Ratcliffe Bridge*.

Appointment
of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with the Right Honourable *Edward Smith Stanley* commonly called Lord *Stanley*, the Right Honourable *Richard Grosvenor* commonly called Lord *Belgrave*, the Right Honourable *Edward Geoffrey Stanley*, *Geoffrey Hornby* Clerk, *James Lyon* Clerk, *Thomas Foxley* Clerk, *William Hutchinson* Clerk, *Thomas Corser* Clerk, *Samuel Ashton*, *Richard Ashton*, *John Anderton*, *John Bowker*, *Francis Burton*, *Thomas Bridge*, *John Brown*, *William Calrow*, *Thomas Calrow*, *James Clegg*, *John Elliott*, *Joseph Fenton*, *John Fenton*, *James Fenton*, *Ellis Fletcher*, *William Goodlad*, *Joseph Goodlad*, *John Grant*, *Daniel Grant*, *John Grundy*, *John Grundy* the younger, *Edmund Grundy* of *Bury*, *Edmund Grundy* the younger, *Richard Hamer*, *Daniel Hamer*, *William Hardman*, *William Hardman* the younger, *James Harrison*, *John Harrison*, *Richard Greaves Hodgson*, *Francis Hodgson*, *Samuel Holker*, *Wilson Holker*, *Thomas Hutchinson*, *William Heap Hutchinson*, *John Hutchinson*, *Willam Hutchinson* the younger, *James Hutchinson*, *James Hutchinson* the younger, *Squire Horrox*, *Joseph Holt*, *John Ingham*, *Charles Kenyon*, *Richard Lomax*, *Charles Mills*, *John Moscrop*, *Thomas Norris* of *Redvales*, *Thomas Norris* of *Stanley Street*, *Allen Norris*, *Thomas Norris* the younger, *John Nuttall*, *James Openshaw*, *James Openshaw* the younger, *William Openshaw*, *Charles Openshaw*, *Thomas Openshaw* of *Pimhole*, *Thomas Oram*, *Robert Philips*, *Mark Philips*, *Nathaniel Philips*, *Thomas Smalley Potter*, *Thomas Parker*, *James Ramsbotham* of *Stand*, *William Richardson*, *John Sharp*, *Nicholas Starkie* of *Huntroyd*, *Robert Smethurst*, *Peregrine Edward Towneley*, *Richard Walker*, *Oliver Ormerod Walker*, *William Walker*, *John Walker*, *William Weston*, *Joseph Winter*, *James Watkins* the younger, *Thomas Walker*, *Samuel Woodcock*, *Samuel Woodcock* the younger, *Robert Wood*, *Abraham Wood*, *William Yates*, and *John Yates*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads

in *England*, shall be and they are hereby appointed Trustees for more effectually repairing and improving the said Roads, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their Second Meeting to be holden in pursuance of this Act, to elect, nominate, 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 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.

Power to appoint additional Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House of *Elizabeth Wilding*, the *Eagle and Child* Inn, in the Town of *Bury* aforesaid, or at some other convenient Place in the said Town, on the said Twenty-fifth Day of *July* One thousand eight hundred and thirty-two, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time or Times, and at such Place or Places within the said Town or elsewhere in the Neighbourhood of the said Roads, as they shall think proper: Provided always, that when no other Place shall be specially appointed at which to hold any of the said Meetings the same shall be held at some convenient Place within the Townships of *Bury* and *Pilkington* alternately.

First and subsequent Meetings of the Trustees.

VI. And be it further enacted, That the respective Tolls following shall be demanded and taken by the said Trustees, or by such Person or Persons as they shall from Time to Time appoint for that Purpose, at the several Turnpikes herein-after mentioned, before any Horse, Beast, or other Cattle, or any Carriage whatsoever, shall pass through the same, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say, at any Turnpike or Turnpikes now erected or which hereafter may be erected upon, across, or by the Side of that Part or Portion of the said Roads comprised in this Act which lies and is situated between the said Place where formerly stood *Highfield House* aforesaid and *Ditch Ash* aforesaid in one Direction, or between the said Place where formerly stood *Highfield House* aforesaid and the Village of *Whitefield* aforesaid in another Direction, the Tolls herein-after mentioned; (that is to say,)

Power to take Tolls.

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

Tolls.

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

For every Horse or other Beast, drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches

as

as aforesaid, and upwards, and under Nine Inches, the Sum of Five-pence :

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

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

For every Horse or other Beast, drawing any Cart or other such Two-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid, the Sum of Four-pence :

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

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

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

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

For every Carriage propelled by Steam or Machinery without Horses or Beasts, for each Wheel on which the same shall run, the Sum of Three-pence :

And at any Turnpike or Turnpikes now erected or which hereafter may be erected upon, across, or by the Side of that other Part or Portion of the said Roads comprised in this Act which lies and is situated between the Village of *Whitefield* aforesaid and the Town of *Bury* aforesaid, or between *Ditch Ash* aforesaid and *Ratcliffe Bridge* aforesaid, the Tolls herein-after mentioned ; (that is to say,)

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Hearse, or other such like Carriage, the Sum of One Penny Halfpenny :

For every Horse or other Beast, drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, the Sum of Two-pence :

For every Horse or other Beast, drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid, the Sum of Two-pence Halfpenny :

For every Horse or other Beast, drawing any Waggon or other such Four-wheeled Carriage with Wheels of less Breadth than Six Inches as aforesaid, the Sum of Four-pence Halfpenny :

For every Horse or other Beast, drawing any Cart or other such Two-wheeled Carriage with Wheels of the Breadth of Nine Inches as aforesaid, the Sum of One Penny Halfpenny :

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

For every Horse or other Beast, drawing any Cart or other such Two-wheeled Carriage with Wheels of less Breadth than Six Inches as aforesaid, the Sum of Two-pence Halfpenny :

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

For

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

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

For every Carriage propelled by Steam or Machinery, without Horses or Beasts, for each Wheel on which the same shall run, the Sum of Three-pence :

Which said several and respective Tolls shall be and the same are hereby vested in the said Trustees for executing this Act.

VII. Provided always, and be it further enacted, That in case the respective Tolls hereby authorized to be taken shall at any Time or Times in any One Day (to be computed as aforesaid) have been paid for the passing of any Horse, Beast, or Cattle through any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, such Horse, Beast, or Cattle shall (except in the Cases herein-after mentioned), upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to repass once Toll-free through the same Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, at which such Payment or Payments respectively shall have been made, at any Time or Times during the same Day (to be computed as aforesaid).

No Toll to paid for be repassing.

VIII. Provided also, and be it further enacted, That in case the respective Tolls hereby authorized to be taken shall have been paid Three Times in any One Day (to be computed as aforesaid) for the passing of any Horse or other Beast, drawing or not drawing, through any One of such Toll Gates, Turnpikes, Side Gates, or Chains, such Horse or other Beast shall (except in the Cases herein-after mentioned) upon Tickets denoting such Payments being produced, be permitted to pass Toll-free through the same Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, at which such Three Payments shall have been made, at all Times during the same Day (to be computed as aforesaid); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be payable only Three Times a Day at One Gate.

IX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, Lessee or Lessees, to demand or take the respective Sums or Tolls aforesaid at any greater Number of Gates than Three for or in respect of the same Horses, Beasts, or Cattle passing and repassing once through all the Turnpikes or Toll Gates now erected or which hereafter may be erected upon, across, or by the Side of that Part or Portion of the said Roads comprised in this Act which lies and is situated between the said Place where formerly stood *Highfield House* aforesaid and the Town of *Bury* aforesaid in one Direction, nor at any greater Number of Gates than Two for or in respect of the same Horses, Beasts, or Cattle passing and repassing once through all the Turnpikes or Toll Gates now erected or which hereafter may be erected upon, across, or by the Side of that other Part or Portion of the said Roads comprised in this Act which

Limiting the Number of Tolls on the whole Line of Road.

[Local.]

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lies

lies and is situated between the said Dwelling House at *Besses-o'-th' Barn* aforesaid, now or late in the Occupation of the said *James Clegg* and *Ratcliffe Bridge* aforesaid, in another Direction, in any One Day (to be computed as aforesaid).

Stage
Coaches, &c.
to pay every
Time of pass-
ing;

X. 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, Stage Waggon, or any Cart or Carriage whatever conveying Passengers or Goods for Hire or Reward, shall be payable and paid for each Time of passing or repassing through the said Turnpikes, Toll Gates, or Side Gates on the said Roads: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises
on every fresh
Hiring.

XI. 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, and drawing any Post Chaise or other Carriage, shall be payable and paid for each Time of passing or repassing along the said Roads whenever any fresh Hiring thereof shall take place.

One-horse
Carts to be
weighed.

XII. And whereas great Injury hath frequently been occasioned to the said Roads 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 and other Carriages drawn by One Horse only, or other Beast, 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 drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Thirty-five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Thirty Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), 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 pay by Law.

Application
of the Tolls
and other
Monies.

XIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said Act hereby repealed, 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

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, 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, (after Payment of the necessary current Expences for Advertisements, Books, Salaries of Officers, Law Charges, and other incidental Expences,) in paying and discharging the floating Debt already incurred in repairing and improving the said Roads, with Interest; thirdly, 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 and Duties heretofore payable on the same Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become due and payable thereon; fourthly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads hereinbefore described, and of erecting and providing, altering and repairing Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, 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 Act hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed and 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 Roads.

XIV. And be it further enacted, That in all Places throughout the said Roads hereby authorized to be repaired, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Buildings, from the said Roads or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor to the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be); and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier (as the Case may

Entrances to
Fields, &c.
to be made
with hard
Materials.

may be); and in case of Nonpayment of such Expences within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace of the said County Palatine of *Lancaster*, and wnicn Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them, on Oath, of such Expence having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Public Act.

XV. 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.

Commence-
ment and
Continuance
of this Act.

XVI. And be it further enacted, That this Act shall commence and take effect on the said Twenty-fifth Day of *July* One thousand eight hundred and thirty-two, and shall from thenceforth continue and be in force and be executed 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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