



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xxii.

An Act for more effectually repairing and improving the Road from *Bolton* to *Kearsley* called the *Moses Gate* District of Road, and a Branch thereof from *Stone Clough* to *Pilkington*, all in the County of *Lancaster*. [20th April 1833.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act for repealing an Act of His late Majesty's Reign, for improving the Road from Manchester to Bolton, and other Places therein mentioned, in the County of Lancaster, so far as relates to the Moses Gate District of Road therein mentioned, and for granting further and more effectual Powers instead thereof, and for repairing and improving the said District of Roads, and making a new Branch of Road to communicate with the said District of Road*: And whereas the Trustees acting under and by virtue of the said recited Act have proceeded in the Execution of the same, and have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted and authorized to be taken, which still remain due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said District of Road and Branch of Road be effectually amended, improved, and kept in repair unless the Term granted by the said recited Act be further continued; and it would be more convenient to the said Trustees and beneficial to the said Roads if the said recited Act was repealed, and if further and more effectual Powers and Provisions were

[Local.] 4 H granted

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Recited Act
repealed ;

granted in lieu thereof ; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : 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 upon the First Day of *July* next after the passing of this Act the said recited Act of the First and Second Years of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

and this Act
be put in
force for the
Purposes
herein men-
tioned.

II. And be it further enacted, That this Act shall thereupon commence and take effect and be put into execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, improving, maintaining, and keeping in repair the Road from the South End of *Burnden Bridge* in *Great Lever* to a Place called the *Four Stumps* in the Township of *Kearsley*, called the *Moses Gate* District of Road, and also the Road from or near a Place called *Stone Clough* in the said Township of *Kearsley* to the Turnpike Road between *Radcliffe Bridge* and *Manchester* at *Stand* in the Township of *Pilkington*, called the *Stone Clough* Branch Road, all in the said County of *Lancaster*.

Streets in
Towns not to
be repaired.

III. And be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in paving, cleansing, or repairing any Street within any Town through which the said Roads may pass, any thing herein contained to contrary notwithstanding.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Lancaster*, together with *John Ashworth*, *Richard Ainsworth*, *Peter Ainsworth*, *Fletcher Barton Allen*, *William Atkin*, *William Rigby Bradshaw*, *James Bradshaw*, *Egerton Arden Bagot* Clerk, *Thomas Blackburn* Clerk, *John Baron*, *Edward Bolling*, *William Bolling*, *Robert Barlow*, *Ralph Boardman*, *William Balshaw*, *James Rothwell Barnes*, *William Barton*, *John Barrow*, *George Barnes*, *Richard Badger*, *Joseph Badger*, *John Bolling*, *Thomas Baron* the younger, *Stephen Blair*, *John Crompton*, *Thomas Bonsor Crompton*, *James Cross*, *William Crompton*, *James Cocker*, *James Crompton*, *James Crompton* of *Ringley*, *Roger Crompton*, *George Cottingham*, *Thomas Cross* of *Mortfield*, *John Cross*, *Elias Chadwick*, *Thomas Cross* of *Farnworth*, *Richard Cross*, *Peter Dorning*, *Benjamin Dobson*, *Peter Ditchfield*, *Ellis Fletcher*, *James Fletcher*, *John Fletcher*, *William Gray*, *John Gardner*, *Thomas Grundy*, *Samuel Grundy*, *Samuel Gaskell*, *John Hargreaves*, *Thomas Howell*, *Thomas Hardcastle*, *Thomas Hardcastle* the younger, *Pitt Hewitt*, *Benjamin Hick*, *Thomas Gardner Horridge*, *James Hardcastle*, *Jonathan Hitchen*, *Robert Heywood*, *John Heelis*, *Stephen Heelis*, *John Johnson* of *Bolton*, *Edward Jackson*, *Andrew Kellie*, *Andrew Knowles*, *James Kaye*, *Robert Lansdale*, *John Livesey*, *Robert Lord*, *Joseph Lord*, *George Lomas*, *John Mawdsley*, *John Moore*, *Peter Ormrod*, *James Ormrod*, *Robert Philips*, *Nathaniel Philips*, *George Piggot*, *Benjamin Rawson*, *Benjamin Rawson* the younger, *Peter Rothwell*, *Thomas Rushton*, *Thomas Lever Rushton*, *James Ramsbottom*, *John Rainforth*, *Robert Smith*, *Igdaliah Seddon*, *James Scowcroft*, *James Slade* Clerk, *John Smith* of *Lever Hall*, *James Sothern*, *Samuel Seddon*, *Ralph Seddon*, *John Smith* the younger, of *Lever Hall*, *John Scowcroft*, *Thomas Scowcroft*, *Samuel Scowcroft*, *James Taylor*, *James Sudell*

Sudell Troutbeck, Samuel Taylor, William Garnett Taylor, John Walton, James Watkins, William Weston, Joseph Winter, John Woods, John Ashworth the younger, Edmund Ashworth, Henry Ashworth, Thomas Ashworth, John Johnson the younger, Robert Johnson, Richard Daly, Arthur Sharples, Thomas Brodbelt, Richard Johnson, Thomas Ridgway, Joseph Pope, Giles Ashworth, John Horrocks Ainsworth, Joseph Thwaites, John Hargreaves the younger, Thomas Taylor the elder, William Taylor, Samuel Taylor, Robert Vicars, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act into execution.

V. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be held for that Purpose, 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, 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 shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed.

Power to
appoint
additional
Trustees.

VI. And be it further enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *Bridgewater Arms* in *Great Lever* in the County of *Lancaster*, or at some other convenient House or Place, on the First Day of *July* next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times, and at such Place and Places in the Neighbourhood of the said Roads, as they shall think proper.

First Meet-
ing of Trus-
tees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer, or appointed or con-
tinued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take the several Tolls following; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Sociable, Curricule, Gig, Hearse, or other such like Carriage, (except Stage Coaches, Vans, Caravans, and other Carriages for conveying Passengers or Goods for Pay, Hire, or Reward, next herein-after mentioned,) the Sum of Three-pence:

Tolls.

For One or Two Horses or other Beasts drawing any Stage Coach, Van, Caravan, or other Carriage conveying Passengers or Goods for Pay, Hire, or Reward, the Sum of Four-pence for each such Horse or Beast; and for every such Horse or Beast above Two, the Sum of Two-pence:

For every Horse or other Beast drawing any Waggon, Wain, Tumbril, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards on the Soles thereof, and having the Tires of the Wheels so constructed as not to deviate more than One Quarter of an Inch from a flat or level Surface, the Sum of
Three-

Three-pence ; and if such Tires shall deviate more than One Quarter of an Inch from a Flat or level Surface, the Sum of Four-pence :

For every Horse or other Beast drawing any Waggon, Wain, Tumbril, Cart, or other such Carriage, having the Fellies of the Wheels of a less Breadth than Six Inches and not of a less Breadth than Four and a Half Inches on the Soles thereof, and having the Tires of the Wheels so constructed as not to deviate more than One Quarter of an Inch from a flat or level Surface, the Sum of Three-pence Halfpenny ; and if such Tires shall deviate more than One Quarter of an Inch from a flat or level Surface, the Sum of Four-pence Halfpenny :

For every Horse or other Beast drawing any Waggon, Wain, Tumbril, Cart, or other such Carriage, having the Fellies of the Wheels of a less Breadth than Four Inches and a Half on the Soles thereof, the Sum of Four-pence Halfpenny :

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

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

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

For every Four-wheeled Carriage not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of One Shilling and Sixpence :

For every Two or Three-wheeled Carriage not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of Nine-pence.

Fractional
Part of a
Halfpenny
in Tolls.

VIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation of the Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken instead of such fractional Part.

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

IX. And be it further enacted, That no more than Two full Tolls (except as herein-after mentioned and provided to the contrary) shall be demanded or taken in any One Day for or in respect of the same Horses, Beasts, Cattle, or Carriages for passing through all or any of the Toll Gates continued or to be erected by virtue of this Act upon, across, or on the Sides of the said Road called the *Moses Gate* District of Road ; that is to say, not more than One full Toll on that Part of the said Road which lies between the Town of *Bolton* and a Place called *Dial-post Brook* in the Township of *Farnworth*, nor more than One full Toll on that other Part of the said Road which lies between *Dial-post Brook* aforesaid and the *Four Stumps* in the Township of *Kearsley* aforesaid ; and no more than Two full Tolls (except as herein-after mentioned and provided to the contrary) shall be demanded or taken in any One Day for or in respect of the same Horses, Beasts, Cattle, or Carriages for passing through all or any of the Toll Gates continued or to be erected upon, across, or on the Sides of the said Road called the *Stone Clough* Branch Road ; that is to say, not more than One full Toll on that Part of the said Road which lies between *Stone Clough* aforesaid and *Ringley Bridge* in the Township of *Pilkington* aforesaid, nor more than One full Toll on that other Part of the said Road which lies between *Ringley Bridge* aforesaid and *Stand* in the Township of *Pilkington* aforesaid.

X. And

X. And be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any of the Toll Gates continued or to be erected by virtue of this Act, the same Horse, Cattle, Beast, or Carriage shall at any Time or Times, and from Time to Time during the Remainder of the same Day (upon a Ticket denoting such Payment on that Day being produced) be permitted to pass and repass Toll-free through every other Toll Gate which shall be continued and erected by virtue of this Act within the Distance of One Mile from the Toll Gate at which such Toll shall have been so first paid as aforesaid.

Toll being paid at One Gate to free others within the Distance of One Mile thereof.

XI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any of the Toll Gates continued or to be erected by virtue of this Act, the same Horse, Cattle, Beast, or Carriage shall, at any Time or Times and from Time to Time during the Remainder of the same Day (upon a Ticket denoting such Payment on that Day being produced), be permitted to pass and repass Toll-free through the same Toll Gate, and also through such other Gate or Gates (if any) as the said Ticket shall free, except in the Cases of Horses or Beasts drawing any Waggon, Wain, Tumbril, Cart, Van, Caravan, or other such Carriage, or of Carriages propelled or moved by Machinery, laden, both on passing and repassing, with any Loading of the Weight of Five hundred Pounds Weight or upwards, of One hundred and twelve Pounds to the Hundred Weight, in all which excepted Cases the Toll for the Horse or Horses, Beast or Beasts, drawing any Waggon, Wain, Tumbril, Cart, Van, Caravan, or other such Carriage, and for the Carriage propelled or moved by Machinery, so laden as last aforesaid, shall be payable and paid each and every Time any such Waggon, Wain, Tumbril, Cart, Van, Caravan, or other such Carriage, or any such Carriage propelled or moved by Machinery, so laden as aforesaid, shall pass or repass through any of the said Toll Gates, and also except as herein-after is mentioned and provided.

Tolls to be paid but once a Day at the same Gate, except for Carriages laden with 500 Pounds Weight.

XII. And be it further enacted, That the Tolls hereby made payable for or in respect of any Horses or Beasts drawing any Stage Coach, Van, Caravan, or other Carriage conveying Passengers for Pay, Hire, or Reward, or for or in respect of any Stage Coach, Van, Caravan, or other Carriage propelled or moved by Machinery, used for the same Purpose, shall be payable and paid every Time of passing or repassing through all or any of the Toll Gates continued or to be erected by virtue of this Act: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Horse or Beast drawing any Stage Coach, Van, Caravan, or other such Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Tolls in respect of Horses drawing Stage Coaches, &c. to be paid for each Time of passing.

XIII. And be it further enacted, That the Tolls hereby made payable for or in respect of any Horses or Beasts let out to Hire, or any Horses or Beasts drawing any Post Chaise or other Carriage let out to Hire, or any Carriage propelled or moved by Machinery let out to Hire, shall be payable and paid every Time of passing or repassing through all or any

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Tolls to be paid for Horses, &c. drawing Post Chaises, on every new Hiring.

of the Toll Gates continued or to be erected by virtue of this Act; whenever a fresh Hiring thereof shall take place.

One-horse
Carts may be
weighed.

XIV. And whereas it frequently happens that Carts drawn by One Horse passing along the said Roads 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 Roads drawn by One Horse only shall and may be weighed at any weighing Machine now erected or to be erected on the said Roads, 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 Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Application
of Monies on
the Moses
Gate Dis-
trict.

XV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall remain undisposed of at the Commencement of this Act, and also all the Tolls and other Monies to be collected, borrowed, or received by virtue of this Act, shall be applied and disposed of in manner following; that is to say, in the first place, in Payment of all the Expences of procuring and passing this Act, and all incidental Expences relating thereto; afterwards in paying the Principal Money and Interest already borrowed on the Bonds of any of the said Trustees, and remaining due and owing on the Credit of the Tolls granted by the said recited Act hereby repealed, and in defraying the Costs of continuing, erecting, and providing Turnpikes, Toll Houses, and other Buildings, and making, repairing, and altering the said Roads called the *Moses Gate* District of Road and the *Stone Clough* Branch Road; and in the next place in paying all other Principal Money and Interest due and owing on the Credit of the Tolls granted by the said recited Act, or to be borrowed for the Purposes of this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, and carrying the Purposes of this Act into execution.

No more
Money to be
expended in
Repair of
Roads than
is collected
thereon.

XVI. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed on the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of either of the said Roads directed to be amended, repaired, or improved by virtue of this Act, if there be no Toll Gate continued or erected thereupon respectively, and Tolls taken thereat; nor shall any greater Sum of Money be expended in the Repair of either of such Roads than shall be collected at the Tolls Gates continued or to be erected thereupon, or borrowed on the Credit of the Tolls thereof, or received as a Composition for Statute Duty thereon respectively.

Public Act.

XVII. 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.

XVIII. And

XVIII. And be it further enacted, That this Act shall commence and Term of Act take effect upon the said First Day of *July* next after the passing hereof, and shall thenceforth 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.

