



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lix.

An Act for more effectually repairing the Road from the Canal Bridge in *Hurdsfield* in the County of *Chester* to the Turnpike Road at *Randle Carr Lane Head* in *Fernilee* in the County of *Derby*, leading to *Chapel-in-the-Frith* in the same County. [17th May 1833.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, widening, and altering the Road from Macclesfield in the County of Chester to the Turnpike Road at Randle Carr Lane Head in Fernilee in the County of Derby, leading to Chapel-in-the-Frith*: And whereas another Act was passed in the Thirtieth Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Term and Powers of an Act passed in the Tenth Year of the Reign of His present Majesty, for repairing, widening, and altering the Road from Macclesfield in the County of Chester to the Turnpike Road at Randle Carr Lane Head in Fernilee in the County of Derby, leading to Chapel-in-the-Frith*: And whereas another Act was passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act to continue and amend Two Acts passed in the Tenth and Thirtieth Years of His present Majesty, for repairing the Road from Macclesfield in the County of Chester to the Turnpike Road at Randle Carr Lane Head in Fernilee in the County of Derby, leading to Chapel-in-the-Frith*: And whereas the Trustees appointed by the said several Acts have proceeded in the Execution thereof,

[Local.] 15 D and

10 G. 3. c. 98.
30 G. 3. c. 88.
52 G. 3. c. 29.

Recited Acts
repealed,
and this Act
to take
effect.

Names of
Trustees.

and have borrowed considerable Sums of Money upon the Credit of the Tolls thereby granted, which Sums of Money have been applied to the Purposes of the said several Acts, and still remain due and owing, and the same cannot be paid off and discharged, neither can the Road be properly amended, improved, and kept in repair, unless the Term and Powers of the said several Acts are continued, enlarged, and altered; and it is necessary that the Tolls granted by the said several Acts should be repealed, and others granted in lieu thereof: And whereas the Powers and Provisions of the said recited Acts have been found in some respects defective and insufficient for the Purposes intended; and it is expedient that the said recited Acts should be repealed, and further and more effectual Powers and Provisions granted instead thereof, for making, amending, widening, turning, altering, and keeping in repair the Roads herein-after mentioned: 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 from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-three the said several recited Acts passed in the Tenth, Thirtieth, and Fifty-second Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby repealed, and instead thereof this Act shall then commence and take effect, and be put in execution for and during the Term herein-after mentioned.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting in and for the County of *Chester*, together with the Honourable *James Thomas Stopford* commonly called Lord *Stopford*, the Honourable *George Bingham* commonly called Lord *Bingham*, the Honourable *Edward Geoffrey Stanley*, the Honourable *Thomas Americus Erskine*, Sir *John Thomas Stanley* Baronet, Sir *Edward Hardinge Stracey* Baronet, *Gibbs Crawford Antrobus*, *Matthew Arnold*, *George Ainsworth*, *Thomas Ainsworth*, *Francis Ainsworth*, *Thomas Allen*, *Thomas Allen* the younger, *John Brocklehurst*, *William Brocklehurst*, *John Brocklehurst* the younger, *Thomas Brocklehurst*, *William Coare Brocklehurst*, *Henry Brocklehurst*, *Peter Brocklehurst*, *Philip Lancaster Brocklehurst*, *Thomas Unett Brocklehurst*, *George Brocklehurst*, *Charles Brocklehurst*, *Walker Brocklehurst*, *Robert Bagshaw*, *Thomas Boden*, *Joseph Hudson Beswick*, *Thomas Brooke*, *John Rowlls Browne* Clerk, *Peter Browne*, *George Osborne Browne*, *Francis Brandt* Clerk, *William Barnett*, *Joseph Brindley*, *Thomas Bindloss*, *George Brocklehurst* of *Kettleshulme*, *James Brooke*, *Daniel Brinsley*, *Thomas Broderick*, *Thomas Birchinall*, *Thomas Critchley*, *Henry Critchley*, *William Cruttenden* Clerk, *William Clayton*, *David Shaw Clayton*, *James Cockson*, *John Chapman*, *Davies Davenport*, *John Smith Daintry*, *John Darcey* Clerk, *Ralph Deane*, *John Daintry*, *Michael Daintry*, *Thomas Ryle Daintry*, *William Binley Dickenson*, *Willoughby Dickenson*, *Edward Fowden*, *John Fleet*, *John Baskervyle Glegg*, *John Baskervyle Glegg* the younger, *John Upton Gaskell*, *Rowland Gould*, *Thomas Grimsditch*, *William Green*, *Matthew Gaskell*, *Laurence Gaskell*, *Thomas Hibbert*, *Philip Holland*, *John Holland*, *Philip Holland* the younger,

younger, *Loton Holland, Jasper Hulley, Jasper Hully the younger, Edward Hall, William Hopes, Joseph Holland, John Hibel, Robert Higginbotham, Moses Higginbotham, John William Jodrell, James Johnson, Ferdinand Jackson, Thomas Legh (Lyme Park), Charles Richard Banaster Legh (Adlington), Richard Lomas, John Livesley the younger, Frederick Francis Lallemand, Thomas Lean, James Lowe, Thomas Mayson, John Mellor, John Mellor the younger, Thomas Norbury, James Nixon, Thomas Oliver, John James Osborne, Samuel Pearson, James Pearson, Richard Pearce, Thomas Parrott, James White Powell, Daniel Powell, John Ryle, John Ryle the younger, John Robinson (Gawsworth), Christopher Shaw Roe, John Ready, Edward John Stanley, Edward Stanley Clerk, William Owen Stanley, Clement Swetenham, William Smyth, Edward Smyth, Philip Swanwick, Thomas Swanwick Doctor of Medicine, Thomas Taylor Swanwick, John Powell Swanwick, John Swanwick, Henry Swanwick, James Sanders Clerk, Thomas Stringer, James Swinnerton, Martin Swindells, William Turner, William Taylor, John Tunnicliff, John Thomasson, William Thomasson, Robert Turner, Charles Wood, Richard Wood, Thomas Ward, Daniel Ward, Gervas Ward, James Ward, Henry Wardle, Thomas Wardle, Thomas Itchenor Watts, Joseph Wilde, Thomas Morgan Williams, John Walker, Charles Wood the younger, Daniel Nixon Ward, Richard Wright, William Wright, John Whiston, William Willott, George Wright, Timothy Willock, and their Successors, being duly qualified according to the Laws for regulating Turnpike Roads in *England*, shall be and they and their Successors to be duly elected are hereby appointed Trustees for amending, widening, altering, and otherwise improving and keeping in repair the Road leading from a certain Bridge in *Hurdsfield* in the County of *Chester* called the *Canal Bridge*, in the Parish of *Prestbury* in the said County of *Chester*, through *Hurdsfield* aforesaid, *Rainow, Lyme Handley, Kettleshulme, and Taxal*, to the Turnpike Road leading from *Manchester* in the County of *Lancaster* to or towards *Buxton* in the County of *Derby*, at or near a certain Place called *Randle Carr Lane Head*, in *Fernilee* in the said County of *Derby*, and for carrying the several Acts for regulating Turnpike Roads in *England* and this Act into execution.*

III. And be it further enacted, That it shall and may be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Five in the whole to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, and having taken the Oaths as before mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein particularly named and appointed.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That the said Trustees, or any Three or more of them, shall hold their First Meeting at the *Macclesfield Arms Inn and Hotel* in *Macclesfield* aforesaid, or at some other more convenient Place near to the said Road, on the First Day of *January* One thousand eight hundred and thirty-four, between the Hours of
Eleven

First Meet-
ing of Trus-
tees.

Eleven in the Forenoon and Three in the Afternoon of the same Day, and shall then and there proceed to the Execution of this Act.

Power to
take Tolls.

V. 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 the said Trustees shall from Time to Time appoint for that Purpose, at each of the Gates or Turnpikes, Chains or Bars, erected or continued, or to be erected or continued by virtue of this Act, or any General Act or Acts now in force for regulating Turnpike Roads, upon or across or on the Side or Sides of the said Road, before any Horse, Beast, or Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through the same Turnpikes or Toll Gates, or any other or others to be erected or set up in lieu of or in addition thereto, or any of them; that is to say,

Tolls.

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

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Chaise, Landau, Phaeton, Curricule, Hearse, Gig, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast drawing any Waggon or such other Carriage upon Three or Four Wheels of the Breadth of Six Inches or upwards, the Sum of Five-pence ; of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Sixpence ; and of a less Breadth than Four Inches and a Half, the Sum of Eight-pence :

For every Horse or other Beast drawing any Van, Caravan, or other such Carriage, whether having Two Wheels or Four Wheels, and used for the Conveyance of Goods, and built either with or without Springs, the Sum of Sixpence :

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Nine Inches and not less than Six Inches at the Bottom or Soles thereof, the Sum of Four-pence ; of a less Breadth than Six Inches, the Sum of Sixpence :

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

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

For every Carriage propelled by Steam or Machinery, without Horses or Beasts, for each and every Wheel on which the same shall run, the Sum of Sixpence.

Fractional
Part of a
Halfpenny
in Toll.

VI. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Stage
Coaches, &c.
to pay every

VII. And be it further enacted, That for and in respect of all Horses and other Beasts of Draught drawing any Coach, Stage Waggon, Van,

Van, Caravan, Cart, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Tolls shall have been paid at any such Toll Gate, Turnpike, Side Gate, or Chain as aforesaid, and which shall return on the same Day, the respective Tolls herein-before mentioned and made payable shall be paid for every Time both of passing and repassing through every such Toll Gate, Turnpike, Side Gate, and Chain, in like Manner as if no Toll had been before paid thereat: Provided always, that no further or additional Toll shall be payable for or in respect only of the Horses drawing such Carriage having been changed.

Time of
passing.

VIII. And be it further enacted, That the respective Tolls herein-before mentioned and made payable shall be paid for and in respect of all Horses and other Beasts of Draught travelling for Hire, and drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road, or any Part thereof, as often as a fresh Hiring of such Horses or other Beasts shall take place.

Post Chaises
on every
fresh Hiring.

IX. And be it further enacted, That no more than One full Toll shall be demanded or taken for or in respect of the Passage of the same Horse, Beast, or Cattle through all the several Turnpikes or Toll Gates continued or erected or to be erected by virtue of this Act, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; but in case the Toll hereby authorized to be taken for the passing of any Horse, Cattle, or Beast through any One of the said Turnpikes or Toll Gates continued or erected or to be erected by virtue of this Act shall have been paid, such Horse, Cattle, or Beast shall, upon a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Turnpike or Toll Gate, and through such other Gate or Gates as the Ticket for such Payment may free, at any Time or Times during the same Day, to be computed as aforesaid; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

No more
than One
full Toll to
be paid on
the Road.

X. And whereas it frequently happens that Carts drawn by One Horse 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 Road drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be hereafter erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One-horse
Carts may
be weighed.

XI. And whereas it frequently happens that Timber and other Carriages are drawn upon the said Road laden with excessive Weights, which by reason of their Construction cannot be weighed at the Weighing Machines commonly used on Turnpike Roads, and

Carriages
which can-
not be
weighed to
pay double
the Tolls.

[*Local.*]

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the said Road receives considerable Damage thereby, for which the Tolls herein-before authorized are not a sufficient Compensation; be it therefore enacted, That in all Cases where Carriages are used upon the said Road constructed so that by the ordinary Weighing Machines erected thereon they cannot be accurately weighed, there shall be paid, in respect of every Horse or other Beast drawing such Carriage, Double the Amount of the Tolls herein-before authorized to be taken.

Steam En-
gines, &c.
not to be
erected
within 30
Yards of the
Road.

XII. And be it further enacted, That it shall not be lawful for any Person or Persons to erect or cause to be erected any Steam Engine, Gin, or other Machine for the Purpose of digging, making, or opening any Pit or Shaft for the working, getting, raising, draining, or converting any Mines or Minerals within the Distance of Thirty Yards from any Part of the said Road, nor shall it be lawful for any Person or Persons to make or cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Coke, within the like Distance from any Part of the said Road; and in case any Person or Persons shall offend in any of the Cases afore-said, every such Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day such Engine, Gin, Machine, or Fire shall be permitted to continue contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be levied, recovered, and applied.

Application
of Tolls, &c.

XIII. And be it further enacted, That all the Monies, Tolls, and other Effects which the said Trustees or any of them, or any Treasurer or other Person in their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts, or shall become possessed of or entitled to by virtue of this Act, or by any other Act or Acts now in force for regulating Turnpike Roads, shall be and the same are hereby vested in the said Trustees, and shall be by them applied, first, in paying the Expences of preparing, procuring, and passing this Act; secondly, (after Payment of all necessary Expences to be from Time to Time incurred in erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books and Stationery, Advertisements, Salaries of Officers, and other current Expences,) then in paying and discharging the Interest of all Monies now due 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 heretofore payable on the same Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls hereafter to become payable on the said Road; thirdly, in defraying the Expences of repairing, widening, diverting, improving, and amending the said Road, and otherwise defraying the Expences attending the Execution of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been heretofore borrowed for the Purposes of the said recited Acts in respect of the said Road, and also the several Principal

Sums

Sums of Money which may hereafter be borrowed by the Trustees for executing this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing on account of the said Road.

XIV. And whereas, by reason of a Part of the Road in the Township of *Hurdsfield* being no longer under the Care and Management of the said Trustees, a Toll House, Weighing Engine, and other Buildings now standing thereon will become useless and unnecessary; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby empowered to sell and dispose of the said Toll House, Weighing Machine and House, and other Buildings thereto attached and belonging, and also the Pieces or Parcels of Ground adjoining, either together or in Parcels, and either by public Sale or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract to purchase the same; and the Money to arise by the Sale or Sales of the same shall be applied to the Purposes of this Act; and the Purchaser or Purchasers having paid his, her, or their Purchase Money, shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances thereof shall be made to the Purchaser or Purchasers thereof to such Uses as such Purchaser or Purchasers shall or may direct.

Trustees
empowered
to sell Toll
House in
the Town-
ship of
Hurdsfield.

XV. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the preparing, procuring, and obtaining of this Act, together with lawful Interest for the same from the Time of passing of this Act until the Time of Payment, shall be paid, borne, and discharged by the Trustees of the said Road out of the first Monies which shall be received from the Tolls arising at the respective Toll Gates on the said Road.

For paying
Expences of
this Act.

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 upon the First Day of *January* One thousand eight hundred and thirty-four, and shall 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.

Commence-
ment and
Continuance
of Act.

