



ANNO TERTIO

# GULIELMI IV. REGIS.

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## Cap. viii.

An Act for repairing and maintaining the Road from the Guide Post near *Sudden Bridge* in the Parish of *Rochdale* to *Bury*, and a Branch therefrom, all in the County Palatine of *Lancaster*.  
[29th March 1833.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act* 37G.3.c.146. for amending, widening, turning, altering, improving, and keeping in repair the Road from or near the Guide Post at or near a Place called *Sudden Bridge*, in the Township of *Castleton* within the Parish of *Rochdale* in the County Palatine of *Lancaster*, to the north-easterly End of a certain Street or Place in the Town of *Bury* within the Parish of *Bury* in the said County, called *Clerke Street*, and for making a new Road from and out of the said Road at or near a Place called *Captain Fold*, in the Township of *Castleton* aforesaid, to communicate as well with the Turnpike Road leading from the Town of *Rochdale* to the Town of *Manchester* in the said County, as also with the *Rochdale Canal*, at or near a Place called the *Blue Pitts*, in the said Township of *Castleton* : And whereas another Act was passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act of His present Majesty, for repairing the Road from the Guide Post near Sudden Bridge in the Parish of Rochdale to Bury, and a Branch therefrom, all in the County Palatine of Lancaster* : And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in execution, and considerable Sums of Money have been advanced

[Local.] L l



Recited Acts  
repealed.

vanced or borrowed on the Credit of the Tolls thereby authorized to be taken, which Sums of Money are still due and owing, and cannot be paid off, nor the Interest thereof be discharged, nor can the said Road be sufficiently amended, diverted, widened, improved, and effectually maintained and kept in repair, nor the Branch Road be made or completed, unless the Term and Powers granted by the said Acts are enlarged, and the Tolls increased or altered: And whereas it would be more convenient to the said Trustees, and more beneficial to the said Road and to the Public, if the said Acts were repealed, and other and greater Powers and Provisions were granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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, That upon the Day of the Commencement of this Act the said recited Acts passed in the Thirty-seventh and Fifty-third Years of the Reign of King *George* the Third shall be and the same are hereby declared to be repealed.

Purposes of  
this Act.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, improving, and maintaining the said Road leading from or near the Guide Post at or near a certain Place called *Sudden Bridge*, in the Township of *Castleton* within the Parish of *Rochdale* in the County Palatine of *Lancaster*, to the north-easterly End of a certain Street or Place called *Clerke Street*, in the Township of *Bury* within the Parish of *Bury* in the same County, and for making and maintaining a Branch or new Road from and out of the said Road at or near a Place called *Captain Fold*, in the Township of *Castleton* aforesaid, to communicate as well with the Turnpike Road leading from the Town of *Rochdale* to the Town of *Manchester*, as also with the *Rochdale* Canal, at or near a Place called *Blue Pitts*, within the Township of *Castleton* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Lancaster*, together with the Right Honourable *Robert Grosvenor* commonly called Lord *Robert Grosvenor*, the Right Honourable *Edward Geoffrey Smith Stanley*, the Right Honourable Sir *Robert Peel* Baronet, the Reverend *Geoffrey Hornby* Clerk, *Thomas Ashton*, *Richard Ashton*, *Hugh Baillie* Colonel in the Army, *John Bowker*, *James Butterworth* of *Rake Bank*, *Joseph Butterworth* of *Bell Green*, *William Chadwick*, *James Chadwick* of *Drake Street*, *Robert Crosley*, *John Chadwick* the younger, *James Clegg*, *John Clegg*, *Robert Clegg*, *Thomas Clegg*, *James Dearden*, *John Elliott*, *William Elliott*, *James Richard Elliott*, *John Entwisle* the younger, *Thomas Ferrand*, *John Fenton*, *James Fenton*, *Robert Gee*, *John Grundy* of *Bury*, *Edmund Grundy* of *Bury*, *Robert Gregge Hopwood*, *Edward Hopwood*, *James Hoyle*, *William Hartley*, *Robert Heape* junior, of *Hartley*, *Joseph Heape*, *John Hutchinson*, *Richard Orford Holte*, *John Jackson*, *James Kay*, *Richard Kay*, *Robert Kay*, *Andrew Knowles*, *John Hilton Kay*, *John Kershaw* of *Wrigley Brook*, *Robert Kershaw*, *William Mann*,  
James



*James Midgeley, John Midgley, William Norris, Albert Hudson Royds, James Starky, John Taylor of Guidepost, Edmund Taylor, John Tetlow, Richard Walker, Abraham Wood of Rochdale, and Abraham Wood Banker, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for repairing, amending, making, improving, and maintaining 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, from Time to Time, at any of their Meetings, 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, 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 known by the Name of the *Queen Anne Inn*, at *Heywood* in the said Parish of *Bury*, or at some other convenient Place near the said Road, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Time or Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

First Meet-  
ing of Trus-  
tees.

VI. And be it further enacted, That the several Toll Gates, Turnpikes, Bars, Chains, Side Bars, and Toll Houses erected and now standing and being in or upon or across the said Road or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and set up or built upon, in, or across the said Roads, or any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Bar or Bars, and Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates or Turnpikes, or Bars or Chains, and such future Toll Gates, Bars, and Chains, or any or either of them, as they the said Trustees shall from Time to Time think proper.

Respecting  
Toll Gates.

VII. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the several Sums or Tolls herein-after mentioned at each and every of the respective Toll Gates, Turnpikes, Bars, or Chains, and Side Gates which shall be continued or erected by virtue of this Act, 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,)

Power to  
take Tolls.

For every Horse or other Beast drawing any Coach, Sociable, Berlin, Tolls.  
Phaeton, Landau, Chariot, Vis-à-vis, Barouche, Chaise, Calash,  
Chaise.



Chaise Marine, Curricule, Chair, Car, Gig, Whiskey, Hearse, Litter, Stage Coach, Diligence, Van, Caravan, or other such Carriage, any Sum not exceeding the Sum of Sixpence :

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Six Inches or upwards in Breadth, any Sum not exceeding the Sum of Eight-pence :

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Six Inches or upwards in Breadth, any Sum not exceeding the Sum of Four-pence :

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Four Inches and a Half and under Six Inches in Breadth, any Sum not exceeding the Sum of Nine-pence :

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof Four Inches and a Half and under Six Inches in Breadth, any Sum not exceeding the Sum of Sixpence :

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof under Four and a Half Inches in Breadth, any Sum not exceeding the Sum of One Shilling :

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage having the Sole or Bottom of the Fellies of the Wheels thereof under Four and a Half Inches in Breadth, any Sum not exceeding the Sum of Nine-pence :

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

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any less Number :

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence.

Tolls vested  
in Trustees.

VIII. And be it further enacted, That the said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, drawing or not drawing, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective Sums of Money or Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Respecting  
Fractions in  
Tolls.

IX. 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 herein mentioned or any of them, the Sum of  
One



One Halfpenny shall be demanded and taken in lieu of such fractional Part.

X. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the demanding or taking of the Tolls aforesaid of or from any Person or Persons more than once for passing through all or any of the Turnpikes or Toll Gates erected or to be erected across or on the Sides of the said Roads with any Horse or Horses, Mules, Beasts, Oxen, or other Cattle, or Carriage as aforesaid, in one and the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, but that all and every Horse or Horses, Mules, Beasts, Oxen, or other Cattle, or Carriage, in respect whereof the Toll shall have been paid in any One Day, to be computed as aforesaid, at any One Gate or Turnpike on the said Roads, shall, upon a Note or Ticket denoting such Payment being produced, be permitted to pass and repass any Number of Times Toll-free during such Day as aforesaid through the same Gate or Turnpike, and through all other Gates or Turnpikes on the said Roads.

No more than One full Toll to be taken for passing through all the Toll Gates.

XI. Provided nevertheless, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Cart, Dray, or other such Carriage of any Description, for passing through any of such Toll Gates, Turnpikes, or Bars, or Side Gates or Chains, and any such Horse or other Beast shall be afterwards employed during the same Day in drawing a different Waggon, Cart, Dray, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Cart, Dray, or other such Carriage.

Horses, &c. drawing different Carriages, to be again subject to Toll.

XII. 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, or Stage Waggon, or other Stage Carriage or Cart, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than by Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing along the said Roads or any Part thereof: 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, or other Stage Carriage or Cart, on account only of the Horses or Beasts drawing the same having been changed.

Stage Coaches, &c. to pay every Time of passing,

XIII. 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 for riding, or for drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

[*Local.*]

*M m*

XIV. And



One-horse  
Carts, &c.  
may be  
weighed.

XIV. And be it further enacted, That all Carts and other Carriages drawn by One Horse or other Beast, and having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, 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 Road, 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 Twenty-six Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Twenty-three 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 Toll for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Application  
of Tolls and  
other Monies.

XV. And be it further enacted, That all the Monies which have been raised and produced or received by virtue of the said Acts hereby repealed, and which shall be remaining and undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by or from the Tolls in this Act mentioned, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise or be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes as hereinafter mentioned; (that is to say,) in the first place, and in preference to all other Payments whatsoever, in the Payment and Discharge of all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and in the next place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Weighing Machines, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and in amending, widening, altering, making, and improving the said Roads, and keeping the same in repair, and other Expences incidental to the Execution of this Act, and in repaying the Principal Monies now due or to be borrowed on the Credit of this Act, and the Interest due and to grow due thereon.

Repairs of  
Branch  
Roads.

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of



of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Acts hereby repealed or either of them, or to be raised by virtue of this Act, in repairing, lighting, or improving any Street, Highway, or Place in the Town of *Bury*, or any other Town through which the Road may pass, or to collect any Tolls by virtue of this Act therein.

Money not to be expended in repair of Streets, &c. in Bury.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth as they shall consider expedient, for the Purposes of keeping the said Road dry, and of conveying the Water from the same, as well on the Side or Sides of the said Road, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Road, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any Law or Statute to the contrary thereof notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made in pursuance of this Act, when so made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained, by the Occupiers of the adjoining Lands or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats to be made in pursuance of this Act as cross or pass through, in, or under the said Road, shall be repaired and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Ditches and Drains, by whom to be made and cleansed.

XIX. And be 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.

XX. And be it further enacted, That this Act shall commence upon the Second *Thursday* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Term of Act.

