



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxx.

An Act for more effectually repairing and improving the Roads from *Prestwich* to *Bury* and *Ratcliffe* in the County Palatine of *Lancaster*.

[13th April 1829.]

WHEREAS an Act was passed in the Thirty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually repairing, widening, altering, and improving the Road from the Town of Manchester, by a Place called the White Smithy, in the Township of Crumpsall, to the Town of Rochdale; and also the Road from the said Place called the White Smithy, by a Place called Besses-of-the-Barn, to the Town of Bury; and also the Road from the said Place called Besses-of-the-Barn to Ratcliffe Bridge; and also the Lane called Sheepfoot Lane, in the Township of Prestwich, all in the County Palatine of Lancaster:* And whereas an Act was passed in the Fifty-eighth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of His present Majesty's Reign, for improving the Road from Manchester to Rochdale, and other Roads therein mentioned, in the County of Lancaster, so far as relates to the Bury and Ratcliffe Bridge District of Road therein mentioned, and for making Two new Branches of Road to communicate with the said District of Road:* And whereas the Trustees acting under and by virtue of the said recited Acts, so far as the same relate to the said *Bury and Ratcliffe Bridge District of Road*, have proceeded to put the same into execution, and have for that Purpose borrowed

[Local.] 6 I several

several considerable Sums of Money on the Credit of the Tolls by the said recited Acts granted or authorized to be collected upon the said *Bury and Ratcliffe Bridge* District of Road, which Money still remains due and cannot be paid off, nor can the said Roads authorized to be made by the said recited Acts, or One of them, so far as the same relate to the said *Bury and Ratcliffe Bridge* District of Road, be completed or kept in sufficient Repair, unless the Powers and Provisions of the said recited Acts, so far as the same relate to the *Bury and Ratcliffe Bridge* District of Road, be amended and enlarged; and it would be more convenient to the said Trustees and beneficial to the said Roads and to the Public if the said Acts, so far as the same relate to the said *Bury and Ratcliffe Bridge* District of Road, were repealed, and if further and other Provisions were granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: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 from and after the Twenty-fifth Day of *July* One thousand eight hundred and twenty-nine, so much of the said recited Act of the Thirty-eighth Year of the Reign of His said late Majesty as relates to the District of Road therein mentioned, called the *Bury and Ratcliffe Bridge* District of Road, and also the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Acts, so far as they relate to the *Bury and Ratcliffe Bridge* District of Road, repealed;

and this Act to be put in force.

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 commencing at or near a certain Place where formerly stood a certain House called *Highfield House*, situate in *Rooden Lane* within the Township of *Prestwich*, by a Place called *Besses-of-the-Barn*, by one Line, to the Town of *Bury*, that is to say, to a certain Dwelling House at the Commencement of the Town of *Bury* in the Occupation of *John Hutchinson* of *Bury*; and from the said Place called *Besses-of-the-Barn*, by another Line, to the Extremity of the said Road near *Ratcliffe Bridge*.

No Tolls to be laid out in repairing Streets.

III. Provided always, that none of the Tolls authorized to be collected by virtue of this Act, nor any Money to be borrowed on the Credit thereof, shall be laid out or expended in amending, repairing, cleansing, or improving any of the Roads, Streets, or Pavements within the Town of *Bury*.

Appointment of Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County Palatine of *Lancaster* for the Time being, together with the Right Honourable *Edward Smith Stanley* commonly called Lord *Stanley*, the Right Honourable *Richard Grosvenor* commonly called Lord *Belgrave*, the Honourable *George Augustus*

Augustus Frederick Bridgman, the Right Honourable *George Augustus Frederick Henry Bridgman* commonly called Viscount *Newport*, the Honourable *Edward Geoffrey Stanley*, the Reverend *Geoffrey Hornby*, the Reverend *James Lyon*, the Reverend *Thomas Foxley*, the Reverend *William Hutchinson*, *Samuel Ashton*, *John Anderton*, *John Bowker* of *Prestwich*, *Thomas Bridge*, *John Brown*, *William Calrow*, *Thomas Calrow*, *James Clegg*, *Robert Ellis Cunliffe*, *John Elliott*, *Joseph Fenton*, *John Fenton*, *James Fenton*, *Ralph Fletcher*, *Ellis Fletcher*, *William Goodlad*, *William Grant*, *John Grant*, *Daniel Grant*, *John Grundy*, *John Grundy* the younger, *Edmund Grundy*, *Edmund Grundy* the younger, *Richard Hamer*, *Daniel Hamer*, *William Hardman*, *William Hardman* the younger, *James Harrison*, *John Harrison*, *Richard Hodgson*, *Francis Hodgson*, *Samuel Holker*, *Wilson Holker*, *Thomas Hutchinson*, *William Heap Hutchinson*, *John Hutchinson*, *William Hutchinson* the younger, *James Hutchinson*, *James Hutchinson* the younger, *Squire Horrox*, *Joseph Holt*, *John Ingham*, *Charles Kenyon*, *Richard Lomax*, *Richard M^cMellon*, *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*, *Peter Potter*, *Robert Parker*, *Thomas Parker*, *James Ramsbottom*, *William Richardson*, *John Sharp*, *Nicholas Starkie* of *Huntroyd*, *Robert Smethurst*, *Peregrine Edward Townley*, *Henry Vernon*, *Richard Walker* of *Bury*, *Oliver Ormrod Walker*, *William Weston*, *Joseph Winter*, *James Watkins*, *Thomas Walker*, *Richard Walker* of *Whitefield*, *Samuel Woodcock*, *Robert Wood*, *Abraham Wood*, and *William Yates*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads, 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, at their Second Meeting to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named and appointed; 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 and appointed.

Power to
appoint ad-
ditional
Trustees.

VI. And be it further enacted, That the said Trustees shall meet at the Inn known by the Name of the *Eagle and Child*, in the Town of *Bury* aforesaid, or at some other convenient Place in the said Town, on the said Twenty-fifth Day of *July*, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution, and after such Meeting to adjourn the same, or any other Meeting or Meetings, to such Place or Places in the Neighbourhood of the said Roads as the said Trustees shall from Time to Time think fit: Provided always, that all Meetings of the said Trustees shall be held alternately within the Townships of *Bury* and *Pilkington*.

Meetings of
Trustees.

VI. And

Tolls to be collected between Highfield House and Whitefield.

VII. And be it further enacted, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse, Beast, or other Cattle, or any Carriage whatsoever, shall pass through any Turnpike or Turnpikes erected upon any Part or Parts of the said Roads as is or are situate between the said Place where formerly stood *Highfield House* aforesaid and *Ratcliffe Bridge*, or between the said Place where formerly stood *Highfield House* aforesaid and *Whitefield*; (that is to say,)

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

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 such other Four-wheeled Carriage, with Wheels of the Breadth of Six Inches 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 as aforesaid, 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 every 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 Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling : And

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Sixpence :

Tolls between Whitefield and Bury.

And at any Turnpike or Turnpikes erected upon any Part or Parts of the said Roads as is or are situate between *Whitefield* and the said Town of *Bury*, the Tolls next 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

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 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 Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling : And

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Six-pence :

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

VIII. And be it further enacted, That after the respective Tolls shall have been paid for or in respect of any Horse, Beast, or Cattle for passing through any of the said respective Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected or continued by virtue of this Act, such Horse, Beast, or Cattle shall, upon a Note or Ticket being produced denoting such Payment, be permitted to pass and repass Toll-free through the same Turnpike, Toll Gate, or Side Gate, during the same Day (except as herein-after mentioned).

Tolls to be paid but once a Day at same Gate for passing and repassing.

IX. And be it further enacted, That no more than Three full Tolls shall be demanded or taken for or in respect of the passing and repassing of the same Horse, Beast, Cattle, or Carriage through all the Turnpikes or Toll Gates erected or to be erected on the said Roads, (except as herein-after mentioned,) but on a Note or Ticket or Notes or Tickets being produced denoting such Payment, the same Horse, Beast, or Cattle shall be permitted to pass and repass Toll-free through all the said Turnpikes, Toll Gates, or Side Gates, on the same Day.

Three full Tolls only to be taken on same Day.

Tolls on
Stage
Coaches and
Post Chaises.

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage 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; and the Tolls hereby made payable shall be paid for or in respect of every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Roads, whenever any fresh Hiring thereof shall take place.

One Horse
Carts may
be weighed.

XI. 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 be allowed to carry Thirty-five Hundred Weight in Summer, and Thirty Hundred Weight in Winter, and no more; and all such Carts passing along the said Roads 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.

Tolls to be
collected on
each of the
Roads to be
repaired by
this Act.

XII. 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 upon 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 shall be no Toll Gate 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 Toll Gates or Turnpikes to be erected thereon, or received as Composition for Statute Duty.

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 recited Acts hereby repealed, so far as the same relate to the said *Bury* and *Ratcliffe Bridge* District of Road, 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 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, and not otherwise appropriated or directed to be applied, 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, in paying and discharging the

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 or Duties heretofore payable on the said 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; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads herein-before 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 recited Acts, so far as the same relate to the said *Bury* and *Ratcliffe Bridge* District of Road, 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 directed 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 Buildings, 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 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 which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant on Proof made before him or

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

them,

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, without being specially pleaded.

Commence-
ment and
Continuance
of the Act.

XVI. And be it further enacted, That this Act shall commence on the said Twenty-fifth Day of *July*, and shall from 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.

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