



ANNO QUARTO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. cvii.*

An Act for amending the Road leading from the New Wall on the *Parade*, in *Castleton* in the Parish of *Rochdale*, through *Middleton*, to the Meer Stone in *Great Heaton*, and to the Town of *Manchester*, all in the County Palatine of *Lancaster*; and for diverting certain Parts of the said Road. [17th June 1823.]

**W**HEREAS an Act was passed in the Forty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually amending the Road leading from the New Wall on the Parade, in the Township of Castleton in the Parish of Rochdale, through Middleton, to the Mere Stone in the Township of Great Heaton, and to the Town of Manchester, all in the County Palatine of Lancaster*, reciting, amongst other things, that that Part of the said Road which was situate between the Town of *Middleton* in the said County, and the Town of *Manchester* aforesaid, was very circuitous and incommodious to Travellers and Carriages, and that it would be a great Benefit and Advantage to the Neighbourhood, and of public Utility, if a Deviation or a new Line of Road were made from or near the Market House in the Township of *Middleton* 44 G.3. c.49.

[Local:]

28 B

*Middleton*

3 G. 4. c. 126.

*Middleton* aforesaid, by or near *Alkrington Park, Blakeley Chapel, Harpurhey,* and *Collyhurst Delf*; to or near the Top of a certain Street in the Town of *Manchester* aforesaid, called *The Shude Hill*: And whereas in pursuance of such Act the said Deviation or new Line of Road, and other Alterations, have been made in the said Road at a heavy Expence, and considerable Sums of Money have been borrowed and now remain due and owing on the Credit of the Tolls of the said Road, and the Term granted by the said Act is near expiring, and the said Debts cannot be paid off, nor can the said Road be effectually improved, widened, amended, and kept in Repair, unless the Term granted by the said Act be continued, and further and other Powers given for those Purposes: And whereas the making and maintaining a Diversion or deviated Line of Road from and out of the said Road, commencing at or near a certain Place called *Trubsmithy*, situate in the Township of *Thornham* in the Parish of *Middleton* aforesaid, passing through the said Townships of *Thornham* and *Castleton*, to and ending at or near a certain Place called *The Rochdale Canal Wharf*, situate in the Township of *Castleton* aforesaid; and also a Diversion or deviated Line of Road from and out of the said Road at or near a certain Place called *The Pinfold*, situate in the Township of *Castleton* aforesaid, passing through the said Township of *Castleton*, and the Township of *Spotland* in the Parish of *Rochdale* aforesaid, to or near the Northerly End of a certain Dwelling House, situate at a Place commonly called *The Town Meadows*, in the said Township of *Spotland*, now in the Occupation of *Ann Taylor* Widow, would be productive of great public Utility: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas it would be convenient if the said Road were divided into Two separate Districts, and if that Part of the Road from and commencing at the New Wall on the *Parade*, in the Township of *Castleton* in the Parish of *Rochdale*, to the Centre of the Market House in the Town of *Middleton*, should become and be One of such Districts, to be called "The *Rochdale* District;" and if the Road from the Centre of the said Market House to the *Mere Stone* in the Township of *Great Heaton*, and also the Road from or near the said Market House, by *Alkrington, Blakeley, Harpurhey,* and *Collyhurst*, to or near the Top of a certain Street in the Town of *Manchester* aforesaid called *The Shude Hill*, should become and be the other of such Districts, and to be called "The *Manchester* District;" and if the Tolls hereafter to arise upon the Part of the Road to be called "The *Rochdale* District" were paid to a Treasurer to be appointed for that District, and the Tolls to arise on that Part of the Road to be called "The *Manchester* District" were paid to a Treasurer to be appointed for such District; and if One-fourth Part of the Mortgage Debt due on the said Road, and the Interest thereof, were charged upon and to be paid out of the Tolls to arise on the *Rochdale* District, and the other Three-fourth Parts of the said Mortgage Debt, and the Interest thereof, were charged upon and to be paid out of the Tolls to arise on the *Manchester* District; and if separate Treasurers, Clerks, and other Officers were appointed for each District, and if each District were absolutely distinct and independent of each other, except as herein-after is mentioned; but the several Pur-

poses herein-before mentioned 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 the said recited Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that this Act shall commence and take effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, as well for the Purpose of amending, widening, improving, and keeping in Repair the said Road, as also for making, amending, widening, altering, diverting, improving, and keeping in Repair the aforesaid Diversions or deviated Lines of Road; which said Road shall from thenceforth be divided into and be Two separate Districts, and that the Part of the Road from the New Wall on the *Parade*, in the Township of *Castleton* in the Parish of *Rochdale* aforesaid, to the Centre of the Market House in the Town of *Middleton* aforesaid, shall be and is hereby declared to be One of such Districts, and shall be called the *Rochdale* District; and that the Part of the Road leading from the Centre of the said Market House to the Mere Stone in *Great Heaton*, and also the Road leading from or near the said Market House, by *Alkington*, *Blakeley*, *Harpurhey*, and *Gollyhurst*, to or near the Top of a certain Street in the Town of *Manchester* aforesaid called the *Shude Hill*, shall be and is hereby declared to be the other of such Districts, and shall be called the *Manchester* District; and this Act and the Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said first-recited Act, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the first-recited Act and of this Act, or either of them, and of all Interest due and to grow due for the same respectively.

Recited  
Act of the  
44 G. 3.  
repealed.

II. And be it further enacted, That all the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things contained in the said recited Act passed in the Third Year of the Reign of His said present Majesty, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in this Act.

Extending  
the Powers of  
3 G. 4. c. 126.  
to this Act.

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 *James Archer* Clerk, *Samuel Ashton*, *Samuel Ashton* the younger, *John Burton*, *George Burton*, *John Buckley*, *William Buckley*, *Edward Ball*, *Charles Butterworth*, *Thomas Chatterton*, *John Crossly*, *James Dearden*, *James Dearden* the younger, *John Entwistle*, *Robert Entwistle*, *John Elliott*, *Jonathan Fildes*, *Richard Gould*, *William Robert Hay* Clerk, *John Haughton* Clerk, *William Hodgson* Clerk, *Robert Holt* of *Chamberhouse*, *Alexander Hill*, *John Holland*, *Robert Holt*, *Francis Holt*, *William Hassal*, *Robert Gregge Hopwood*, *Edward Gregge Hopwood*, *James Hey*,

Trustees for  
the Rochdale  
District.

*Hey, John Jackson, John Lever, George Law, Sir Oswald Mosley Baronet, William Midgley, James Royds, Clement Royds, Charles Rees, — Holt Robinson, the Honourable Edward Smith Stanley, James Starky, John Sharpe, Theophilus Smith, Isaac Smith, Joseph Tomlinson, George Walmsley, and Thomas Woods,* shall be, and they and their Successors, to be appointed in manner by the last recited Act directed, are hereby appointed Trustees for putting the said last-recited Act and this Act in Execution with respect to the *Rochdale* District of the said Roads.

Trustees for  
the Manches-  
ter District.

IV. 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 *Thomas Ainsworth, James Ainsworth, Jonathan Andrew, Thomas Andrew, Edward Andrew, Robert Andrew, John Andrew, John Appleton, Samuel Ashton, Samuel Ashton the younger, Edward Baxter, James Bradock, John Bradshaw, Edmund Buckley, Henry Burgess, George Burton, John Burton, Samuel Cheetham, John Chippindall, Richard Clogg, James Crompton, Thomas Darwell, Jonathan Dawson, Lewis Bartholomew Delawney, James Duncuft, Richard Durham, Thomas Fleming, Joseph Flintoff, George Frazer, George Gardner, Samuel Green, Samuel Grimshaw, John Jackson, John Kennedy, Samuel Kay, Henry Charles Lacey, James Leech, Aaron Lees, John Lomax, Daniel Lonsdale, John Lever, Francis Marris, James M'Connell, Robert Millington, Edward Milne, Sir Oswald Mosley Baronet, George Neden, Samuel Ogden, Jonathan Peel, George Philips, George Robinson Philips, Thomas Potter, Richard Potter, John Ratcliff, Charles Rider, William Rider, George Scholes, Thomas Sharp, Richard Smith, Edmund Taylor, John Taylor, John Edward Taylor, Samuel Taylor, Peter Taylor, Joseph Todd, John Touchet, James Travis, Robert Turner, Richard Warren, Richard Meadowcroft Whitlow, William Williams, John Wilson, George William Wood, Edward Wollam, and Thomas Worthington,* shall be, and they and their Successors, to be appointed in manner by the said last-recited Act directed, are hereby appointed Trustees for putting the said last-recited Act and this Act in Execution, so far as concerns the said *Manchester* District.

First Meeting  
of the Trus-  
tees for each  
District.

V. And be it further enacted, That the said Trustees for the said *Rochdale* District, or any Three or more of them, shall meet at the Inn known by the Sign of *The Hare and Hounds*, in the Town of *Middleton* aforesaid, or at some other convenient House or Place in the Township of *Middleton* aforesaid, on or near the said Road, on the Third *Thursday* next after the passing of this Act, or so soon after as may be convenient, for the Purpose of carrying the same Act and the last-recited Act into Execution with respect to the said *Rochdale* District; and that the said Trustees for the said *Manchester* District, or any Three or more of them, shall meet at the House of *Richardson*, known by the Name of *The Mosley Arms*, in the Town of *Manchester* aforesaid, on the Third *Thursday* next after the passing of this Act, or as soon after as may be convenient, for the Purpose of carrying the same and the said last-recited Act into Execution.

Districts  
charged with  
certain Sums  
of Money.

VI. And whereas a considerable Sum of Money is now due and owing upon the Credit of the Tolls arising and to be produced on the said Road,  
be

be it therefore enacted, That One-fourth Part of the whole Money due and owing as last herein-before mentioned, upon the Twenty-fifth Day of *June* One thousand eight hundred and twenty-three, shall be and the same is hereby charged (as between the respective Trustees of the said Districts) exclusively on the Tolls or Revenues arising or to be produced within the said *Rochdale* District; and that the other Three-fourth Parts of the whole Money due and owing as last herein-before mentioned, upon the said Twenty-fifth Day of *June* One thousand eight hundred and twenty-three, shall be and the same are hereby charged (as between the respective Trustees of the said Districts) exclusively on the Tolls or Revenues arising or to be produced within the said *Manchester* District.

VII. And in order that the present Securities of any Monies advanced on the Credit of the said first recited Act, or any Part thereof, may not be prejudiced, lessened, or affected by any of the Provisions in this Act contained, be it further enacted, That the whole of the Tolls arising or to be produced on both the said Districts, shall from henceforth remain and continue, and be subject to and charged and chargeable with all and every Sum and Sums of Money advanced, and now due and owing on the Credit of the first recited Act; together with all Interest and Arrears of Interest thereon, in such and the same Manner, and with the same Powers and Remedies for recovering and receiving the same respectively, as if such Sum or Sums of Money had been borrowed on the Credit of the Tolls by this Act granted; and it shall be lawful for each and every of the present Creditors of the said Tolls, and his or her respective Executors, Administrators, or Assigns to elect and choose, to ask, demand, and receive the Interest, or any Part thereof, to accrue due on their respective Securities, of and from such One of the Treasurers of the said respective Districts, as such Creditors, his, her, or their respective Executors, Administrators, or Assigns shall think fit, and to continue to receive the same of and from such Treasurer, or to make a new Election and Choice from Time to Time, as he, she, or they may find convenient; and from and after the First and every other Election and Choice, such Creditor or Creditors, his, her, or their Executors, Administrators, or Assigns respectively shall continue to ask, demand, and receive the said Interest, or such Part thereof as aforesaid, of and from such Treasurer as aforesaid, until such Creditor or Creditors, his, her, or their respective Executors, Administrators, or Assigns shall have made a new Election and Choice, and shall have given to each of the said Treasurers, or caused Notice in Writing to be left at each of their usual Places of Abode, Fourteen Days previous to the Demand of such Interest; which Notice shall contain an Account of the Sum or Interest due or intended to be demanded, the Time of becoming due, and the Security in respect whereof the same shall be claimed.

This Act not to affect existing Securities for Monies advanced on Credit of 44 G.3. c.49.

VIII. And be it further enacted, That when and so often as either of the said Treasurers shall, in consequence of any Election, Choice, or other Proceeding of any of the said present Creditors, his, her, or their respective Executors, Administrators, or Assigns have paid or laid down a larger Part, Share, or Proportion of the said Monies so due and owing on the

Monies paid by Treasurer beyond certain Proportions to be repaid by other Districts.

[Local.]

28 C

Credit

Credit of the said first recited Act as aforesaid, or the Interest payable thereon, than the Share and Proportion herein-before appointed to be paid by the said Treasurers, or either of them, then and in such Case the Treasurer for the Time being of the other District shall and he is hereby required, on Demand, to repay to the Treasurer having paid or laid down such larger Part, Share, or Proportion as aforesaid, all and every such Sum and Sums of Money, exceeding the Share and Proportion herein-before appointed to be paid by the said Treasurers, or either of them, as he shall have paid or laid down as aforesaid; and such last-mentioned Treasurer, and his Successors for the Time being, in case such Sum or Sums of Money as aforesaid is or are not repaid, upon Demand, in manner herein-before directed or required, shall have and he and they is and are hereby invested with the same Powers and Authorities for recovering the same, together with all Costs, Charges, Damages, and Expences, by Entry upon the Turnpikes or Toll Houses, and Perception of the Tolls or Revenues arising within the other of the said Districts hereby appointed, as the Creditor or Creditors, or other Person or Persons to whom the Money shall have been paid as aforesaid, is or are, or was or were by virtue hereof, or of any other Act, Statute, or Law invested with or entitled unto.

Bonds and Securities entered into under the former Act, to remain in force until satisfied and paid.

IX. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with or on the Behalf of any of the Trustees for executing the first recited Act, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall continue and be available in all Courts of Law and Equity until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made or entered into by the Trustees for executing the said Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Power to appoint additional Trustees.

X. Provided always, and be it further enacted, That it shall and may be lawful to and for the Trustees of the respective Districts, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting 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 and the last recited Act in the said respective Districts, in Addition to the Trustees hereby appointed; and such Trustees so elected, and being qualified according to the Directions of the last recited Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the last recited Act, in their said respective Districts, as if they had been hereby nominated and appointed.

Trustees to take an Oath truly to execute the Acts,

XI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the last recited Act into Execution, unless he shall be qualified in such Manner as

in and by the last recited Act is directed and prescribed; and (unless being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the last recited Act, and the Oath herein-after mentioned) take and subscribe, before any Two or more of the said Trustees, an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear, [*or, being a Quaker, do affirm*], That I will truly, Oath.  
 ‘ honestly, and impartially, according to the best of my Judgment,  
 ‘ execute and perform the several Powers, Authorities, and Trusts re-  
 ‘ posed in me as a Trustee, by virtue of an Act passed in the Fourth Year  
 ‘ of the Reign of His Majesty King *George* the Fourth, intituled *An Act*  
 ‘ [*here insert the Title of this Act*], and also an Act passed in the Third  
 ‘ Year of the Reign of His said Majesty, intituled *An Act to amend the*  
 ‘ *general Laws now in being for regulating Turnpike Roads in that Part of*  
 ‘ *Great Britain called England.* So help me GOD.’

Which Oath or Affirmation any Two or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*; by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

XII. And be it further enacted, That the Trustees in each of their respective Districts shall and may, and they are hereby empowered, at their First or any other subsequent Meeting, by Writing under their Hands to appoint such Collector or Collectors of the Tolls arising on the said Road within the respective Districts, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the Road within their respective Districts, and such other Officers as the said respective Trustees respectively shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Tolls and other Monies arising or collected by virtue of the said last recited Act and this Act within their respective Districts, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendances, Care, Labour, and

Power to  
appoint  
Officers for  
each District.

and Services, as the said respective Trustees shall deem reasonable and proper.

Old Officers continued until others are appointed.

XIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer or Officers (except the Treasurer) nominated and appointed under and by virtue of the first recited Act hereby repealed, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed by the said respective Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of His present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Rules and Regulations, in all respects whatsoever, as if he or they had been nominated and appointed under and by virtue of this Act.

Books used under former Act to be Evidence under this Act.

XIV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the first recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the first recited Act had not been repealed; and such Books shall be retained by or delivered to the said Trustees of the *Rochdale* District, to be by them produced on all necessary Occasions for the Purposes aforesaid, whether such Occasions may arise within the said *Rochdale* District or the said *Manchester* District.

Officers under the former Act to account.

XV. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the first recited Act, shall account to the said Trustees, in like Manner and under the like Penalties as are by the last recited Act inflicted in respect to the several Persons receiving any Monies by virtue of the said Act and this Act.

Treasurer and Clerk not to be the same Person.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such



such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

XVII. And be it further enacted, That the said respective Trustees shall and may continue the several Turnpike Gates which now stand across or on the Sides of the said Road, or from Time to Time remove the same, or any of them, and set up and erect in lieu thereof and in addition thereto, One or more Turnpike Gate or Turnpike Gates in, upon, across, or on the Side or Sides of any Part or Parts of the Road directed by this Act to be amended and repaired, as they the said Trustees may deem expedient; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Road, or from any Common or Waste Land immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places across or on the said Road, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

Power to continue the present Gates, or to erect others.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Act hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the last recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to sell the present Toll Houses.

[*Local.*]

28 D

XIX. And

Power to  
take Tolls.

XIX. And be it further enacted, That it shall be lawful for the said respective Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following at the Toll Gates at each of the said Gates or Turnpikes already erected by virtue of the said first recited Act, and which by virtue of this Act shall be continued or erected in, upon, or across any Part of the said Road, and across or on the Side of any Road, Lane, or Way leading into any Part of the said Road within their respective Districts, before any Horse or other Cattle or Beast, or any Carriage whatsoever, shall be permitted to pass through the said several Gates or Turnpikes; (that is to say),

Tolls.

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

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

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid or upwards, and under Nine Inches, the Sum of Five-pence Halfpenny :

For every Horse or Beast of Draught, drawing any Waggon or other such Four-wheeled Carriage, with any of the Wheels of less Breadth as aforesaid than Six Inches, but not less than Four and a Half Inches, the Sum of Sixpence :

For every Horse or Beast of Draught, drawing any Waggon or other such Four-wheeled Carriage, with any of the Wheels thereof of less Breadth as aforesaid than Four and an Half Inches, the Sum of One Shilling :

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

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

For every Horse or Beast of Draught, drawing any Cart or other such Carriage, with Wheels of less Breadth as aforesaid than Six Inches, but not less than Four and an Half Inches, the Sum of Four-pence Halfpenny :

For every Horse or Beast of Draught, drawing any Cart or other such Carriage, with Wheels of less Breadth as aforesaid than Four and an Half Inches, the Sum of Sixpence :

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

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, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Which

Which said Tolls shall be and are hereby vested in the said respective Trustees, and the same shall be recovered, paid, and applied in manner by the said last recited Act and this Act directed.

Tolls vested in the respective Trustees.

XX. Provided always, and be it enacted, That no Person who shall have paid the Toll for passing through any Turnpike to be continued or erected by virtue of this Act, shall be subject or liable to any Toll for returning through such Turnpike before Twelve of the Clock of the Night of the same Day with the same Horses, Cattle, or Carriage, in respect of which such Person shall have paid the Toll, or with the same Horses or other Cattle if returning with another Carriage of the same Description as that for which such Toll has been paid, but shall return Toll-free on producing a Note or Ticket to the Collector of the Tolls at such respective Turnpike, denoting Payment of such Toll, which Note or Ticket the Collector of the said Tolls is hereby required to deliver *gratis* on Receipt of such Toll; but nothing in this Act contained shall extend or be construed to extend to exempt any such Horses, Cattle, or Carriage from Payment of the Toll for passing a Second Time through such Turnpike on the same Day, but the Toll shall be demanded and paid for each passing through such Turnpike the same Way as such Horses, Cattle, Beast, or Carriage went the First Time that Day.

Toll only to be paid Once for passing and repassing.

XXI. Provided always, and be it further enacted, That no more than One full Toll shall be taken upon the *Rochdale* District of Road, nor more than Three full Tolls shall be taken upon the said *Manchester* District of Road, for the same Horses, Beasts, Cattle, or Carriages once passing through all or any of the Gates or Turnpikes erected or to be erected on, across, or on the Sides of the said Road within the said respective Districts in any one Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the following Night.

Limiting the Number of Tolls to be taken on each District.

XXII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day, with a Ticket denoting a fresh Hiring.

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

XXIII. And be it further enacted, That no Person shall be liable to any Toll for any Horse or Beast of Draught drawing any Waggon, Cart, or other Carriage of the like Nature, laden with Lime for the Improvement of Land; any thing in this or the said last recited Act to the contrary notwithstanding.

Exempting Lime for the improving Land from Payment of Toll.

XXIV. And

Payment at  
a Side Bar  
to clear the  
next Gate.

XXIV. And be it further enacted, That no Person or Persons who shall have paid the Toll for passing through any Gate or Turnpike erected on the Side of the said Road, across any Way or Lane leading into the same, shall be liable to the Payment of another Toll for afterwards passing the same Day with the same Horses, Cattle, or Carriage through the Gate or Turnpike erected across or on the Side of the said Road which such Person or Persons shall next come to, on producing a Note or Ticket denoting Payment of Toll at such Side Gate, which Note or Ticket the Collector of the Tolls at such Side Gate is hereby required to give *gratis*, on Receipt of the Toll, if demanded.

No Side Bar  
to be erected  
on certain  
Parts of the  
said Road.

XXV. Provided always, and be it further enacted, That nothing herein contained shall be construed to extend to enable the said Trustees to erect or set up any Gate or Turnpike on the Sides of that Part of the said Road, which lies between the *Parade* in the Township of *Castleton* aforesaid, and the Centre of the said Market House in *Middleton* aforesaid; or to erect or set up any Gate or Turnpike across the End of a certain Turnpike Road, leading from *Rochdale Lane End* in the Village of *Heywood*, to a Place called *The Land's End* in the Parish of *Prestwich* aforesaid, where the same unites with the Road hereby directed to be amended, improved, altered, and kept in Repair.

Application  
of the Money  
now in Trea-  
surer's  
Hands, &c.

XXVI. And be it further enacted, That all Monies and other Effects which the Trustees, or any of them, under the said former Act, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to under the said former Act and this Act, on the Twenty-fifth Day of *June* One thousand eight hundred and twenty-three, be applied in the Manner herein-after mentioned; that is to say, in the first Place, in Payment of all Expences of procuring and passing this Act, (except as to such extra Fees and Expences as may have been incurred in consequence of the Division of the said Road as aforesaid), and all incidental Charges relating thereto and attending the same, as well as all Debts owing by the said Trustees (except the Mortgage Debts) including usual and regular Repairs of the said Road, up to the said Twenty-fifth Day of *June*; and in the second Place, in paying all Arrears of Interest on any Sums of Money which shall have been already borrowed, and shall be due and owing on the Credit of the Tolls granted by the said first recited Act; and that the Residue of the Monies and other Effects which the Trustees, or any of them, under the said former Act, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to under the said former Act, shall be paid in manner following; that is to say, in case such Residue shall not amount to the Sum of Two thousand Pounds, then Two-third Parts thereof shall be paid to the Trustees of the said *Rochdale* District, and the remaining Third Part thereof to the Trustees of the said *Manchester* District; but in case such Residue shall exceed the Sum of Two thousand Pounds, then One Moiety or equal Half Part thereof shall be paid to the Trustees of the said *Rochdale* District, and the other Moiety or equal Half Part thereof to the Trustees of the said *Manchester* District; such last-mentioned Monies respectively to be applied by the said respective Trustees in such Manner as is by this Act appointed in that Behalf.

XXVII. And be it further enacted, That all Monies which shall or may be collected or received under the Powers or Authorities of this Act within the said *Rochdale* District, shall be applied, in the First Place, in paying off and discharging all Arrears of Interest in respect of so much of the Money now due and owing on the Credit of the Tolls granted by the said first recited Act, as is hereby charged on the said *Rochdale* District; in the Second Place, in paying off and discharging the Interest on any Sums of Money which shall hereafter be borrowed or taken up at Interest, on Security of the Tolls hereby granted within the same District; and in the Third Place, in defraying the Expence of continuing, providing, erecting, and keeping in Repair the Turnpikes, Toll Houses, and other Buildings within the said *Rochdale* District, and in making, repairing, widening, turning, and altering the said Road, and the Diversions or deviated Lines by this or the last recited Act, or either of them, directed to be made or kept in Repair within the said *Rochdale* District as aforesaid; and the Residue of the Monies so to be collected and received within the said *Rochdale* District as aforesaid, in paying all Principal Money due and owing on the Credit of the said first recited Act, or borrowed for the Purposes of this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees, or any Three or more of them, shall from Time to Time appoint.

Application  
of the Tolls  
on the Roch-  
dale District.

XXVIII. And be it further enacted, That all Monies which shall or may be collected or received under the Powers or Authorities of this Act within the said *Manchester* District, shall be applied, in the First Place, in Payment of all such extra Fees and Expences attending the procuring and passing this Act, as may have arisen in consequence of the Division of the Road as aforesaid, and are not herein-before provided for; in the Second Place, in paying off and discharging all Arrears of Interest, in respect of so much of the Money now due and owing on the Credit of the Tolls granted by the said first recited Act, as is hereby charged on the said *Manchester* District; in the Third Place, in paying off and discharging the Interest on any Sums of Money which shall be hereafter borrowed or taken up at Interest on Security of the Tolls hereby granted within the same District; and in the Fourth Place, in defraying the Expence of continuing, providing, erecting, and keeping in Repair the Turnpikes, Toll Houses, and other Buildings within the said *Manchester* District, and in making, repairing, widening, turning, and altering the said Road by this or the last recited Act, or either of them, directed to be made or kept in Repair within the said *Manchester* District as aforesaid; and the Residue of the said Monies so to be collected and received within the said *Manchester* District as aforesaid, in paying all Principal Money due and owing on the Credit of the said first recited Act, or borrowed for the Purposes of this Act, and in defraying all other necessary Costs, Charges, and Expences attending the same, in such Manner as the said Trustees, or any Three or more of them, shall from Time to Time appoint.

Application  
of the Tolls  
on the Man-  
chester Dis-  
trict.

XXIX. And whereas a Map or Plan, describing the Course of the said intended Diversions or deviated Lines, and the Lands, Hereditaments,  
[Local.] 28 E and  
Plans, &c.  
deposited at  
the Office of

the Clerk of the Peace to remain there for Inspection.

and Premises through which the same are to be made, together with a List of the Names of the Owners and Occupiers of such Lands and Premises, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees, in making the said Diversions shall not deviate more than One hundred Yards from the Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Diversions shall be made.

Trustees may make the Diversions conformable to such Plan, notwithstanding any Omissions, &c.

XXX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversions of Road into, through, across, and over the several Lands, Hereditaments, and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and be certified by Writing under their Hands that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured.

XXXI. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Diversions of Road, or in widening the present Road, to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much or such Part of the following Houses, Lands, or Tenements situate in the Township of *Manchester*; (that is to say), a certain Yard, Wall, and Buildings, the Property of *Samuel Higginbottom*, and in the Possession of *John Davenport*; also a Garden and Yard in *Middleton* aforesaid, the Property of *John Ray*, and in the Possession of *William Kay* and *Edmund Slack*; also a Garden situate at a Place called *Three Pits*, in the Township of *Hopwood*, the Property of *Edward Fellowes*; and in the Possession of *Alice Kenyon*; also of the following Houses, Lands, and Tenements, situate in the Township of *Castleton*, that is to say, certain Gardens the Property of *Thomas Wood*; in the Possession of *Edmund Lord*; also certain Plantations, the Property of *George Walmsley* Esquire; also a certain Yard and Garden the Property of *Robert Whitworth*, in the Occupation of *Benjamin Riley*; also of certain Gardens, the Property of the Reverend *William Robert Hay*, *John Grindrod*, and *Henry Taylor*,

*Taylor*, in the Possession of *Joseph Butterworth*, *Joshua Deardon*, and *Daniel Walker*; also a House, Yard, and Garden, the Property of the said *William Robert Hay*, *Mary Lancashire*, and *Henry Taylor*, in the Possession of *Robert Clegg*; also a Stable, Yard, and Outbuilding, the Property of the Company of Proprietors of the *Rochdale Canal*; also certain other Plantations, the Property of the said *George Walmsley Esquire*; also of a certain Fold or Yard, the Property of the Right Honourable *George Gordon Noel Lord Byron*, in the Possession of *Edmund Whitehead* and *John Leach*; also of the following Buildings, Lands, and Tenements, situate in the Township of *Spotland*, (that is to say), a Garden the Property of *James Dearden*, in the Possession of *John Buckley*; also of a Garden, Yard, Plantation, and Dwelling House, the Property of *John Buckley*, in the Possession of *Thomas Bent*; also of Two Dwelling Houses the Property of *John Isherwood*, in the Possession of *Alexander Lord* and *John Stott*, as shall be necessary for making the said Road and Diversions in such respective Places of the Breadth of Twenty Yards; any thing in this or the last recited Act contained to the contrary in anywise notwithstanding.

XXXII. And be it further enacted, That the said respective Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Road, or any Part thereof, within their respective Districts, or for doing any other Work to be performed therein respectively in the Execution of the last recited Act and this Act, in such Manner and for such Sum and Sums of Money as the said respective Trustees shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to any Order of the said respective Trustees, or by their Clerk or Treasurer, Surveyor, or other Officer, with any Workmen or other Person or Persons, relating to any Matter or Thing to be done by virtue of the last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Trustees may contract for the making and repairing the Road.

XXXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said respective Trustees, or by their Clerk, Surveyor or Surveyors by their Order), yearly to adjudge and determine what Part and Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road, or any Part thereof, doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Com-

Regulations as to the Performance of Statute Work.

position

position for such Statute Work shall be by him or them paid to the said respective Trustees, or their Treasurer; and in order thereto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road within the said respective Districts, as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said respective Trustees or their Treasurer, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him or them for that Purpose, signed by the Surveyor or Surveyors to the said respective Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said respective Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said respective Trustees, and applied towards amending the said Road; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists



as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Lancaster*, on Complaint made to such Justices by the Surveyor to the said Trustees.

XXXIV. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees within their respective Districts, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees within their respective Districts to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

In case of Nonpayment of Compensation for Materials, &c. same to be levied by Distress on Goods of Trustees or Treasurer.

XXXV. 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;

[*Local.*]

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XXXVI. And

Commence-  
ment and  
Term of the  
Act.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1823.