



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xxiii.

An Act for more effectually repairing and improving the Road from *Chorlton Row* near *Manchester* in the County Palatine of *Lancaster* to the Bridge at the Corn Mills at *Wilmslow* in the County Palatine of *Chester*. [8th April 1830.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually repairing and improving the Road from Ardwick Green near Manchester in the County Palatine of Lancaster to the Bridge at the Corn Mills at Wilmslow in the County Palatine of Chester*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same into execution: And whereas it is proper and expedient that such Part of the said Road as lies in the Township of *Chorlton Row* should be wholly given up to the Management and Controul of the Surveyors of the Highways for the Time being of such Township, and discontinued as Part of the said Turnpike Road; and it would be beneficial if the said recited Act were repealed, and further and more effectual Powers granted for repairing, widening, diverting, and improving the Road comprised in this Act; but the beneficial Purposes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

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by

Recited Act repealed; by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

and this Act to take effect instead thereof.

II. And be it further enacted, That instead thereof this Act shall commence and take effect, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose from Time to Time of repairing, widening, altering, diverting, and otherwise improving the Road from *Chorlton Row* in the County Palatine of *Lancaster*, through *Rushulme*, *Withington*, *Didsbury*, *Cheadle*, *Stockport Etchells*, *Handforth*, and *Hough*, to the Bridge at the Corn Mills at *Wilmslow* in the County Palatine of *Chester*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said Counties of *Lancaster* and *Chester* respectively, together with *John Allcock*, *Ralph Andrew*, *Samuel Bayley*, *George Bancroft*, *Charles Brandt*, *John Bentley*, *Thomas Barter*, *Joseph Birley*, *John Birley*, *Alexander Bower*, *William Crowther*, *James Chapman*, *John Davenport*, *John Dickenson*, *Matthew Dunn* Clerk, *Richard Entwisle*, *Henry Entwisle*, *John Ford*, *Robert Mosley Feilden*, *Reginald Fowden*, *Henry Farrington*, *James Fernley*, *Samuel Gregg*, *James Gee*, *Robert Gee*, *John Gleave*, *John Hardman*, *Robert Hibbert*, *William Hibbert*, *Henry Harrison*, *Isaac Harrop*, *Thomas Hewitt*, *George Hole*, *Samuel Hole*, *Richard Hoskins*, *John Howard*, *James Heald*, *John Hardy*, *John Isherwood*, *Josiah Kearsley*, *James Kearsley*, *Samuel Knight*, *Thomas Lucas*, *Joseph Lane*, *Roger Rowson Lingard*, *Edward Trafford Leigh* Clerk, *Thomas Markland*, *Thomas Marsland*, *Thomas Mottram*, *George Frederick Newton*, *John Legh Page*, *Peter Pownall*, *Thomas Smalley Potter*, *Shakespeare Philips*, *Francis Philips*, *Francis Aspinal Philips*, *Thomas Pickford*, *Charles Kenrick Prescott* Clerk, *William Parker*, *William Robinson*, *Richard Runcorn*, *Daniel Salisbury*, *Richard Simpson*, *Thomas Sharp*, *Richard Smith*, *Joseph Sumner*, *Thomas Joseph Trafford*, *Benjamin Tidswell*, *George Withington*, *Thomas Worthington*, *Thomas Worthington* the younger, *Thomas Worsley*, *Lawrence Wright*, *Joseph Wood*, *Henry Wright* Clerk, *Edmund Wright*, *Richard Warren*, *William Wood*, *Thomas Walker*, *John Kenyon Winterbottom*, and *Charles Caril Worsley*, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act into execution.

First Meeting of Trustees.

IV. And be it further enacted, That for the Purpose of putting this Act into execution the said Trustees shall meet at the *George and Dragon Inn* in *Cheadle* aforesaid, or at some other convenient Place near the said Road, on the Second *Wednesday* after the passing of this Act, at Eleven of the Clock in the Forenoon.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at the First or Second Meeting to be held under the Authority of this Act, to elect or appoint any Number of Persons, duly qualified, not exceeding Ten in the whole, to be Trustees for executing this Act; and the Persons so elected or appointed are

hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly named and appointed.

VI. And be it further enacted, That there shall be demanded and taken, by such Person or Persons as the said Trustees shall appoint for that Purpose, before any Horse or other Beast, Coach, Chaise, Waggon, Cart, or Carriage, shall be permitted to pass through any of the Toll Gates now erected upon the said Road, or any other to be erected in lieu of all or any of them, or in addition thereto, from any Person or Persons or any of them for the Time being driving, using, or having the Care of such Horse or other Beast, Coach or Carriage, the respective Tolls following; (that is to say,) Tolls may be taken.

For every Horse or other Beast drawing any Coach, Chariot, Hearse, or other such Carriage with more than Two Wheels, when there are Two or more such Horses or other Beasts, the Sum of Six-pence; and when there is only One such Horse or other Beast, the Sum of Nine-pence: Tolls on Carriages;

For every Horse or other Beast drawing any Curricule, Gig, or other such Two-wheeled Carriage, when there are Two or more such Horses or other Beasts, the Sum of Four-pence Halfpenny; and when there is only One such Horse or other Beast, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Nine Inches or upwards at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of Sixpence; when there are Two such Horses or other Beasts, the Sum of Nine-pence; when there are Three such Horses or other Beasts, the Sum of Eleven-pence; when there are Four such Horses or other Beasts, the Sum of Nine-pence Three Farthings; and when the Number of such Horses or other Beasts exceeds Four, the Sum of One Shilling each:

For every Horse or other Beast drawing any Waggon or other such Carriage with Wheels of the Breadth of Six Inches or upwards and under Nine Inches at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of One Shilling; when there are Two such Horses or other Beasts, the Sum of Nine-pence; when there are Three such Horses or other Beasts, the Sum of One Shilling and One Penny; when there are Four such Horses or other Beasts, the Sum of Eleven-pence Farthing; when there are Five such Horses or other Beasts, the Sum of One Shilling; when there are Six such Horses or Beasts, the Sum of One Shilling and One Penny; and for every additional Horse or Beast, the further Sum of One Shilling:

For every Horse or other Beast drawing any Waggon or other such Carriage with Wheels of the Breadth of Four and a Half Inches or upwards and under Six Inches at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of One Shilling; when there are Two such Horses or other Beasts, the Sum of Ten-pence Halfpenny; when there are Three such Horses or other Beasts, the Sum of One Shilling and Two-pence; when there are Four such Horses or other Beasts, the Sum of One Shilling and One Penny Halfpenny; when

when there are Five such Horses or other Beasts, the Sum of One Shilling and One Penny Farthing; when there are Six such Horses or other Beasts, the Sum of One Shilling and Two-pence; and the further Sum of One Shilling for every additional Horse or other Beast:

For every Horse or other Beast drawing any Waggon or other such Carriage with Wheels of less Breadth than Four and a Half Inches at the Bottom or Sole thereof, the Sum of One Shilling, when the Number does not exceed Two; when there are Three such Horses or other Beasts, the Sum of One Shilling and Four-pence; when there are Four such Horses or other Beasts, the Sum of One Shilling and Three-pence; when there are Five such Horses or other Beasts, the Sum of One Shilling and Two-pence Halfpenny; when there are Six such Horses or other Beasts, the Sum of One Shilling and Four-pence; and for every additional Horse or other Beast, the further Sum of One Shilling:

on Caravans; For every Horse or other Beast, not exceeding Two, drawing any Carriage commonly known by the Name of a Van or Caravan, or other such Carriage with Four Wheels, used for the Conveyance of Goods, and constructed with Springs, the Sum of One Shilling, and the further Sum of Sixpence for the Third and every additional Horse or other Beast:

For every Horse or other Beast drawing any Carriage commonly known by the Name of a Van or Caravan, or other such Carriage with Two Wheels, used for the Conveyance of Goods, and constructed with Springs, the Sum of Nine-pence:

on Carts; For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Nine Inches or upwards at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of Sixpence; and when there is a greater Number, the Sum of Sixpence for the first, and the further Sum of Three-pence for every additional Horse or other Beast:

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Six Inches and under Nine Inches at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of Eight-pence, and when there is a greater Number, the Sum of Sixpence:

For every Horse or Beast drawing any Cart or other such Carriage with Two Wheels of less Breadth than Six Inches at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or other Beast, the Sum of Nine-pence; when there are Two such Horses or other Beasts, the Sum of Seven-pence Halfpenny; when there are Three such Horses or other Beasts, the Sum of Seven-pence; when there are Four such Horses or other Beasts, the Sum of Seven-pence Halfpenny; and the further Sum of Sixpence for every additional Horse or other Beast:

on Horses,
&c.

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Ox or Neat Cattle, the Sum of One Penny:

And for every Calf, Pig, Sheep, or Lamb, the Sum of One Halfpenny:

Provided

Provided always, that in all Cases where full Toll has been paid at the *Par's Wood* Side Gate, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through, and the Driver thereof producing a Ticket denoting such Payment at the *Rushulme* Gate; and in all Cases where Toll has been paid at the *Rushulme* Gate, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through, and the Driver thereof producing a Ticket denoting such Payment at the *Par's Wood* Side Gate: Provided also, that in all Cases where full Toll has been paid at the *School's Hill* Gate, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through, and the Driver thereof producing a Ticket denoting such Payment at the *Hurlbote* Gate; and in all Cases where Toll has been paid at the *Hurlbote* Gate, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through, and the Driver thereof producing a Ticket denoting such Payment at the *School's Hill* Gate: Provided also, that in all Cases where full Toll has been paid at the *School's Hill* Side Gate, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through, and the Driver thereof producing a Ticket denoting such Payment at the *School's Hill* Gate, or the *Hurlbote* Gate or Side Gate, or any of them; and in all Cases where full Toll has been paid at the *Hurlbote* Gate, the *Hurlbote* Side Gate, and the *School's Hill* Gate, or any of them, no Toll shall be demanded or taken in respect of the same Horse or other Beast on its proceeding and passing through any of the others, or the *School's Hill* Side Gate, and the Driver thereof producing a Ticket denoting such Payment.

Limitation of Tolls.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to cause the Toll payable at the *Rushulme* Bar to be divided, and one Half only of such Toll to be paid thereat, and the other Half at another Bar to be erected at some convenient Place across the said Road, not nearer than Two Miles therefrom, by an Order made at some Meeting of the said Trustees called for that special Purpose, at which not less than Fourteen Trustees shall be present, and of which Twenty-one Days Notice shall be given by the Clerk by Insertion in some Newspaper circulated in the said respective Counties of *Lancaster* and *Chester*.

Tolls payable at the *Rushulme* Bar may be divided, &c.

VIII. And be it further enacted, That in every Case when there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

IX. And be it further enacted, That for and in respect of all Carts constructed with Springs, carrying Milk, and drawn by One Horse only, and not weighing more than Twelve Hundred Weight, the Sum of Four-pence only shall be paid.

Milk Carts.

X. Provided also, and be it further enacted, That every Person who shall have paid One full Toll on passing through any of the Toll Gates now erected, or which may be hereafter erected by virtue of

Tolls to be paid but Once for passing and re-passing;

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this Act, shall (on producing a Ticket denoting such Payment) be permitted to return Toll-free before Twelve of the Clock at Night of the same Day, with the same Horse or other Beast, unless in the Case of Horses or other Beasts drawing any Waggon, Cart, or Carriage laden both on passing and returning with the Weight of Five Hundred Weight or upwards, of One hundred and twelve Pounds to the Hundred Weight, in which Cases full Toll shall be also paid when returning; but nothing hereing contained shall empower the said Trustees to demand or take the Tolls hereby granted at more than Four of the Toll Gates now erected or to be erected across the said Road by virtue of this Act on one and the same Day, in respect of the same Horses or Beasts.

and but at
Four Gates
on the same
Day.

Tolls payable
again after
passing and
repassing.

XI. And be it further enacted, That if any Person shall pass or go a Third Time or oftener on the same Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) with any Horse or other Beast, drawing or not drawing, through all or any of the said Toll Bars, every such Person shall be liable and compellable again to pay the Tolls hereby imposed, in the same Manner as such Person would have been liable in case he had not before, on the same Day, paid Toll or passed through any of the said Toll Bars.

Stage
Coaches,
Post Chaises,
&c.

XII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach or Caravan, and also in respect of all Horses or other Beasts drawing any Post Chaise or other such Carriage travelling for Hire, (if hired afresh,) the Tolls by this Act granted shall be paid as well for returning as passing through all or any of the Bars now erected or to be erected by virtue of this Act.

One Horse
Carts may be
weighed.

XIII. 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 further enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded and received for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses or Beasts; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts drawn by more than One Horse or Beast shall be applicable to Carts passing on the said Road drawn by One Horse or Beast only, and to the Drivers, Masters, and Owners thereof.

Tolls may be
reduced at
Side Gates.

XIV. And whereas it also frequently happens that Persons are put to Hardship by being charged the full Tolls at the Side Gates erected on the Sides of the said Road, after travelling a short Distance thereon, which it is expedient to remedy and prevent; be it further enacted, That it shall be lawful for the said Trustees, in all Cases where they shall find it reasonable, to reduce the Tolls payable at all or any of the Side Gates erected or to be erected adjoining the said Roads, to any Sum or Sums of Money not less than One Half of the full

full Tolls by this Act granted and made payable: Provided always, that in case the said Trustees shall make any such Reduction, all Persons having the Benefit thereof shall pay or make up the same Amount of Tolls, on afterwards proceeding through any of the Gates erected across the said Roads, as would have been payable thereat in case no such Reduction had taken place.

XV. And whereas it frequently happens that Timber and other Carriages are drawn upon the said Road laden with excessive Weights, which, by reason of their Construction, cannot be weighed at the Weighing Machines commonly used on Turnpike Roads, and the said Road receives considerable Damage thereby, for which the Tolls herein-before authorized are not a sufficient Compensation; be it therefore enacted, That in all Cases where Carriages are used upon the said Road, constructed so that by the ordinary Weighing Machines erected thereon they cannot be accurately weighed, there shall be paid in respect of every Horse or other Beast drawing such Carriage double the Amount of the Tolls herein-before authorized to be taken.

Carriages which cannot be weighed to pay double Tolls.

XVI. And whereas the Provisions and Regulations allowing specified Weights to be carried in Waggon and Carts, according to the Width of the Wheels thereof, are evaded by the Tires of such Wheels being so constructed as not to run or press upon a Surface equal to the actual Width thereof; be it therefore further enacted, That from and after the passing of this Act every Waggon, Cart, or other such Carriage passing along the said Roads, having Wheels of the Breadth of Nine Inches or more, the Tires of which do not press the Breadth of Nine Inches upon a level Surface, or the Tires of which deviate Three Quarters of an Inch from a flat Surface, shall be allowed the same Weight only, and be subject to the same Toll, as Waggon, Carts, and other such Carriages having Wheels of the Breadth of Six Inches; and every Waggon, Cart, or other such Carriage having Wheels of the Breadth of Six Inches and less than Nine Inches, the Tires of which do not press the Breadth of Six Inches upon a level Surface, or the Tires of which deviate Half an Inch from a flat Surface, shall be allowed the same Weight only, and be subject to the same Toll, as Waggon, Carts, and other such Carriages having Wheels of the Breadth of Four and a Half Inches; and every Waggon, Cart, or other such Carriage having Wheels of the Breadth of Four and a Half and less than Six Inches, the Tires of which do not press the Breadth of Four and a Half Inches upon a level Surface, or the Tires of which deviate a Quarter of an Inch from a flat Surface, shall be allowed the same Weight only, and be subject to the same Toll, as Waggon, Carts, and other Carriages having Wheels of the Breadth of Three Inches.

As to Wheels constructed so as to evade Tolls.

XVII. And be it further enacted, That no Exemption from Toll for Overweight in respect of any Horse or other Beast drawing any Waggon, Cart, or Carriage laden with Manure shall be claimed or allowed, unless the Tire of each of the Wheels of such Waggon, Cart, or Carriage shall actually press the Breadth of Six Inches upon a flat Surface; any thing contained in any Act of Parliament relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Exemption for Overweight of Carts laden with Manure.

XVIII. And

Sinking Fund
to be formed.

XVIII. And be it further enacted, That from and after the Twenty-ninth Day of *September* next the Sum of Five Pounds Sterling *per Centum per Annum* on the Amount of all Principal Monies now due, and of every further Sum of Money to be borrowed upon the Credit of the said Tolls, shall be charged on and paid out of the said Tolls; in order to form a Sinking Fund for the gradual Payment of the said Monies; and after Payment thereby of any Part of such Principal Monies, the full Interest which would have been otherwise payable in respect of the same shall still be charged on and paid out of the said Tolls, in addition to and in aid of the said Sinking Fund; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum shall be applied in Payment of an equal Amount of the Principal Monies remaining due to One of the Creditors by Lot.

Application
of Tolls.

XIX. And be it further enacted, That all the Monies, Tolls, and ~~Effects~~ which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Act hereby repealed, or shall become possessed of or entitled to by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and shall be by them applied, first, in paying the Fees, Charges, and Expences of procuring and passing this Act, then in paying the Principal and Interest of all Monies now due and owing on the Credit of the said recited Act hereby repealed, or which may hereafter become due and owing on the Credit of this Act, and afterwards in repairing, widening, altering, diverting, and otherwise improving the said Road, and otherwise defraying the Expences attending the Execution of this Act, and to or for no other Use or Purpose whatsoever.

No Money
to be laid out
in repairing
of Streets, &c.

XX. Provided always, and be it further enacted, That nothing herein contained shall empower the said Trustees to apply any of the said Tolls in repairing, widening, altering, or improving any Street or Highway within any Town through which the said Road passes, or where there are or shall be Buildings erected on each Side thereof so as to form a Street, nor shall any Tolls be collected therein by virtue of this Act.

Public Act.

XXI. 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.

Term of Act.

XXII. And be it further enacted, That this Act shall commence and take effect on the passing thereof, and shall 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.