



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xcii.

An Act for improving and maintaining the Road from *Werneth* to *Littleborough*, and other Roads communicating therewith, in the County of *Lancaster*. [29th *May* 1830.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Road from Hollinwood to Littleborough, and other Roads communicating therewith, in the County of Lancaster*: And whereas the Trustees appointed in or by virtue of the said recited Act of the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth have proceeded to put the same Act into execution, and have made considerable Progress in repairing and improving certain Parts of the Road therein mentioned; but no Part of the new Lines of Road mentioned in the said recited Act have yet been made: And whereas it would be of great public Utility if Powers were granted to vary and alter the Line of Road by the said Act intended or authorized to be made, and thereby directed to commence from, at, or nearly opposite to a certain Public House called the *Waggon and Horses*, situate at the Bottom of *Hollinwood* within the Township of *Oldham* in the said County of *Lancaster*, and continuing from thence, by a new Line of Road, to *Dry Clough* within the Township of *Royton* in the said County, and in lieu thereof to make the same commence from and out of the present Turnpike Road from *Man-*

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chester to Oldham, at or near Werneth in the Township of Oldham aforesaid, and proceeding from thence along the present Road, by Coppice Nook and Westwood, to Uin Nook, all within the Township of Oldham aforesaid; and by making a new Line of Road from thence to join the Line of Road from Hollinwood to Dry Clough, by the said Act authorized to be made, at or about the Place where the said last-mentioned Line of Road will cross the Road leading from Maygate Lane, within Oldham aforesaid, to Chadderton aforesaid, and proceed from thence along the Line of Road by the said recited Act authorized to be made to Dry Clough in the Township of Royton in the said County: And whereas several considerable Sums of Money are now due and owing on the Credit of the Tolls by the said recited Act granted, and the Roads comprised in the said Act cannot be sufficiently improved and maintained in repair, nor can the proposed Alteration in the Commencement of the said Road be made and completed, unless the Powers and Provisions of the said recited Act be enlarged, and the Tolls altered: And whereas it is expedient that the said Act should be repealed, and further and other Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty King George the Fourth shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put into execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of improving, repairing, amending, widening, diverting, altering, and keeping in repair the Roads leading from *Werneth*, by *Coppice Nook* and *Westwood*, to *Uin Nook*; and for making, maintaining, and keeping in repair the aforesaid proposed new Line of Road from at or near *Uin Nook*, within *Oldham* aforesaid, to *Dry Clough*, within the Township of *Royton* aforesaid; and also for improving, repairing, amending, widening, diverting, altering, and keeping in repair the Road leading from *Dry Clough* through *Shaw* to *New Hey*; and for making, maintaining, and keeping in repair the proposed new Line of Road from and out of the present Turnpike Road at *New Hey* to or near to *Littleborough* in the said County of *Lancaster*, by the said recited Act authorized to be made; and also for improving, repairing, amending, widening, diverting, altering, and keeping in repair the Branch Road leading from *New Hey*, through *Mibrow*, to *Rochdale* in the said County; and also the Branch of Road from, at, or near *Godds* within the Township of *Crompton* in the said County, to or near to *Grains* within the Township of *Crompton* aforesaid; and also the Branch Road leading from *Bent Green* to or near to *Middleton* in the said County.

Trustees.

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 *Jesse Ainsworth*, *John Andrew*, *Thomas Barker*,

Barker, Thomas Barker the younger, Henry Barlow of High Street, George Barlow of Rhodes House, James Barnes of Milnrow, James Barnes the younger, Charles Butterworth, John Beswicke of Pike House, Hannibal Becker, Edward Ball, Joshua Brierley, John Boardman, Thomas Broadbent, Robert Chadwick, Joshua Chadwick, John Chadwick, James Cheetham of Clough, Samuel Cheetham, James Clegg of High Crompton, Assheton Clegg, John Clegg of High Crompton, Arthur Clegg, Abraham Clegg, John Clegg, Kay Clegg, Thomas Clegg of Milnrow, James Collinge, Abraham Crompton, John Thomas Cocker, James Cocker of Bircha, John Cocker of Nether House, Abraham Crompton the younger, Abel Crompton, John Crompton, Abel Crompton the younger, John Crossley, Enoch Dunkerley, Stanley Dunkerley, Edward Evans, John Entwistle, John Elliott, John Evans of Limeside, Edward Evans the younger, John Farrow, Joseph Fenton, John Fallowfield Clerk, John Gee the younger, George Gee, John Gartside of Tree House Bank, James Greaves of Dirtcar, John Rhew Gatley, George Hadfield, Thomas Henshaw Hadfield, James Hall of Ordsall Hill, James Hall the younger, John Hall, Jonah Harrop, Elijah Hibbert, Robert Gregge Hopwood, John Holme Clerk, James Hordern Clerk, Joshua Thomas Horton Clerk, Lawrence Hardman, William Hodgson, John Hague the younger, Jonathan Hague, John Hilton, Daniel Hilton, Joseph Jones, William Jones, Joseph Jones the younger, William Jones the younger, Edward Kershaw, James Kershaw of Haugh, John Kershaw of Rochdale, Joseph Thompson Kirkbank Clerk, John Lancashire, James Lees of Greenbank, Robert Lees of Mount Pleasant, John Lees of Soho, Edward Lees of Werneth, John Lees of Werneth, George Lees of Werneth, Samuel Lees of Soho, James Lees of Clarksfield, Abraham Lees of Mount Pleasant, John Lever of Alckrington, William Meadowcroft of Butterworth Hall, Jonathan Mellor, William Midgley, Edward Mellor, Abraham Milne of New Hey, Abraham Milne the younger, John Milne of Top of Hill, James Milne the younger, of Top of Hill, John Milne of Whitefield Hall, John Milne of Bradley, James Milne of Primrose Hill, Edmund Milne, Jonathan Marsland, Joshua Milne, George Nelson, Joseph Robson Nelson, Horatio Nelson, George Nelson the younger, Joseph Newton, James Nield, James Nield the younger, James Ogden, Sir Joseph Radcliffe Baronet, Robert Radcliffe, Daniel Radcliffe, Samuel Radcliffe, James Radley, Joseph Rowland, John Rowbottom, Thomas Royle, James Rowland, Brierley Rowland, John Rhodes, Charles Rhys, John Schofield of Moor House, James Schofield, Theophilus Smith, James Starky, Robert Sutcliffe, John Sharples, William Sidebottom, Andrew Schofield, John Tattersall, John Taylor of Ogden, James Taylor of Ogden, John Taylor of Hargreaves, James Mayers Taylor, Richard Greaves Townley, John Travis of Shaw, Thomas Tetlow, Ralph Taylor of Walkers, Thomas Taylor of Rhodes Hill, John Vavasour, Charles Walmsley, Thomas Walmsley of Failsworth, John Whittaker, Robert Whittle, Adam Whitworth, James Wilde of Cowlshaw, Joseph Wilde, James Wilde of Manchester, James Wilde of Shaw, William Winter Clerk, James Whitworth of Ashes, William Wrigley of Lowside, John Wrigley of Copster Hill, James Whitehead of Moss, and John Worthington, and their Successors, being duly qualified to act as Trustees of Turnpike

pike Roads in *England*, shall be and they are hereby appointed Trustees for improving, making, and maintaining in repair the said Road and Branches, and for otherwise putting this Act into execution.

Power to
appoint ad-
ditional
Trustees.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting
of Trustees.

V. And be it further enacted, That for putting this Act into execution the said Trustees shall meet at the *Kings Arms* Inn, in *Shaw* aforesaid, or at some other convenient Place near to the said Roads, on the Third *Friday* next after the Commencement of this Act, or as soon after as conveniently may be, for the Purpose of proceeding to execute this Act, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times, and at such Place and Places, in the Neighbourhood of the said Roads as they shall think proper; and the Hours of such Meetings shall be between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon.

Tolls on
Roads, ex-
cept from
Werneth to
Dry Clough.

VI. And be it further enacted, That the respective Sums hereinafter mentioned shall and may be demanded and taken for Tolls at all and every or any of the said Roads herein-before mentioned, save and except the proposed Road from *Werneth* to *Dry Clough*; (that is to say,)

For every Horse or other Beast drawing any Hearse, Post Chaise, Chariot, Coach, Stage Coach, Diligence, Curricule, Gig, Caravan, or other such Carriage built and constructed with Springs, the Sum of Four-pence :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Nine-pence :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Seven-pence :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Five-pence :

For every Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of the Breadth of Six Inches or upwards

upwards at the Bottom or Soles thereof, the Sum of Four-pence Halfpenny :

For every Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of less Breadth than Six Inches, but not less than Four Inches and a Half, the Sum of Sixpence :

For One Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Eight-pence :

And for every additional Horse or other Beast, the Sum of Four-pence :

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

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

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any less Number :

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

VII. And be it further enacted, That the respective Sums of Money herein-after mentioned shall and may be demanded and taken for Tolls on the proposed Road from *Werneth* to *Dry Clough*; (that is to say,) Tolls on
Road from
Werneth to
Dry Clough.

For every Horse or other Beast drawing any Hearse, Post Chaise, Chariot, Coach, Stage Coach, Diligence, Curricule, Gig, Caravan, or other such Carriage built and constructed with Springs, the Sum of Three-pence :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Four-pence Halfpenny :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Four-pence :

For every Horse or other Beast drawing any Waggon, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Two-pence Halfpenny :

For every Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Two-pence Halfpenny :

For every Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of less Breadth than Six Inches, but not less than Four Inches and a Half, the Sum of Three-pence Halfpenny :

[*Local.*]

For One Horse or other Beast drawing any Cart, Wain, or other such Carriage with Two Wheels, of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Four-pence :

And for every additional Horse or other Beast, the Sum of Two-pence :

For every Horse, 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 less Number :

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Six-pence *per* Score, and so in proportion for any less Number :

And in all Cases where there shall be a fractional Part of a Half-penny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Persons having paid the Toll to return Toll-free.

VIII. Provided always, and be it further enacted, That all and every the Horses, Beasts, and Cattle (except Horses or Beasts drawing any Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart herein-after specified,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Turnpike or Turnpikes, Toll Gate or Toll Gates, on any Part of the said Roads, shall, upon a Note or Ticket, Notes or Tickets, denoting such Payment, being produced, be permitted to return or repass once Toll-free the same Day through the same Turnpike or Turnpikes, Toll Gate or Toll Gates, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free.

Limiting the Number of Payments on each Line of Road.

IX. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand or take the respective Sums or Tolls aforesaid at any greater Number of Gates than is herein-after mentioned, for or in respect of the same Horses, Beasts, or Cattle passing or repassing once through all the Toll Gates, Turnpikes, or Side Gates along the whole Line of each of the respective Roads to be amended, improved, or made by virtue of this Act, any thing contained in any Law or Statute relating to Turnpike Roads to the contrary notwithstanding; (that is to say,) at no more than One Gate on the whole Line of Road from *Werneth* to *Dry Clough*, and at no more than One Gate on the whole Line of Road from *Dry Clough* to *Shaw*, and at no more than Two Gates on the whole Line of Road from *Shaw* to *Littleborough*, and at no more than Two Gates on the whole Line of Road from *Shaw* to *Rochdale*, and at no more than One Gate on the whole Line of Road from *Goats* to *Grains*, and at no more than One Gate on the whole Line of Road from *Bent Green* to *Middleton*.

No more than Three full Tolls to be paid in one Day at the same Gate.

X. Provided always, and be it further enacted, That from and after Payment of Three full Tolls in any One Day for and in respect of any Horse or Horses or other Beast or Beasts drawing any Waggon, Wain, Cart, or other Carriage, at any Toll Gate erected

or to be erected on any Part of the said Roads, the same Horse or Horses or other Beast or Beasts, drawing the same Carriages or Carts, shall be permitted to pass and repass through the same Toll Gate Toll-free during the Remainder of the Day on which such Three Tolls shall have been paid as aforesaid.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads, or any or either of them: Provided also nevertheless, that in case the Horses or Beasts drawing any such Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart, shall be changed after such Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart, shall have passed through any Toll Gate or Turnpike on the said Roads, and Tolls shall have been paid thereat for the same, no further Toll shall be payable in respect of any such other Horses or Beasts than would have been payable in respect of such Stage Coach, Diligence, Van or Caravan, or Stage Waggon, or other Stage Carriage or Cart, in case such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon or other Stage Carriage or Cart, had been drawn by the same Horses or Beasts along the whole Line of the said Roads.

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

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any or either of them, whenever any new Hiring thereof shall take place.

Post Chaises,
&c. on every
new Hiring.

XIII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and continue upon the said Branch Road from *New Hey* to *Rochdale* One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and upon the said Branch Road from *Goats* to *Grains* One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and upon the said Branch Road from *Bent Green* to *Middleton*, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and to demand and take thereat respectively the Tolls by this Act granted, subject to the Provisions of this Act: Provided always, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any or either of such Branch Roads upon which there shall not be a Toll Gate or Bar erected or continued under the Authority of the Trustees for carrying this Act into execution: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any or either of such Branch Roads than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

Toll Gates to
be erected on
Branch
Roads.

XIV. And

Regulating
the charging
of the Debt
upon the
several
Roads.

XIV. And be it further enacted, That the several Principal Sums now due and owing on the Credit of the Tolls granted by the said recited Act, and the Interest thereon, and all Arrears of such Interest, shall be charged on the Tolls to arise by virtue of this Act on the said Line of Road from *Werneth* to *Littleborough*, and on the said Branch Road from *New Hey* to *Rochdale*, and on the said Branch Road from *Goats* to *Grains*, and on the said Branch Road from *Bent Green* to *Middleton*, in the Proportions and Manner following; that is to say, Thirteen equal Thirtieth Parts of the said Principal Sums and Interest, and Arrears of Interest, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said Line of Road from *Werneth* to *Littleborough*; Ten other equal Thirtieth Parts of the said Principal Sums and Interest, and Arrears of Interest, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said Branch Road from *New Hey* to *Rochdale*; Three other equal Thirtieth Parts of the said Principal Sums and Interest, and Arrears of Interest, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said Branch Road from *Goats* to *Grains*; and the remaining Four equal Thirtieth Parts of the said Principal Sums and Interest, and Arrears of Interest, shall be and the same are hereby charged exclusively on the Tolls or Revenues arising or to be produced on the said Branch Road from *Bent Green* to *Middleton*.

This Act not
to prejudice
existing
Securities;

XV. And in order that the Securities of the Creditors to whom the several Principal Sums of Money and Arrears of Interest are now due and owing on the Credit of the said recited Act may not be prejudiced or lessened by any of the Provisions in this Act contained; be it further enacted, That the whole of the Tolls or Revenues to arise or to be produced on the said Line of Road from *Werneth* to *Littleborough*, and on the said respective Branches of Road, shall from henceforth be, remain, and continue, and be subject to and charged and chargeable with the whole of the said several Principal Sums of Money, and of all Interest and Arrears of Interest thereon, in such and the same Manner, and with such and the same Powers and Remedies for recovering and receiving the same respectively, as if such several Sums of Money had been borrowed on the Credit of the Tolls by this Act granted on the said Road, and respective Branches of Road comprised in this Act: Provided always, that nothing herein-before contained shall extend or be construed to extend to enable the several and respective Creditors for the Time being of the Tolls granted by the said recited Act to demand, take, have, or receive any further Sum or Sums of Money from the Tolls or Revenues arising or to be produced on the said Road or respective Branches of Road than shall be equal to the aforesaid several Proportions of the several Principal Sums of Money and Interest, and Arrears of Interest, with which the same is or are herein-before respectively charged, to the Prejudice or Injury of any Person or Persons who shall or may hereafter advance or lend any Sum or Sums of Money on the Credit of the Tolls or Revenues to arise or be produced on the said Road or on any of the said respective Branches of Road.

nor to enable
the present
Creditors to
injure any
future Cre-
ditors.

XVI. And

XVI. And be it further enacted, That the Costs, Charges, and Expences incurred in or incidental to the obtaining and passing of this Act, shall be paid out of any Monies remaining in the Hands of the Treasurer to the said Trustees, or undisposed of on the Day of the Commencement of this Act, or out of the first Monies to arise by virtue of this Act.

Expences of this Act how to be paid.

XVII. And be it further enacted, That Thirteen equal Thirtieth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said Road from *Werneth* to *Littleborough*, shall be applied in the first place in the Payment of Thirteen equal Thirtieth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Road from *Werneth* to *Littleborough*; and in the next place in paying and discharging the aforesaid Proportion of Thirteen equal Thirtieth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Act and of the Act thereby repealed, and of the Arrears now due thereon; and in the next place in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Road from *Werneth* to *Littleborough*; and in the next place in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Thirteen equal Thirtieth Parts of the several Principal Sums secured on the Credit of the said recited Act and of the Act thereby repealed; and lastly in paying off and discharging all Principal Sums which shall be borrowed on the Credit of the Tolls arising on the same Road from *Werneth* to *Littleborough*.

Application of the Monies arising on the *Werneth* and *Littleborough* Road.

XVIII. And be it further enacted, That Ten equal Thirtieth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said Branch Road from *New Hey* to *Rochdale*, shall be applied in the first place in the Payment of Ten equal Thirtieth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road from *New Hey* to *Rochdale*; and in the next place in paying and discharging the aforesaid Proportion of Ten equal Thirtieth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Act and of the Act thereby repealed, and of the Arrears now due thereon; and in the next

Application of the Monies arising on the Branch Road from *New Hey* to *Rochdale*.

place in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road from *New Hey to Rochdale*; and in the next place in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Ten equal Thirtieth Parts of the several Principal Sums secured on the Credit of the said recited Act and of the Act thereby repealed; and lastly in paying off and discharging all Principal Sums which shall be borrowed on the Credit of the Tolls arising on the same Branch Road from *New Hey to Rochdale*.

Application
of the Monies
arising on the
Branch Road
from Goats
to Grains.

XIX. And be it further enacted, That Three equal Thirtieth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said Branch Road from *Goats to Grains*, shall be applied in the first place in the Payment of Three equal Thirtieth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road from *Goats to Grains*; and in the next place in paying and discharging the aforesaid Proportion of Three equal Thirtieth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Act and of the Act thereby repealed, and of the Arrears now due thereon; and in the next place in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road from *Goats to Grains*; and in the next place in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Three equal Thirtieth Parts of the several Principal Sums secured on the Credit of the said recited Act and of the Act thereby repealed; and lastly in paying off and discharging all Principal Sums which shall be borrowed on the Credit of the Tolls arising on the same Branch Road from *Goats to Grains*.

Application
of the Monies
arising on the
Branch Road
from Bent
Green to
Middleton.

XX. And be it further enacted, That Four equal Thirtieth Parts of all such Monies (if any) as shall remain in the Hands of the Treasurer to the said Trustees, or undisposed of, on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and all Monies which shall arise and be produced from the Tolls to be collected on the said Branch Road from *Bent Green to Middleton*, shall be applied in the first place in the Payment of Four equal Thirtieth Parts of the Expences of Books, Advertisements, Salaries of Officers, and other such general current Expences of the Trustees in the Execution of this Act, and

in the Payment of the Expences of repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts on the same Branch Road from *Bent Green* to *Middleton*; and in the next place in paying and discharging the aforesaid Proportion of Four equal Thirtieth Parts of the Interest of the Monies now due and owing on the Credit of the said recited Act and of the Act thereby repealed, and of the Arrears now due thereon; and in the next place in Payment of the Interest of any Monies which shall be hereafter borrowed on the Credit of the Tolls arising on the same Branch Road from *Bent Green* to *Middleton*; and in the next place in paying the Expences of making, completing, diverting, altering, widening, improving, repairing, and keeping in repair the same Branch Road; and afterwards in reducing, paying off, and discharging the aforesaid Proportion of Four equal Thirtieth Parts of the several Principal Sums secured on the Credit of the said recited Act and of the Act thereby repealed; and lastly in paying off and discharging all Principal Sums which shall be borrowed on the Credit of the Tolls arising on the same Branch Road from *Bent Green* to *Middleton*.

XXI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to set out and make the said several new Pieces of Road from at or near *Werneth* to *Dry Clough*, and from at or near *New Hey* to or near to *Littleborough*, according to the Lines described in the Maps or Plans herein-after mentioned, and for such Purpose to take and use the Buildings, Gardens, and Premises described in the Schedule to this Act annexed, any thing in any Law or Statute relating to Turnpike Roads contained to the contrary notwithstanding.

New Pieces of Road may be made.

XXII. Provided always, and be it further enacted, That no Toll shall be demanded or taken on the said intended Line of Road from *Werneth* to *Dry Clough* until the whole of such intended Line of Road shall be completed and thrown open to the Public.

No Toll to be taken on the new Line until finished.

XXIII. And whereas a Map or Plan, describing the proposed Line of Road from *Werneth*, by *Coppice Nook*, *Westwood*, and *Uin Nook*, to the Road leading from *Maygate Lane* to *Chadderton*, and also another Map or Plan, describing the proposed Line of Road from *Maygate Lane* aforesaid to *Dry Clough*, and also the proposed Line of Road from *New Hey* to *Littleborough*, and the Lands through or over which the same is or are to be carried or made, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County of *Lancaster*; be it therefore enacted, That the said Trustees, in making the said Lines of Road, shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Land such Deviation or Deviations shall be made; and the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Lancaster*, and the same, or any Copy or Copies

Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Copies thereof, shall and is and are hereby declared to be good Evidence, and shall be admitted as such, by all Judges, Justices, and others, in all Courts of Law and elsewhere.

Mistakes in Schedule or Book of Reference not to prevent the Road from being made.

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Lines of Road into, through, across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners or reputed Owner or Owners of Lands, Hereditaments, or Premises over which the same is or are set out and described in the said Maps or Plans, or Schedule to this Act, as aforesaid, although such Lands, Hereditaments, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described or omitted or mis-stated in the said Maps or Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful.

Trustees restrained from pulling down Houses, &c. except such as are mentioned in the Schedule.

XXV. Provided always, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to empower or authorize the said Trustees to take, pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act.

Limiting the Period of purchasing to Five Years.

XXVI. Provided always, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years after the passing of this Act, all the Powers granted by this Act for the purchasing, taking, or using the same, or such of them as shall not have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Bridge to be erected over Rochdale Canal.

XXVII. And whereas it will be necessary to make the said intended Diversion or new Branch of Road over and across the *Rochdale Canal* in the Township of *Butterworth* in the said County of *Lancaster*; be it therefore enacted, That the said Trustees shall and they are hereby required, by and out of the Tolls, Funds, or Monies to be received or raised by virtue of this Act, to erect and build a good, firm, and substantial Bridge of Stone or Brick, or both, over and across the said Canal and the Towing Path thereof, at the Point or Place denoted or shown upon or in the Map or Plan and Book of Reference deposited with the Clerk of the Peace for the said County of *Lancaster*, with proper and convenient Approaches to and from the same; and the Arch or Span of the said intended Bridge shall not be less than Thirty-six Feet (clear) between the Side Walls or Abutments thereof,

thereof, and the under Side of the Keystone in or the Crown of the Arch of the said Bridge shall not be less than Twelve Feet in Height above the Top-water Level of the said Canal where such Bridge shall be erected or built, and the Springers of the same Bridge shall not be less than Nine Feet in Height above the Top-water Level of the said Canal there, and the Surface of the said Bridge shall be so made or completed that the Ascent of the Road over the said Bridge shall not exceed One Foot in Thirteen Feet, and the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Road; and the said Trustees shall, at all Times for ever after such Bridge shall have been erected or built in manner aforesaid, keep the same Bridge, or any future Bridge to be erected in lieu thereof, (and which shall be composed of the like Materials, and be of the like Dimensions and Capacity as are herein-before directed,) in good, perfect, and complete repair.

XXVIII. Provided always, and be it further enacted, That the said Trustees shall give Fourteen Days previous Notice in Writing to the said Company of Proprietors, or to their Treasurer, Clerk, Engineer, or Agent for the Time being, when it shall be necessary for the Purposes of this Act to alter the Course of or to draw off the Water in the said Canal, and shall not in and by the Execution or Exercise of all or any of the Powers or Authorities hereby given or granted do or occasion any Obstruction, Damage, or Injury to the said Canal, or to any of the Works of or belonging thereto, or to any Boats, Barges, or other Vessels navigating therein, or obstruct, prejudice, prevent, or hinder the full and free Use and Enjoyment of the said Canal, and the Cuts or Branches communicating therewith, and the Towing Paths, Wharfs, or other Works belonging thereto, save only such as shall be unavoidable in the erecting or repairing the said Bridge.

Trustees not to obstruct the Navigation of the Canal;

XXIX. Provided always, and be it further enacted, That nothing herein-contained shall extend or be construed to extend to authorize or empower the said Trustees to turn, divert, alter, or make any Part of the said Road or Branches to be repaired or amended and made under or by virtue of the Powers of this Act over the said *Rochdale* Canal, or in or through the *Hollingworth* Reservoir, or the Plantation adjoining, or other the Lands of the said Company of Proprietors, at any other Point or Place, or in any other Line or Direction, than are respectively denoted or shown upon or in the said Map or Plan and Book of Reference so deposited with the Clerk of the Peace as aforesaid, without the express Consent and Approbation in Writing of the said Company of Proprietors, or their Committee, Treasurer, Clerk, or Engineer for the Time being, any thing to the contrary notwithstanding.

nor to deviate in the Company's Lands without Consent.

XXX. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads,

Ditches, &c. by whom to be made and cleansed.

[*Local.*]

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(not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House,) at the Expence of the said Trustees out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or cross the said Roads, also at the Expence of the said Trustees out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads.

Public Act. XXXI. 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. XXXII. And be it further enacted, That this Act shall commence and take effect from the First Day of *September* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE to which the Act refers.

Description of Property.	Owners.	Occupiers.
ROAD FROM LITTLEBOROUGH TO NEW HEY.		
<i>Township of Blatchenworth.</i>		
Garden - - -	Laurence Peel, Esq. -	Mr. Isaac Marsden.
<i>Township of Butterworth.</i>		
Embankment - -	Rochdale Canal Company -	Themselves.
Part of Reservoir and Plantation - - }	Ditto - - -	Ditto.
Plantation - - -	Ditto - - -	Ditto.
Barn, Cowhouse, Stable, and Part of Fold - }	Mr. John Buckley -	Himself.
Garden and Coalhouse -	Ditto - - -	Ditto - - -
Plantation - - -	Joseph Fenton, Esq. -	Himself.
Garden - - -	Mr. William Hague -	Mr. Benjamin Hurst.
Garden and Fold -	Mr. William Meadowcroft -	Himself.
Necessary and Factory Yard	Mr. John Sutcliffe - -	{ John Sutcliffe and Robert Sutcliffe.
Smithy - - -	Edmund Stock - - -	Thomas Simpson.
Old Smithy - - -	Ditto - - -	Abraham Stock.
ROAD FROM DRY CLOUGH TO WERNETH.		
<i>Township of Royton.</i>		
Pump - - -	James Booth - - -	William Mellor.
<i>Township of Oldham.</i>		
Shippon - - -	{ Abraham Clegg and Thomas Taylor - - - }	Joseph Riley.
Garden - - -	Isaac Clegg - - -	Joseph Buckley.

