ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxiii.

An Act for more effectually repairing the Road from *Bolton* to *Westhoughton* in the County Palatine of *Lancaster*. [18th *June* 1842.]

WHEREAS an Act was passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending, widening, improving, and keeping in* 39 & 40 G. 3.
repair the Road leading from the South End of the Moor Lane *in the* c. 74.
Township of Great Bolton *into the Turnpike Road from* Manchester *to* Wigan *near* Westhoughton Chapel *in the County Palatine of* Lancaster: And whereas an Act was passed in the Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An* 1 & 2 G. 4.
Act for continuing the Term and altering and enlarging the Powers c. 78.
of an Act of His late Majesty's Reign, for amending the Road leading from the South End of the Moor Lane *in the Township of* Great Bolton *into the Turnpike Road from* Manchester *to* Wigan *near* Westhoughton Chapel *in the County Palatine of* Lancaster: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts, which

Money still remains owing, and such Money cannot be paid off, nor the Interest thereof discharged, nor can the said Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Acts should be repealed, that the Tolls authorized to be collected by such Acts should be altered and increased, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Day of *July* next after the passing of this Act the said recited Acts of the Fortieth Year of the Reign of His Majesty King *George* the Third, and of the Second Year of the Reign of His Majesty King *George* the Fourth, shall be repealed, and that this Act shall then and thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Acts repealed, and this Act to be put in force.

All Arrears of Tolls and Monies due under recited Acts vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Acts hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *John Ashworth*, *John Horrocks Ainsworth*, *John Albinson* of *Rumworth*, *William Balshaw*, *Edward Bolling*, *William Bolling*, *John Bolling*, *Thomas Ridgway Bridson*, *Stephen Blair*, *John Brimelow*, *John Barrow*, *Harrison Blair*, *Richard Badger*, *William Crompton*, *James Cross*, *Henry Coop*, *Richard Daly*, *Peter Ditchfield*, *William Dobson*, *Adam Dale*, *James Fletcher* of *Westhoughton*, *Thomas France*, *Thomas Fletcher*, *Ralph Fletcher*, *James Pearson Fletcher*, *Roger Fletcher* the elder, *Thomas Fairhurst*, *Thomas France* the younger, *James Grundy*, *Benjamin Gaskell*, *William Gray*, *William Gray* the younger, *James Green*, *William Green* of *Rumworth*, *Thomas Green* the elder, *Edward Green*, *Thomas Gerrard*, *Edward Green* of *Wigan*, *Edward Girdlestone* Clerk, *William Green* the younger of *Hindley*, *James Green* the younger, *Edward Green* of *Manchester*, *William Green* of *Manchester*, *William Hulton*, *John Heelis*, *Thomas Howell*, *Richard Hodgkinson*, *William Higson*, *Adam Lomax Haworth*, *John Hargreaves* the elder, *John Hargreaves* the younger, *Thomas Gardner Horridge*, *David Hewitt* Clerk, *James Heaton*, *James Hargreaves*, *George Hargreaves*, *Richard Haddock* the elder, *Richard Haddock* the younger, *James Hardcastle*, *Robert Johnson*, *John Johnson*, *Charles Johnson*, *Edward Kearsley*, *Thomas Kearsley*, *Hampson Lomax*, *John Lomax*, *Johnson Lomax*, *Richard Lathom*,

Lathom, *John Mawdsley*, *John Moore*, *Peter Ormrod*, *James Ormrod*, *John Pennington*, *James Platt*, *Thomas Pitt*, *George Piggot*, *Benjamin Rawson*, *Peter Rothwell*, *John Radcliffe*, *Joseph Riley*, *James Silcock* the elder, *James Slade* Clerk, *William Slade*, *James Scowcroft*, *John Seddon*, *John Salt*, *John Silcock* the elder, *John Silcock* the younger, *Ralph Shaw*, *William Scowcroft* Surgeon, *John Scowcroft*, *Charles Tempest*, *Thomas Wingfield*, *Richard Woodward*, *John Woods*, *Edmund Woodward*, *Josiah Woodward*, *Thomas Woods* of *Westhoughton*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *Stag's Head*, in *Rumworth* in the County of *Lancaster*, or at some other convenient Place in the Neighbourhood of the said Road, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

Power to appoint Committees.

VI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which Act is applicable.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road commencing at the Division of the Townships of *Great Bolton* and *Rumworth*, and terminating at the Turnpike Road leading from *Manchester* to *Wigan*, at the *White Lion* Public House in the Township of *Westhoughton*, all in the County Palatine of *Lancaster*.

Power to take Tolls.

VIII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their

their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For Six or more Horses, Mules, or other Beasts drawing any Coach, Berlin, Landau, Chariot, Barouche, Phaeton, Chaise, Chair, Curricle, Sociable, Gig, Van, Caravan, Calash, Hearse, Litter, or other such like Carriage, the Sum of Two Shillings:

For Four or Five Horses, Mules, or other Beasts drawing any such Carriage, the Sum of One Shilling and Sixpence:

For Three Horses, Mules, or other Beasts drawing any such Carriage, the Sum of One Shilling:

For Two Horses, Mules, or other Beasts drawing any such Carriage, the Sum of Nine-pence:

For One Horse, Mule, or other Beast drawing any such Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, or other such like Four-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards on the Bottom or Soles thereof, the Sum of Five-pence:

For every Horse, Mule, or other Beast drawing any such Waggon, Wain, or other such like Four-wheeled Carriage, with Wheels of the Breadth of Four Inches and a Half as aforesaid, or upwards, but not so broad as Six Inches, the Sum of Seven-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, or other such like Four-wheeled Carriage, with any of the Wheels of less Breadth than Four Inches and a Half, the Sum of Nine-pence:

For every Horse, Mule, or other Beast, the whole Number not being less than Three, drawing any Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Six Inches or upwards as aforesaid, the Sum of Four-pence:

For Two Horses, Mules, or other Beasts drawing any such Cart or other such like Two-wheeled Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any such Cart or other such like Two-wheeled Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Cart or other such like Two-wheeled Carriage, with Wheels of the Breadth of Four Inches and a Half as aforesaid, or upwards, but not so broad as Six Inches, the Sum of Four-pence:

For every Horse, Mule, or other Beast drawing any such Cart or other such like Two-wheeled Carriage, with Wheels of less Breadth than Four Inches and a Half as aforesaid, the Sum of Five-pence:

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

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

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:

For every Four-wheeled Carriage propelled or drawn by Steam, or other Power than Animal Power, the Sum of One Shilling and Sixpence: And

For

For every Two or Three wheeled Carriage propelled or drawn by Steam, or other Power than Animal Power, the Sum of One Shilling:

Which said Tolls shall be taken before any Horse, Mule, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

Toll on Asses drawing Carts to be One Half of the Tolls on Horses.

IX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Trustees to demand or take any greater Toll for or in respect of any Ass or Asses drawing any Waggon, Wain, Cart, or other Carriage, than One Half the Amount of the Toll that would be payable by this Act for or in respect of any Horse, or the like Number of Horses, drawing the like Description of Waggon, Wain, Cart, or Carriage.

Fraction of a Halfpenny in Tolls.

X. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Horses, &c. drawing Road Materials in Carriages with narrow Wheels to be liable to Toll;

XI. And be it enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road, for or in respect of any Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, shall be allowed, in respect of the Tolls by this Act granted, when such Waggon, Wain, Cart, or other Carriage shall have the Fellies of the Wheels thereof of a less Breadth than Four Inches and a Half, any Law or Statute to the contrary notwithstanding.

or if Road Materials are to be used in distant Townships.

XII. And be it enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Tolls on any Turnpike Road shall be allowed, in respect of the Tolls by this Act granted, for or in respect of any Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are to be used for making or repairing a Highway within some Township or Place which is or may be liable to contribute to the Repair of some Part of the Road comprised in this Act.

Carriages with Road Materials to be liable to Toll during the Winter Months.

XIII. Provided always, and be it enacted, That no Exemption allowed by any Law or Statute now in force from Payment of Toll on any Turnpike Road, for or in respect of any Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other Carriage employed in leading or conveying any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, shall in any Case be allowed, in respect of the Tolls by this Act granted, for any Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other Carriage so employed upon any Part of the Road comprised in this Act, during the Winter Months; that is to say, between the Thirtieth Day of *September* in any Year and the

First Day of *April* in the next succeeding Year; any Law or Statute to the contrary notwithstanding.

Extending Regulations and Penalties relating to the weighing of Carriages.

XIV. Provided also, and be it enacted, That all the Powers, Provisions, Regulations, and Penalties imposed by any Law or Statute now in force or hereafter to be made, relating to the measuring and gauging of the Breadth of Wheels, and the weighing of Carts and other Carriages, or relating to the Owners or Drivers of such Carts and other Carriages, shall be applicable and shall extend to all Carts and other Carriages passing over or along the said Road which, by the Provisions herein-before contained, are made liable and subject to the Payment of Toll, and to the Owners and Drivers thereof.

Limiting the Number of Tolls payable on Road.

XV. And be it enacted, That no more than One Toll shall be taken for passing and repassing once only in the same Day, nor more than Four Tolls for passing and repassing any Number of Times in the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates or Toll Bars erected or to be erected or continued on the same Road.

Tolls to be paid but once a Day, except, &c.

XVI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Van, Waggon, Cart, or other Stage Carriage, as herein-after mentioned, and except in the Cases of Horses or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, laden, both on passing and repassing, with any Loading of the Weight of Five Hundred Weight or upwards,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar upon the said Road, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning once through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises, &c. subject to Toll on every new Hiring.

XVII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Stage Coaches, &c. to be subject to Toll every Time of passing.

XVIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Van, Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam, or any other Power than Animal Power, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Tolls shall be payable in respect

of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

One-horse Carts may be weighed.

XIX. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Road, carry a greater Weight than is by Law allowed for Carts drawn by Two Horses; be it therefore enacted, That all Carts passing along the said Road, drawn by One Horse only, shall be weighed at any Weighing Machine now erected or to be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn by more than One Horse shall be applicable to Carts passing on the said Road, drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Extra Weights to pay Double Toll between 1st of November and 1st of April.

XX. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year it shall be lawful for the said Trustees to demand at each Toll Gate Double the Toll hereby payable for every Horse, Mule, or other Beast of Draught drawing any Waggon, Cart, or other Carriage, the Weight of which, and of the Loading thereof, shall exceed Three Tons Five Hundred Weight if drawn by One Horse, or shall exceed that Weight, with the Addition thereto of Half a Ton Weight for each Horse above One, if drawn by more than One Horse.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XXI. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall, in respect of the Matters last-mentioned, be payable.

Respecting Toll Gates.

XXII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said Road, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar, as they shall think proper.

Application of Tolls.

XXIII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the said Road shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expences of obtaining and passing this Act, or incident thereto:

Secondly,

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said Acts hereby repealed:

Thirdly, in paying the Expences of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution in reference thereto:

Fourthly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may hereafter be borrowed on the Credit of the Tolls authorized to be taken by this Act:

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been or hereafter may be borrowed on the Credit of the Tolls authorized to be taken by the said Acts hereby repealed, or by this Act.

Trustee or Clerk competent Witnesses in Actions.

XXIV. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Road not to be exempt from any general Act.

XXV. And be it enacted, That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXVI. And be it enacted, That this Act shall commence upon the First Day of *July* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

XXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females.

Public Act.

XXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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