ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xci.

An Act for maintaining in repair the Road from *Bury* to *Bolton* in the County Palatine of *Lancaster*. [17th *June* 1852.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for* 9 G.4. c.11.
more effectually repairing the Road from Bury *to* Little Bolton *in the County Palatine of* Lancaster: And whereas the Term granted by the said Act hath been from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, and the same will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless Parliament shall in the meantime continue the same: And whereas several Sums of Money have been borrowed on the Credit of the Tolls by the said recited Act, and by another Act relating to the said Road thereby repealed, granted or authorized to be collected, which Money still remains due, and the same cannot be paid off, unless the Term and Powers by the said Act granted, and so continued as aforesaid, be further continued, and further Powers and altered or increased Tolls are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but such Purposes

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,

Recited Act repealed.

I. That from and after the Commencement of this Act the said recited Act of the Ninth Year of the Reign of King *George* the Fourth shall be repealed, and that this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

All Arrears of Tolls, &c. due under recited Act vested in Trustees under this Act.

II. That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover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 Act; and the Trustees for executing this Act shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except such as are hereby extinguished.

Trustees appointed.

III. That all Her Majesty's Justices of the Peace acting for the County Palatine of *Lancaster* for the Time being, together with the Right Honourable *Edward Henry* commonly called Lord *Stanley*, the Right Honourable *Orlando George Charles Bridgman* commonly called Viscount *Newport*, the Reverend *Edward James Geoffrey Hornby*, the Reverend *James Slade*, the Reverend *Nathanial Milne*, the Reverend *Thomas Potter*, *John Alexander*, *Samuel Ashton*, *Richard Ashton*, *William Ashton*, *Richard Edward Ashton*, *Robert Sharpe Barlow*, *Stephen Blair*, M.P., *Edward Bolling*, *Edward James Bolling* (*Crompton Fold*), *Richard Bealey*, *Thomas Ridgway Bridson* the younger, *Thomas Bott*, *Thomas Calrow*, *James Richard Calrow*, *Frederick Currer Calrow*, *Christopher Clemishaw*, *William Coward*, *Thomas Bonsor Crompton*, *Thomas Cross*, *Jacob Fletcher* (*Little Lever*), *James Fenton* the elder, *Joseph Fenton* (*Bamford Hall*), *John Fenton* (*Crimble*), *William Fenton* (*Meadowcroft*), *John Fletcher* (*Haulgh*), *Joseph Goodlad*, *John Grant*, *William Grant*, *Daniel Grant*, *William Gray*, *Thomas Gorton* (*Tottington Hall*), *Edmund Grundy* (*The Wylde*), *William Grundy* (*The Wylde*), *John Grundy* (*Outwood Lodge*), *Edmund Grundy* (*Bridge Hall*), *Samuel Grundy* (*Lark Hill*), *John Grundy* (Solicitor), *James Hutchinson* the elder, *James Hutchinson* the younger, *Edward Smalley Hutchinson*, *Arther Hutchinson*, *William Hutchinson*, *John Hutchinson*, *Richard Hampson*, *William Hampson*, *James Harrison*, *Edmund Hardman*,

Hardman, *Henry Hardman*, *James Hardcastle* (*Bradshaw Hall*), *Thomas Hardcastle*, *James Hargreaves*, *William Hargreaves*, *John Hick*, *Joshua Hepworth*, *John Mason Hepworth*, *Edmund Haworth*, *Thomas Hampson*, *John Robinson Kay*, *James Openshaw Kay*, *James Knowles*, *John Langshaw*, *Charles Rothwell Lomax*, *John Molesworth*, *William Nelson Newall*, *Lawrence Newall*, *William Openshaw*, *Jonathan Openshaw* (*Waterloo*), *John Openshaw* (*Irwell*), *Thomas Oram*, *Peter Ormerod* (*Chamber Hall*, *Bolton*), *James Ormerod*, *John Parks*, *James Parks* (Surgeon), *Joseph Peel*, *George Piggott*, *Thomas Ramsbottom*, *John Rothwell* (*Limefield*), *James Scowcroft*, *John Seddon*, *William Slade*, *Thomas Statter*, *Richard Walker* (*Belle Vue*), *John Walker*, *Oliver Ormerod Walker*, *John Scholes Walker*, *Samuel Woodcock*, *John Whitehead* the elder, *John Whitehead* the younger, *George Bancroft Withington*, *George Wike*, and *George Wolstenholme*, 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. That it shall be lawful for the Trustees at any Meeting under this Act to elect any Number of Persons, being 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 appointed in and by this Act.

First Meeting of Trustees.

V. That the Trustees shall hold their First Meeting at the *Derby* Hotel in the Town of *Bury* aforesaid, or at some other convenient Place within the said Town, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, and proceed to put this Act into execution, 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. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be laid down.

Roads to which this Act is applicable.

VII. That this Act shall be put into execution for the Purpose of keeping in repair the present Turnpike Road from the Easterly Side of the Bridge over the Feeder which extends from the River *Irwell*

Irwell to the Reservoir situate in *Radcliffe* and *Elton* of the *Manchester, Bolton, and Bury* Canal Navigation and Railway Company, in the Township of *Elton* in the County Palatine of *Lancaster*, to *Tonge Bridge* at the Boundary of the Borough of *Bolton* in the said County.

Respecting Toll Gates.

VIII. That the several Toll Gates, Bars, Toll Houses, Weighing Machines, and Weighing-machine Houses now standing or being upon the said Turnpike Road or on the Sides thereof, shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said Turnpike Road or on the Sides thereof any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar as they shall think proper: Provided always, that no Toll Gate shall be erected, removed, or set up upon or across the said Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a special Meeting of the Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Act of 9 Geo. IV. Cap. 77.

Present Tolls continued for a Time.

IX. That, notwithstanding the Repeal of the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, the several Tolls thereby granted and made payable shall continue to be paid at the several Toll Gates or Toll Bars to be continued or erected upon or on the Sides of the said Road, until the Expiration of Thirteen Days after the First Meeting of the Trustees under this Act.

Power to take Tolls.

X. That on the Expiration of Thirteen Days after the First Meeting of the Trustees under this Act, and at all Times thereafter, 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 from *Bury* to *Little Bolton*, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

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

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

For every Score of Oxen or Neat Cattle, the Sum of Sixpence; and so on in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Fourpence; and so on in proportion for any greater or less Number:

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

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage with Wheels of the Breadth of Six Inches or upwards on the Bottom or Sole thereof, the Sum of Fourpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage with Wheels of the Breadth of Four and a Half Inches on the Bottom or Sole thereof, and not of the Breadth of Six Inches, the Sum of Fivepence:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheel Carriage with Wheels of less Breadth than Four and a Half Inches on the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Cart or other Two-wheel Carriage with Wheels not less than Six Inches in Breadth on the Bottom or Sole thereof, the Sum of Twopence Halfpenny, when the same shall be drawn by more than One Horse or Beast of Draught; and the Sum of Threepence when the same shall be drawn by One Horse or Beast of Draught only:

For every Horse or Beast of Draught drawing any Cart or other Two-wheel Carriage with Wheels of less Breadth than Six Inches and not less than Four and a Half Inches on the Bottom or Sole thereof, the Sum of Fourpence:

For every Horse or Beast of Draught (except an Ass) drawing any Cart or other Two-wheel Carriage with Wheels of less Breadth than Four and a Half Inches on the Bottom or Sole thereof, the Sum of Fivepence:

For every Ass drawing any Cart or other Two-wheeled Carriage with Wheels of less Breadth than Four and a Half Inches on the Bottom or Sole thereof, the Sum of Twopence Halfpenny:

For every Dog drawing any Cart, Truck, or other Carriage, the Sum of One Penny:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, 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.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

Limiting the Number of Tolls for passing.

XII. That no more than the Tolls herein-after mentioned shall be taken for passing and repassing once only on the same Day (to be computed

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 Turnpikes which shall by virtue of this Act be continued or erected upon, across, or on the Sides of the said Road, (that is to say,) One full Toll between *Meadow Lane* in *Breightmet* and the Borough of *Bolton*, and Two full Tolls between *Meadow Lane* aforesaid and the Terminus of the Road at *Bury*.

Persons having paid Toll to return Toll-free.

XIII. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Turnpike, Toll Gate, or Side Gate which shall by virtue of this Act be continued or erected upon, across, or on the Sides of the said Road, shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Turnpike, Toll Gate, or Side Gate, and in going and returning through such other Turnpike, Toll Gate, or Side Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises to pay on every new Hiring.

XIV. That the Tolls hereby made payable shall be paid for every Horse or Beast drawing any Postchaise or other Carriage travelling for Hire as often as new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horse or Beast had been made on the same Day.

Regulations as to Stage Coaches, &c.

XV. That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward shall be payable and paid for each Time of passing or repassing through any of the Toll Gates or Toll Bars on the said Road.

Tolls to be paid but Three Times a Day.

XVI. That in case the Toll herein-before authorized to be taken shall have been paid for the passing and repassing once only of any Horse, Beast, or Cattle, or of any Carriage of any Description (not being a Stage Carriage or Postchaise, or other Carriage let out to Hire) through any One of such Toll Gates or Turnpikes or Side Gates on the said Road, Three Times in any One Day, to be computed as aforesaid, such Horse, Beast, Cattle, or Carriage shall, upon the Production of a Ticket or Tickets denoting that Three Tolls have been paid on that Day at such Gate, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, upon, across, or on the Sides of the said Road as the Ticket or Tickets for such Payment shall free, at any Time and Times during the same Day, to be

be computed as aforesaid, anything in this Act contained to the contrary thereof in anywise notwithstanding.

One-horse Carts may be weighed.

XVII. That inasmuch as 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 or more Horses, it shall be lawful for the said Trustees to order that all Carts passing along the said Road drawn by One Horse only shall and may 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 or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

As to Amount of Principal Debt.

XVIII. And whereas the Sum of Twenty-one thousand and seventy-nine Pounds Four Shillings and Tenpence is due and owing on Security of the Tolls heretofore payable on the said Road, exclusive of certain Arrears of Interest thereon: Be it enacted, That from and after the passing of this Act the said Sum of Twenty-one thousand and seventy-nine Pounds Four Shillings and Tenpence shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road, and that all Arrears of Interest on such Sum up to the Twenty-second Day of *May* One thousand eight hundred and fifty-two shall be and the same are hereby declared to be extinguished.

Application of Money.

XIX. That all Monies which shall have been raised and produced by virtue of the said recited Act, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all Monies which shall be received by the Trustees by virtue of this Act, shall be applied in the Order and Manner following; (that is to say,)

Firstly, in the Payment of all the Costs, Charges, and Expenses which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively:

Secondly, in defraying the Expenses of erecting and providing, altering and repairing Turnpikes, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Road, Weighing Machines and Weighing Houses, and other Expenses of Management of the said Road, except the Expenses of repairing the said Road; provided that such

Expenses

Expenses of Management shall not exceed in any One Year the Sum of Sixty-five Pounds, exclusive of any Payment to Toll Collectors for collecting Toll if necessary, and exclusive also of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action, or preferring or defending any Indictment:

Thirdly, in paying Interest at the Rate of Two Pounds *per Centum per Annum* upon the said Principal Sum of Twenty-one thousand and seventy-nine Pounds Four Shillings and Tenpence now owing upon the Credit of the Tolls or Duties heretofore payable on the said Road, or upon such Part thereof as shall for the Time being remain unsatisfied:

Fourthly, in reducing, paying off, and discharging in the Manner herein-after provided the before-mentioned Principal Sum, or such Part thereof as shall from Time to Time remain unpaid; and

Lastly, in repairing and keeping in repair the said Road.

As to Mode of discharging Debt.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall at any general annual or other Meeting apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, by Letter sent by Post addressed to the usual Place of Residence of the several Creditors, or in some Newspaper published in the County of *Lancaster*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees

to

to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees may think fit.

Mortgagees *not to take* Possession of Toll Houses but for Arrears of Interest.

XXI. That whenever and so long as the Interest upon the before-mentioned Principal Sum of Twenty-one thousand and seventy-nine Pounds Four Shillings and Tenpence shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into Possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into Possession of such Toll Gates, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due upon the said Principal Sum to the Persons entitled thereto without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly or such other periodical Days whereon the Interest on such Principal Sum shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Principal Sum up to the last of such half-yearly or other Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall when thereunto required by the said Trustees pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

No Tolls to be taken or Money laid out in Towns.

XXII. That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed on the Tolls.

XXIII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Roads not exempt from Provisions of any future General Act.

XXIV. That nothing herein contained shall be deemed to exempt the Road comprised in this Act 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.

Short Title.

XXV. That in citing this Act in other Acts of Parliament, and in legal Instruments and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Bury and Bolton* Turnpike Road Act, 1852."

Term of Act.

XXVI. That this Act shall commence and take effect from the passing thereof, and shall from thenceforth continue in force for and during the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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