ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

***

The Pendleton Roads Act, 1853.

Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken on each of the said several Districts of Road, and a considerable Portion of such Sums of Money still remains owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Roads 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and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, and that the said several Districts of Road and the Mortgage Debts charged thereon should be consolidated; but the Purposes aforesaid 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Recited Act repealed, and this Act to be put in force.

I. That upon the Fourth *Friday* next after the passing of this Act the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. 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 *Pendleton* Roads Act, 1853."

All Monies, &c. vested in Trustees under recited Act to be vested in Trustees under this Act.

III. That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover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 fully and effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable on the Repeal thereof; and all the Tolls hereby granted and to be received upon the said Roads shall be and the same are hereby made subject and liable to the Payment of the Mortgage Debt of Twelve thousand four hundred and thirteen Pounds (being the Total of the several Mortgage Debts now due and owing upon the Credit of the Tolls by the recited Act authorized to be taken upon the said several Districts of Road), with Interest thereupon after the Rate herein-after mentioned.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *Thomas Agnew*, *Elkanah Armitage* junior, *Benjamin Armitage*, *Thomas*

The Pendleton Roads Act, 1853.

Thomas Ashworth, Simon Ashworth, Thomas Ayre, James Atherton, James Atkin, William Armstrong, Frank Ashton, the Viscount *Brackley, William Boardman, Richard Watson Barton, Robert Buck, Robert Brandt, Samuel Booth* Clerk, *Thomas Hornby Birley, Joseph Hornby Birley, Herbert Birley, John Barrow Backhouse Bindloss, Henry Brownbill, John Bentley, Richard Buckley, Thomas Bradshaw, William Bindloss, Samuel Brooks, Harrison Blair, Thomas Barnes, Richard Bridge, Robert Bridge, Henry Strettell Chadwick, Charles Carrington, Richard Clarke, Benjamin Clarke, James Clarke, James Chadwick, John Chadwick, Thomas Cooke, John Cooke, Henry Cooke, Samuel William Clowes, John Leigh Clowes, Robert Ellis Cunliffe, Ellis Cunliffe, Thomas Potter Cunliffe, Charles Clegg, John Coates, Francis Charlton, John Carver, Andrew Comber, Thomas Drinkwater, John Dugdale, James Dugdale, Daniel Dorning, George Stanley Derbyshire,* the Honourable *Algernon Egerton, John Entwisle, John Fitzgerald, Edwin Ford, Edward Foulkes, Samuel Fletcher, James Gill, Robert Gardner, John Goodier, George Gardiner, James Gorton, Wood Gibson, Phillip Gillibrand, Montgomery Gladstone, Joseph Goodier, James Grimshaw,* Sir *Benjamin Heywood* Baronet, *Thomas Percival Heywood, Oliver Heywood, Arthur Heywood, James Heywood, Thomas Heywood, William Harvey, James Collier Harter, William Harter, William Halstead, Stephen Heelis, James Hutchinson, William Hutchinson, John Hankinson, Henry Heycock, Charles Hilton, Henry Hollins, Benjamin Joule, George Jones, Thomas Barlow Jervis, Richard Ireland, Richard Jennings Jones, Robert Knowles, Thomas Knowles, John Knowles, Andrew Knowles, James Kay, Samuel Kay, John Kay, Richard Kerfoot, John Kenworthy, George Loch, William Langton, George Langworthy, Ebenezer Robert Le Mare, Alexander Leibert, John Walter Leaf, William Leaf, Robert Lansdale, James Lord, Silas Leigh, James Loch, Joseph Lord, Nehemiah Longshaw, William Longshaw, Thomas Littler, Daniel Lee, William Lockett, Matthew Lyon,* the Reverend *William Marsden* Clerk, *George Edensor Marsden, Richard Marsden, Robert Henry Norreys, George Nelson, Thomas Nightingale,* Sir *John Potter, Thomas Bayley Potter, William Peel, Joseph Peel, John Peel, John Clarke Prescott, Edward Preston, James Renshaw, James Robinson, Thomas Robinson, William Ross, Samuel Riley, John Spencer, Nathaniel Shelmerdine, George Smith, John Smith, Robert Smith, Henry Smith, James Smith, George Samuel Fereday Smith, Francis Spencer, John Allen Sutcliffe, Adam Sykes, William Tetlow,* Sir *Humphrey de Trafford* Baronet, *John Randolphus de Trafford, Charles Cecil de Trafford, Augustus Henry de Trafford, Thomas Trueman, Thomas Trueman* junior, *Edward Tootal, James Aspinall Turner, William Turner, Charles Tysoe, John Tysoe, Samuel Rigby Taylor, Samuel Underwood, Josiah Vary, John Walker* of *Prospect Hill, Fountaine Walker, John Walker* of *Weaste, James Withington,*

The Pendleton Roads Act, 1853.

Withington, Charles Withington, Richard Meadowcroft Whitlow, John Blomeley Wroe, John Blomeley Wroe junior, *Robert Wroe, John Bradshaw Wanklyn, John Wilson, James Woods Weston*, 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.

V. 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.

VI. That the said Trustees shall hold their First Meeting at the *Woolpack* Inn, in *Pendleton* in the said County of *Lancaster*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Fourth *Friday* after the passing of this Act, 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 Roads as they shall think proper.

Power to appoint Committees.

VII. 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 Roads, 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 may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VIII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads herein-after mentioned; (that is to say,)

The present Road extending from the Division of the Townships of *Salford* and *Pendleton* to the Division of the Township of *Pendlebury* and the Hamlet of *Swinton*, which shall be called the "*Pendleton* District:"

The present Road extending from the said Division of the Township of *Pendlebury* and the Hamlet of *Swinton* to *Knocket Wall Brook*, being the Division between the Townships of *Worsley* and *Little Hulton*; and the present Road extending from the Guide Post in *Swinton* to the Place called the "*Broad Oak*," in *Worsley*, which last-mentioned Roads shall be called the "*Swinton* District:"

The

The Pendleton Roads Act, 1853.

The present Road extending from the Division of the Townships of *Pendleton* and *Pendlebury*, near the House called or known by the Sign of the "*Pack Horse*," at *Irlam's-o'-th'-Height*, on the Road leading from *Manchester* to *Bolton*, to a Place called the "*Four Stumps*," on *Kersley Moor*, which last-mentioned Road shall be called the "*Irlam's-o'-th'-Height* District:"

The present Road extending from the House known by the Sign of the "*Woolpack* Inn," in *Pendleton*, to the Division of the Townships of *Lower Irlam* and *Cadishead*, which last mentioned Road shall be called the "*Gilda Brook and Irlam* District:"

The present Road extending from *South Sea* in *Pendlebury* to *Agecroft Bridge*, and from thence through *Hilton Lane* to the Road leading from *Manchester* to *Bury* at *Sheepfoot Lane End*; and also the present Road extending from *Agecroft Bridge* aforesaid, over *Kersall Moor*, to *Singleton Brook*; which last-mentioned Roads shall be called the "*Agecroft* District."

The Roads to be consolidated.

IX. That upon the Commencement of this Act the said several Districts of Road shall be consolidated and form One Trust for the Purposes of this Act, and the several Acts now or for the Time being in force relating to Turnpike Roads in *England* and *Wales*, and the Monies at the Time of the Commencement of this Act in the Hands of the Trustees, and all Monies which shall thereafter be received by the Trustees, shall form One Common Fund, and all other Property at the Time of the Commencement of this Act belonging to the Trustees, or which they may thereafter acquire, shall be held by them for the Purposes of the consolidated Trust.

Present Tolls continued until the Expiration of the existing Leases.

X. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the several Toll Gates, Toll Bars, and Chains erected on or on the Sides of the said several Districts of Road, until the Thirty-first Day of *December* next, at Twelve of the Clock at Night, when the present Leases of such Tolls will respectively expire.

Trustees not to erect Gates betwixt Stanny Street and Knocket Wall Brook. 6 G. 4. c. xlvii.

XI. And whereas the Turnpike Road leading from *Barton Bridge*, through *Worsley*, to or near *Moses Gate* in the Township of *Farnworth*, authorized to be maintained by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending, widening, and maintaining the Road from* Barton Bridge *in the Parish of* Eccles, *through the Township of* Worsley, *to* Moses Gate *in the Township of* Farnworth, *and for making, repairing, and improving other Roads to communicate therewith, all in the County Palatine of* Lancaster, passes along One Part of the Road in this Act mentioned and com-

prised in the *Swinton* District of Road, at a Place called *Worsley Stocks*, extending from a Lane called *Stanny Street* to near the said Place called *Knocket Wall Brook*, being a Distance of Three hundred and thirty Yards or thereabouts; and it is expedient that the said Trustees acting in execution of this Act should be restricted from placing any Toll Gate on or by the said Side of the said Road situate betwixt the said Places called *Stanny Street* and *Knocket Wall Brook*, so as to enable them to take or demand Toll thereat for or in respect of any Horses, Cattle, Carts, or Carriages using or travelling upon any Part of the said Roads leading from *Barton Bridge* to or near *Moses Gate* aforesaid: Be it therefore enacted, That the said Trustees shall not erect any Toll Gate at or upon that Part of the said Road situate betwixt the said Places called *Stanny Street* and *Knocket Wall Brook*, so as to ask, demand, receive, or take any Toll whatever at the same for or in respect of any Horses, Cattle, Carts, or Carriages passing along or using, or intending to pass along or use the said Roads leading from *Barton Bridge* to or near *Moses Gate* aforesaid, and comprised in the said Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth.

Trustees not to erect Gates across the Road repaired under 11 & 12 Vict. c. cxlv.

XII. And whereas an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for continuing the Term of an Act passed in the Eighth Year of the Reign of His Majesty King* George *the Fourth, intituled* '*An Act for more* ' *effectually repairing and maintaining the Road from* Hulme, *across* ' *the River* Irwell, *through* Salford, *to* Eccles *in the County Palatine* ' *of* Lancaster, *and a Branch of Road communicating therewith,*' *so far as relates to the Road from* Hulme *to* Eccles, *for the Purpose of enabling the Trustees to pay off the Debt now due on the said Roads:* And whereas the said Road communicates and unites with the said District of Road authorized to be repaired and improved by this Act, called the "*Gilda Brook and Irlam* District," at or near the Village of *Eccles* in the said County Palatine of *Lancaster*, and it would tend to lessen the Tolls to be received under the said last-mentioned Act, in case any Person travelling on the Road repaired under the Powers thereof and from thence to the said District of Road called the *Gilda Brook and Irlam* District, were on entering upon such District of Road to be subject to the Payment of the Tolls granted by this Act: Be it therefore enacted, That it shall not be lawful for the said Trustees to erect or set up any Toll Gate or Weighing Machine upon or across the Entrance of the said Road repaired under the Authority of the said Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, at the Place where the same Road communicates or unites with the said District of Road called the *Gilda Brook and Irlam* District.

XIII. That

Power to take Tolls.

XIII. That from and after Twelve of the Clock at Night on the said Thirty-first Day of *December* next it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which are or shall be upon, or across, or on the Sides of the said Roads such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Pendleton District.

In respect of the Road comprised in the *Pendleton* District of the said Roads:

For every Horse, Mule, Ass, or other Beast drawing any Stage Coach or other Stage Carriage for conveying Passengers for Pay or Reward, the Sum of Twopence:

For every Horse, Mule, Ass, or other Beast drawing any Coach, or any Berlin, Landau, Barouche, Chariot, Chaise, or other such like Carriage with Four Wheels, (not being a Stage Coach or Stage Carriage for conveying Passengers for Pay or Reward,) the Sum of Twopence:

For One Horse, Mule, Ass, or other Beast drawing any Gig, Whiskey, Chair, Cart, Caravan, or other Carriage with Two Wheels, built or constructed with Springs, the Sum of Twopence; and for every additional Horse, Mule, or Beast, the Sum of Three Halfpence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Twopence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Twopence Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Threepence:

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

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Twopence Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of less Breadth than Four and a Half Inches, and not built or constructed with Springs, the Sum of Threepence:

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

For every Drove of Oxen, Cows, or Herd of Neat Cattle, not exceeding the Sum of Tenpence *per* Score, and so in proportion for a greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, not exceeding the Sum of Fivepence *per* Score, and so in proportion for a greater or less Number:

For every Carriage propelled or drawn by Steam or any Power other than Animal Power, the Sum of One Shilling for each Wheel thereof:

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

Irlam's-o'-th'-Height District.

In respect of the Road comprised in the *Irlam's-o'-th'-Height* District of the said Road:

For every Horse, Mule, Ass, or other Beast drawing any Stage Coach or other Stage Carriage for conveying Passengers for Pay or Reward, the Sum of Threepence:

For every Horse, Mule, Ass, or other Beast, drawing any Coach, or any Berlin, Landau, Barouche, Chariot, Chaise, or other such like Carriage with Four Wheels, (not being a Stage Coach or Stage Carriage for conveying Passengers for Pay or Reward,) the Sum of Twopence:

For One Horse, Mule, Ass, or other Beast drawing any Gig, Whiskey, Chair, Cart, Caravan, or other Carriage with Two Wheels, built or constructed with Springs, the Sum of Twopence; and for every additional Horse, Mule, Ass, or other Beast, the Sum of One Penny Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage, with Four Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Twopence Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Threepence Halfpenny:

For every Horse Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Fourpence:

For One Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Twopence Halfpenny; and for every additional Horse, Mule, Ass, or other Beast, the Sum of One Penny Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Threepence Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of less Breadth than Four and a Half Inches, and not built or constructed with Springs, the Sum of Fourpence Halfpenny:

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

For every Drove of Oxen, Cows, or Herd of Neat Cattle, not exceeding the Sum of Tenpence *per* Score, and so in proportion for a greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, not exceeding the Sum of Fivepence *per* Score, and so in proportion for a greater or less Number:

For every Carriage propelled or drawn by Steam, or any Power other than Animal Power, the Sum of One Shilling for each Wheel thereof:

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

Swinton, Gilda Brook and Irlam, and Agecroft Districts.

In respect of the Roads comprised in the *Swinton*, the *Gilda Brook and Irlam*, and the *Agecroft* Districts of the said Roads respectively:

For every Horse, Mule, Ass, or other Beast drawing any Stage Coach or other Stage Carriage for conveying Passengers for Pay or Reward, the Sum of Fourpence Halfpenny:

For every Horse, Mule, Ass, or other Beast drawing any Coach, or any Berlin, Landau, Barouche, Chariot, Chaise, or other such like Carriage with Four Wheels, (not being a Stage Coach or Stage Carriage for conveying Passengers for Pay or Reward,) the Sum of Threepence:

For One Horse, Mule, Ass, or other Beast drawing any Gig, Whiskey, Chair, Cart, Caravan, or other Carriage with Two Wheels, built or constructed with Springs, the Sum of Threepence; and for every additional Horse, Mule, Ass, or other Beast, the Sum of Twopence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Fourpence;

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Fivepence;

For every Horse, Mule, Ass, or other Beast drawing any Waggon or other such Carriage with Four Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, the Sum of Sixpence:

For One Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Fourpence; and for every additional Horse, Mule, Ass, or other Beast, the Sum of Twopence:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Fivepence:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other such Carriage with Two Wheels of less Breadth than Four and a Half Inches, and not built or constructed with Springs, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or Herd of Neat Cattle, not exceeding the Sum of Tenpence *per* Score, and so in proportion for a greater or less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, not exceeding the Sum of Fivepence *per* Score, and so in proportion for a greater or less Number:

For every Carriage propelled or drawn by Steam or any Power other than Animal Power, the Sum of One Shilling for each Wheel thereof:

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

Which said respective Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or any Dog or Goat, or any Carriage whatsoever, shall be permitted to pass through any Toll Gate which is or shall be upon or across the said Roads, or on the Sides thereof respectively.

As to the fractional Part of a Halfpenny in Tolls.

XIV. That in all Cases in which there shall be a fractional Part of One Halfpenny in the Calculation or Amount of any of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be demanded and payable in lieu of such fractional Part.

Persons having paid Toll to return Toll-free.

XV. That all Horses, Mules, Asses, or other Beasts, Cattle, and Animals, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any of the said Roads, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate, and

and in going and returning once through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Horses, &c. drawing different Waggons, &c.

XVI. Provided always, That the said Tolls shall be payable at each and every Toll Gate belonging to the Trustees, in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, or Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any such Toll Gates drawing any other laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage, than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Tolls shall have been paid.

Horses, &c., drawing Stage Carriages to pay Toll for each Time of passing and repassing.

XVII. Provided always, That all Horses, Mules, Asses, or other Beasts drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and all Horses, Mules, Asses, or other Beasts drawing any Waggon, Cart, or Carriage laden with the Weight of Five Hundredweight (of One hundred and twelve Pounds to the Hundredweight) or upwards, and also all Carriages propelled or drawn by Steam or any Power other than Animal Power, shall be liable to pay Toll for each Time of passing and for each Time of repassing through all or any of the Toll Gates upon the said Roads.

Postchaises to pay every Time of passing with fresh Hiring.

XVIII. Provided always, That the Tolls hereby made payable shall be paid for all Horses, Mules, Asses, or other Beasts drawing any Postchaise 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, Mules, Asses, or other Beasts had been made on the same Day.

Regulations as to Stage Coaches, &c.

XIX. That all Horses, Mules, Asses, or other Beasts drawing any Stage Coach, Waggon, 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 Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses, Mules, Asses, or other Beasts drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid, at any Toll Gate, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses,

Horses, Mules, Asses, or other Beasts drawing the same having been changed.

Tolls to be paid only once a Day for Horses or other Beasts conveying Milk, Whey, Buttermilk, or Curds.

XX. That no more than One full Toll shall be taken for or in respect of any Horse, Mule, Ass, or other Beast carrying or conveying only Milk, Whey, Buttermilk, or Curds, and the Utensils or Vessels necessary for holding the same, and the Person in charge thereof, or returning after having been so employed, for passing in the same Day through any of the Toll Gates erected or to be erected or continued on the said Roads.

Limiting the Number of Tolls on the whole Line of Roads.

XXI. That no more than One full Toll shall be taken for passing and repassing once only in the same Day with the same Horses, Mules, Asses, Beasts, Cattle, or other Animals or Thing liable to Toll or Duty (except in the Cases where Toll is herein-before made payable both on passing and repassing, and except as to Postchaises when any new Hiring shall have taken place) through all the Toll Gates erected or to be erected or continued on the said District of the said Roads called the "*Pendleton* District;" nor more than One full Toll on the said District of the said Roads called the "*Swinton* District;" nor more than One full Toll on the said District of the said Roads called "*Irlam's-o'-th'-Height* District;" nor more than Two full Tolls on the said District of the said Roads called "*Gilda Brook and Irlam* District;" nor more than One full Toll on the said District of the said Roads called the "*Agecroft* District."

Respecting Toll Gates.

XXII. That the several Toll Gates and Toll Houses, Weighing Machines and Weighing Machine Houses, now standing or being upon the said present Turnpike Roads, 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 alter and cause to be set up in or across the said present Turnpike Roads, or on the Sides thereof, any Toll Gate or Toll Gates, and Weighing Machine or Weighing Machines, and to remove all or any of the present or future Toll Gate or Toll Gates, Weighing Machine or Weighing Machines, as they shall think proper: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the said Roads, 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 Ninth *George* the Fourth, Chapter Seventy-seven.

Carts drawn by One Horse to be weighed.

XXIII. And whereas it frequently happens that Carts drawn by One Horse only, passing upon and along the said Roads, carry a greater Weight than is allowed by Law for Carts drawn by Two or more

more Horses: Be it therefore enacted, That all Carts passing upon the said Roads or any Part thereof, drawn by One Horse only, may be weighed at any Weighing Machine now or hereafter to be erected in the said several Districts of the said Roads, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, or Owners thereof.

Horses and Carriages conveying Materials exempt from Toll.

XXIV. That no Toll shall be demanded or taken by virtue of this Act for any Horse, Mule, Ass, or other Beast, or for any Waggon, Cart, or other Carriage, employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing any Part of the said Roads, although such Horse, Mule, Ass, or other Beast, or Waggon, Cart, or other Carriage, may have been otherwise employed on the same Day.

Application of the Tolls and other Monies.

XXV. That all Monies which before the Commencement of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall be received by the said Trustees by virtue of this Act, shall be applied as follows; (that is to say,)

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

Secondly, in erecting, altering, and repairing Toll Gates, Toll Bars, Chains, and Toll Houses, and in paying (if necessary) the Wages of Toll Collectors, and in paying the Officers to be employed in the Execution of this Act in any Capacity other than that of Toll Collector, and in paying the other Expenses attending the Management of the said Roads, and putting this Act into execution with reference thereto:

Thirdly, in maintaining, repaving, and keeping in repair the said Roads:

Fourthly, in paying and discharging the Interest upon the said Mortgage Debt of Twelve thousand four hundred and thirteen Pounds, at the Rate now payable thereon, until the Twenty-fifth Day of *December* One thousand eight hundred and fifty-three, and thenceforth in paying and discharging the Interest, at the Rate of Four Pounds *per Centum per Annum*, upon so much of the said Debt as may for the Time being remain unpaid:

Fifthly, in and towards the Liquidation, in manner herein-after provided, of the said Mortgage Debt of Twelve thousand four hundred and thirteen Pounds:

Lastly, the Surplus (if any) shall be applied in maintaining, repairing, and improving the said Roads, and otherwise carrying the Powers of this Act into execution.

Mortgagees to take Possession for Payment of Interest only.

XXVI. That whenever and so long as the Interest (at the Rate herein-before mentioned) upon the Mortgage Debt for the Time being owing by the said Trustees shall be paid within One Calendar Month next after each half-yearly Day whereon the same shall become due, no Mortgagee of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, 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, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages 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 Days whereon the Interest on such existing Mortgages 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 the said existing Mortgages up to the last of such half-yearly 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, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees or to 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.

Providing for Liquidation of Mortgage Debt.

XXVII. That when and so often as the Sum at the Disposal of the Trustees for the Liquidation of the said Mortgage Debt of Twelve thousand four hundred and thirteen Pounds shall amount to the Sum of Four hundred Pounds and upwards, the Trustees shall at a General Meeting, of which and of the Purposes whereof Twenty-eight Days Notice shall be given, either by Advertisement in some Newspaper published in the County of *Lancaster*, or by Circular addressed to each Mortgagee of the Tolls or his Agent at the last known Place of Abode of such Mortgagee or Agent, apply the said Sum, or a Portion thereof,

thereof, as the Case may require, in or towards the Discharge of the Monies owing upon the Security or Securities of the Creditor or Creditors on the Tolls 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 shall apply the Surplus (if any) of such Sum, after Payment to such Creditor or Creditors as aforesaid, or a Portion of such Sum, as the Case may require, in or towards the Discharge of the Monies owing upon the Security or Securities of the Creditor or Creditors who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of such Monies, and so in like Manner until the Sum shall be exhausted, and if Two or more Creditors, by Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, and the said Sum shall not be sufficient to satisfy the Claims of such Creditors, the Trustees shall determine by Lot the Preference between or amongst such Creditors, or shall pay such Composition rateably between or amongst such Creditors, as the Trustees think fit, and if there shall be no such Proposal as aforesaid, or if there be any Surplus of the said Sum after applying the same so far as may be necessary in or towards the Discharge of the Monies owing upon the Security or Securities to which such Proposal or Proposals as aforesaid relate, the Trustees shall apply the said Sum or such Surplus as aforesaid rateably amongst the Mortgagees of the said Tolls, or shall pay the same to such of the said Mortgagees as may be determined by Lot, at the Option of the Trustees; and such Mortgagees, or the Trustee or Trustees, Guardian or Guardians, of such of them as shall be under Age, are hereby authorized and required to accept and take the Sums so applied or paid by the Trustees, in discharge of the Monies due upon the Security or Securities held by him or them, or of such Part thereof as shall be thereby satisfied and paid.

If Parties entitled cannot be found, Money to be paid into Court of Chancery.

XXVIII. That if the Parties to whom any of such Principal Monies or any Portion thereof shall belong cannot be found, or a valid Discharge for any Part or Parts thereof cannot be given to the Trustees, then and in every such Case the Trustees may from Time to Time pay such Sums as may become due from them towards Payment of the Principal Monies, or any Portion thereof, as herein provided, with the Privity of the Accountant General of the High Court of Chancery, into the Bank of *England*, to the Account of such Accountant General, in the Matter of "The *Pendleton* Roads Act, 1853," and the Person or Persons to whom such Principal Monies shall belong, (describing such Person or Persons as he or they may be described in the Register of Mortgages of the said Trustees, or otherwise as accurately as Circumstances may admit,) in trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time

Time to Time to make such Order for the Payment of such Monies to the Parties entitled thereto, or otherwise, as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, and also the Provisions of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act for the further Relief of Trustees*, whether in respect to the Mode of applying for the Order of the said Court, or otherwise howsoever, shall be applicable to all Monies paid into the said Bank pursuant to this Act, in like Manner as such Provisions would be applicable if such Monies had been paid into the said Bank under the Provisions of the said Acts or either of them; and all Monies so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the said Trustees.

10 & 11 Vict. c 96.

12 & 13 Vict. c. 74.

Trustees not to borrow more Monies on Credit of Tolls.

XXIX. That from and after the passing of this Act, no Money shall be borrowed on the Security or Credit of the Tolls arising from, upon, or in respect of the said Roads.

Trustees may make Foot Causeways, Ditches, Drains, &c.

XXX. That it shall be lawful for the Trustees acting in execution of this Act, and their Surveyor or Surveyors, or other Person or Persons by them appointed, to make any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also Ditches, Drains, and Watercourses, of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, with the Consent in Writing of the Owners and Occupiers thereof, at the Expense of the said Trustees, out of the Monies to be received by virtue of this Act, and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, also at the Expense of the said Trustees, out of the Money aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed, 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 in *England*.

XXXI. That

Penalty for exercising Three Horses on the Roads at the same Time.

XXXI. That any Person who shall exercise Three Horses at the same Time upon any Part of the said Roads by riding one of them and leading the others, one on each Side of him, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in such and the same Manner as other Penalties are, by an Act made and passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, and by another Act passed in the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, directed to be recovered, levied, and applied.

3 G. 4. c. 126.

4 G. 4. c. 95.

For preventing Nuisances on the Road.

XXXII. That if any Person or Persons whatsoever having the Care of or driving any Waggon, Cart, or other such Carriage upon the said Roads, or any Part thereof, shall drive the same at a furious Rate or at an unnecessary or improper Pace, or if any Person driving or riding upon any Horse carrying any Milk Can or Cans, Crate or Crates, Pannier or Panniers, shall permit the same to go faster than a Trot, to the Annoyance of any Person or Persons travelling thereon, every Person so offending in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Forty Shillings, to be recovered, levied, and applied in such and the same Manner as other Penalties are by the said Acts of the Third and Fourth Years of the Reign of His said late Majesty King *George* the Fourth directed to be recovered, levied, and applied.

Entrance to Fields to be made with hard Materials.

XXXIII. That wherever any Entrance shall be or shall be made to any Field, Garden, Yard, or other Land or Ground, or to any Building from the said Roads or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expense of the Owner or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Owner or Occupier, or left for him at his usual Place of Residence, by any of the Surveyors of the siad Trustees, or other Person appointed by them, requiring such Owner or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by

or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expenses thereof shall be reimbursed and paid to the said Trustees by such Owner or Occupier, as the Case may be; and in case of Nonpayment of such Expenses within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expenses shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Lancaster*, and such Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him, on Oath, of such Expenses having been incurred, and of such Notice having been given as aforesaid, and any Overplus shall be returned on Demand to the Person whose Goods and Chattels shall have been so distrained and sold.

Not to alter Bridges, &c. across the late Duke of Bridgwater's Canal without Consent.

XXXIV. That nothing herein contained shall authorize and empower or be deemed or construed to empower the said Trustees, or any of them, in any Manner whatever to widen or alter, or cause to be widened or altered, any Bridge or Bridges whatsoever over or across any Canal or Navigation belonging to the Devisees in Trust of the late Duke of *Bridgwater* deceased, or their Heirs or Assigns, or to widen, alter, or divert the said Roads, or any of them, through any of the Lands or Grounds of the said Devisees, or to take or use any Part of the said Lands or Grounds of the said Devisees for any of the Purposes of this Act, without the Consent in Writing of the said Devisees in Trust, their Heirs or Assigns, or of the Superintendent of the Canal or Navigation for the Time being, anything in this Act, or any other Act, or any other Law or Statute, to the contrary thereof in anywise notwithstanding.

The Roads not exempt from Provisions of future General Act.

XXXV. That nothing herein contained shall be deemed to exempt the Roads 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.

Term of Act.

XXXVI. That this Act shall commence on the Fourth *Friday* next after the passing thereof, and shall continue in force for the Term of Twelve Years, and from thence to the End of the Session of Parliament which shall then next follow.

General Saving.

XXXVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as of Her Duchy and County Palatine of *Lancaster*, and to all and every other Person

Person or Persons, Bodies Politic, Corporate, or Collegiate, whatsoever, his, her, or their Heirs, Successors, Executors, Administrators, or Assigns, in every respect whatsoever, all their several and respective Rights and Interests, in as full and ample Manner as they or any of them could or might have held or enjoyed the same if this Act had not been passed, save and except as is by this Act enacted and declared.

Saving the Right of Sir Humphrey De Trafford to certain Tolls on the Gilda Brook and Irlam District.

XXXVIII. That nothing herein contained shall be deemed or construed to prejudice or affect the Right of the said Sir *Humphrey De Trafford*, his Heirs and Assigns, to erect, set up, and continue a Gate or Bar across the Road in *Irlam* in the *Gilda Brook and Irlam* District of the said Roads, in the Way from *Manchester* to the Town of *Warrington* aforesaid, and to demand, collect, and receive the customary Tolls heretofore paid to the Ancestors of the said Sir *Humphrey De Trafford*, for certain Carts and Carriages passing through the same, and also all other Rights incident to or belonging thereto.

Saving the Rights of Mayor, &c. of the Borough of Salford.

XXXIX. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Powers, Privileges, Exemptions, Rights, or Authorities vested in the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, under the Powers of "The *Salford* Improvement Act, 1830," "The *Salford* Improvement Act, 1844," "The *Salford* Waterworks and Improvement Act, 1850," and "The *Salford* Extension and Improvement Act, 1853."

Interpretation of Terms.

XL. 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,)

The Word "Person" shall be understood to include Corporation:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Expression "the said Trustees" shall mean the Trustees from Time to Time acting in the Execution of this Act:

The Word "Toll-gate" shall be understood to include Toll Gates, Toll Bars, Side Gates, Side Bars, and Chains set up, upon, or across, or on the Sides of the several Roads comprised in this Act, and belonging to the Trustees.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.