ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. ix.

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. [21st *March* 1827.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from* Great Bridgewater Street *in* Manchester, *across the River* Irwell, *through* Salford, *to* Eccles, *in the County Palatine of* Lancaster, *and several Branches of Road to communicate therewith:* And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded in the Execution thereof, and have repaired the said Road and Branches, and erected Three Bridges across the Rivers *Irwell* and *Medlock*, and the Canal belonging to the Trustees of the late Most Noble Duke of *Bridgewater*, and have borrowed several Sums of Money upon the Credit of the Tolls thereby authorized to be demanded and taken, which Money cannot be paid off, nor can the said Roads, and the several Bridges thereon, be kept in sufficient Repair, unless the Term granted by the said Act be continued; and 46 G. 3. c. 2.

it would be more convenient if the said recited Act was repealed, and further, better, and more effectual Powers and Provisions granted for improving, widening, and keeping in repair the said Roads and Bridges; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled
3 G. 4. c. 126. *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fourth Year of the Reign of His present
4 G. 4. c. 95. Majesty, 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: And whereas an Act was passed in
5 G. 4. c. 69. the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority
46 G. 3. c. 2. repealed. of the same, That from and after the Third *Friday* next after the passing of this Act, the said recited Act passed in the Forty-sixth Year of the Reign of His said late Majesty shall be and the same is hereby repealed, and instead thereof this Act shall commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually improving, widening, and keeping in repair the Road and Branch herein-after mentioned; (that is to say), the Road from the Turnpike Road leading through the Township of *Hulme* in the County Palatine of *Lancaster*, across the said Rivers *Irwell* and *Medlock*, and the Canal late the Property of the Duke of *Bridgewater* deceased, and through *Salford*, to or near a Place called *The Cross*, near the Parish Church of *Eccles*, in the said County Palatine of *Lancaster*; and the Branch of Road called *Cross Lane*, leading from and out of the said described Road into the Turnpike Road from *Manchester* to *Pendleton*, in the said County Palatine; and of maintaining and supporting the several Bridges erected on the said Road.

Powers of 3, 4, & 5 G. 4. extended to this Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said Majesty, or varied, altered, or otherwise provided for by this Act,) and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the

same had respectively been repeated and re-enacted in the Body of this Act.

New Term and Tolls liable to the former Debts.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which at the Time of the Commencement of this Act shall be due and owing on the Credit of the Tolls authorized to be collected on the said Road, and Branches of Road, and of all Interest due and to grow due thereon, and also to the Payment of all other Debts and Sum or Sums of Money which shall be due and owing to any Person or Persons whomsoever, in respect of the same Road and Branches, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act.

Persons owing Money to the Trustees to be liable.

IV. And be it further enacted, That all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Act hereby repealed into Execution, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. to be in full Force.

V. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts and Securities, entered into by any Person or Persons to or with the Trustees for carrying the said recited Act hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons on behalf of the said Trustees, according to the Provisions of the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Act.

Books used under the former Act to be Evidence.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said first-recited Act hereby repealed, or any Orders or Agreements made or entered into by them, and made Evidence by such Act, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

VII. And

Persons employed under former Act to account to the Trustees of this Act.

VII. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road or Branches of Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Road, shall account for, and pay and deliver over the same and every Part thereof, to the Trustees appointed for carrying this Act into Execution, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay or account for the same.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said County Palatine of *Lancaster*, together with *George Ackers*, *Joseph Armstrong*, *Thomas Barrow*, *John Barton*, *Richard Watson Barton*, *David Bellhouse*, *John Blackburne*, *Isaac Blackburne*, *Robert Haldane Bradshaw*, *James Bradshaw*, *William Rigby Bradshaw*, *Henry Burgess*, Sir *Robert Gore Booth* Baronet, *Benjamin Booth*, *Joseph Brotherton*, *Thomas Brierley*, *Thomas Brownbill*, *James Bradburn*, *William Bradburn*, *Robert Buck*, *John Bradshaw*, *Moses Bury*, *Thomas Barratt*, The Reverend *John Clowes*, *William Legh Clowes*, *Arthur Clegg*, *James Chadwick*, *Thomas Cooper*, *Matthew Corbett*, *John Crompton*, *Joseph Crompton*, *Josiah Collier*, *John Cooke*, *Thomas Calvert*, *Thomas Cooke*, *William Duckworth*, *John Dale*, *Wilbraham Egerton*, *Richard Entwisle*, *Thomas Entwisle*, *Roger Farrand*, *Henry Farington*, *Robert Fielden*, *Ellis Fletcher*, *William Fletcher*, *William Fox*, *Edward Foulkes*, *Edward Waller Foulkes*, *John Goodier*, *George Gardner*, *John Greaves*, *John Gregory*, *James Hall*, *James Hall* the younger, *John Hardman*, *Thomas Hardman*, *William Harrison*, *James Hibbert*, *Edward Hilton*, *James Hilton*, *James Holt*, *Thomas Heywood*, *Benjamin Heywood*, *John Hall*, *Edward Hobson*, *James Ingham*, *George Jackson*, the Reverend *Richard Popplewell Johnson*, *George Jones*, *Samuel Kay*, *Nathan Knight*, *Richard Kerfoot*, *Richard Lansdale*, *Robert Lansdale*, *John Leaf*, *John Leaf* the younger, *William Leigh*, *James Leigh*, *Richard Leigh*, *Peter Leigh*, *Ralph Leycester*, *Thomas Lyon*, *John Leeming*, *Jerry Lees*, *William Marriott*, *Thomas Marriott*, *Peter Marsland*, *John Mayo*, *John Milne*, Sir *Oswald Mosley* Baronet, *Oswald Mosley*, *Robert Josiah Jackson Norreys*, *Thomas Part*, *George Philips*, *Shakespeare Phillips*, *Aldcroft Phillips*, *Peter Pilling*, *John Pooley*, *John Patten*, *Thomas Potter*, *John Chamberlaine Reeve*, *John Rothwell*, *William Ridings*, *Charles Rickards*, *William Serjeant*, *Edwin William Serjeant*, *George Scholes*, *James Sothern*, *Robert Scarr*, *John Smith*, *Robert Smith*, *Edmund Taylor*, *James Touchet*, *John Touchet*, *Joseph Turner*, *Thomas Joseph Trafford*, *Thomas Trueman*, *Richard Willet*, *Edward Woollam*, *William Whittaker*, *Samuel Walker*, *James Withington*, *John Worrall*, *John Walton*, *James Watkins*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby

hereby appointed Trustees for carrying the said Acts and this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, and they are hereby authorized and empowered, at a Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty King *George* the Fourth, in addition to the Trustees hereby nominated and appointed, and, being qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, as if they had been named and appointed in and by this Act.

First Meeting of the Trustees.

X. And be it further enacted, That the said Trustees shall meet at the *Bowling Green Inn* in *Water Street* in *Manchester* aforesaid, or at some other convenient House or Place near to the said Road or Branch of Road; on the Third *Friday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution.

Old Officers to continue (except the Treasurer).

XI. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (except the Treasurer nominated and appointed) under and by virtue of the said recited Act hereby repealed, shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or this Act.

Treasurer and Clerk not to be the same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or

Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any Treasurer or Treasurers shall hold or accept any Office or Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees may continue, alter, or increase Turnpike Gates.

XIII. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or to remove all or any of the Toll Gates or Turnpikes now standing in, upon, or across the said Road and Branch of Road, or on the Sides thereof; and also from Time to Time to erect and set up in lieu thereof, or in addition thereto respectively, any Toll Gate or Toll Gates, Side Gate or Side Gates, in, upon, or across the said Road and Branch of Road, or any Part thereof respectively, or upon or across the Entrance to any Public Road, Lane, or Way leading into the same or any of them, or erect proper Toll Houses, with sufficient Outhouses and Conveniences thereto, at or near each and every such Toll Gate or Turnpike, and to inclose on the Sides of the said Road and Branch of Road suitable Gardens, not exceeding One Eighth Part of a Statute Acre each, for the Use and Convenience of the Occupiers of the said Toll Houses respectively, and from Time to Time to take down and remove and set up again, or alter or discontinue the aforesaid Toll Gates or Turnpikes, as the said Trustees shall from Time to Time think proper and expedient.

Power to take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed Collector or Collectors thereof, or the Lessee or Lessees thereof respectively for the Time being, or any Person or Persons by such

Lessee or Lessees appointed or to be appointed, to demand and take the several and respective Tolls or Sums of Money next herein-after mentioned (subject nevertheless to the Provisoes, Restrictions, and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained) at each and every Turnpike and Toll Gate (except at the Toll Gate now erected on the said Road, and called the *Bridge Gate*, or any Turnpike or Toll Gate to be erected in lieu or stead thereof respectively) which is now set up and continued, or which shall hereafter be set up across or by the Side or Sides of the said Road and Branch of Road, or any of them; (that is to say),

Tolls on the Road.

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, or other such like Carriage, when the same shall be drawn by Six or more Horses or Beasts of Draught, the Sum of Sixpence; when drawn by Five Horses or Beasts of Draught, the Sum of Sevenpence; when drawn by Four Horses or Beasts of Draught, the Sum of Sixpence Halfpenny; when drawn by Three Horses or Beasts of Draught, the Sum of Sixpence; when drawn by Two Horses or Beasts of Draught, the Sum of Four-pence Halfpenny; and when drawn by One Horse or Beast of Draught, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon or other such like Four-wheel Carriage, having the Wheels of the Breadth of Six Inches and upwards on the Bottom or Sole thereof, when the same shall be drawn by Six Horses or Beasts of Draught, the Sum of Eight-pence; when drawn by Five Horses or Beasts of Draught, the Sum of Nine-pence Halfpenny; when drawn by Four Horses or Beasts of Draught, the Sum of Sixpence Halfpenny; when drawn by Three Horses or Beasts of Draught, the Sum of Nine-pence; when drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; and when drawn by One Horse or Beast of Draught, the Sum of Two Shillings and Three-pence:

For every Horse or Beast of Draught drawing any Waggon or other such like Four-wheel Carriage, having the Wheels of the Breadth of Four and a Half Inches, and less than Six Inches at the Bottom or Soles thereof, when the same shall be drawn by Six Horses or Beasts of Draught, the Sum of Ten-pence; when drawn by Five Horses or Beasts of Draught, the Sum of One Shilling; when drawn by Four Horses or Beasts of Draught, the Sum of Eight-pence Halfpenny; when drawn by Three Horses or Beasts of Draught, the Sum of Eleven-pence Halfpenny; when drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Five-pence; and when drawn by One Horse or Beast of Draught, the Sum of Two Shillings and Tenpence:

For every Horse or Beast of Draught drawing any Waggon or other such like Four-wheel Carriage, having the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, when the same shall be drawn by Six Horses or Beasts

of

of Draught, the Sum of One Shilling; when drawn by Five Horses or Beasts of Draught, the Sum of One Shilling and Two-pence Halfpenny; when drawn by Four Horses or Beasts of Draught, the Sum of Ten-pence; when drawn by Three Horses or Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; when drawn by Two Horses or Beasts of Draught, the Sum of One Shilling and Eight-pence Halfpenny; and when drawn by One Horse or Beast of Draught, the Sum of Three Shillings and Four-pence Halfpenny:

For every Horse or Beast of Draught drawing any Cart or other such like Two-wheel Carriage, having the Wheels of the Breadth of Six or more than Six Inches on the Bottom or Sole thereof, when the same shall be drawn by more than One Horse or Beast of Draught, the Sum of Four-pence Halfpenny; and when drawn by One Horse or Beast of Draught only, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Cart or other such like Two-wheel Carriage, having the Wheels of the Breadth of Four and a Half Inches, and less than Six Inches at the Bottom or Soles thereof, when the same shall be drawn by more than One Horse or Beast of Draught, the Sum of Sixpence; and when drawn by One Horse or Beast of Draught, the Sum of Seven-pence Halfpenny:

For every Horse or other Beast of Draught drawing any Cart or other such like Two-wheel Carriage having the Wheels of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, when the same shall be drawn by more than One Horse or Beast of Draught, the Sum of Seven-pence; and when drawn by One Horse or Beast of Draught, the Sum of Nine-pence:

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

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

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny; and so in proportion for any greater or less Number:

Which said respective Tolls or Sums of Money shall be demanded and taken in the Name of, or as Toll, before any Horse or other Beast or Cattle whatsoever shall be permitted to pass through any Turnpike or Toll Gate erected or to be erected upon the said Road and Branch of Road, or either of them; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the Manner herein-after directed.

Tolls to be taken at the Bridge Gate.

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons appointed or to be appointed Collector or Collectors thereof, or the Lessee or Lessees thereof respectively for the Time being, or any Person or Persons by

by such Lessee or Lessees appointed or to be appointed, to demand and take the several and respective Tolls or Sums of Money next herein-after mentioned at the Turnpike or Toll Gate called the *Bridge Gate*, now erected and being upon or across the said Road at, upon, or near the Bridge now erected and built across the River *Irwell*, and at any Turnpike or Toll Gate which may be set up in lieu or stead of such last-menioned Turnpike or Toll Gate; (that is to say),

Tolls on the Bridge.

For every Foot Passenger, and for every Person in a Waggon or Cart, or other such like Carriage (other than the Driver thereof), the Sum of One Halfpenny:

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, or other such like Carriage, the Sum of One Penny:

For every Horse or Beast of Draught drawing any Waggon, or other such like Four-wheel Carriage, when the same shall be drawn by Three or more Horses or Beasts of Draught, the Sum of One Penny; when drawn by Two Horses or Beasts of Draught, the Sum of Two-pence; and when drawn by One Horse or Beast of Draught, the Sum of Four-pence:

For every Horse or Beast of Draught drawing any Cart or other such like Two-wheel Carriage, the Sum of One Penny:

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

For every Score of Oxen or Neat Cattle, Calves, Swine, Sheep, or Lambs, the Sum of Five-pence; and so in proportion for any greater or less Number:

Which said last-mentioned respective Tolls or Sums of Money shall be demanded and taken in the Name of or as a Toll, before any Foot Passenger, (except the Driver of any Waggon or Cart, or other such Carriage,) Horse, or other Beast or Cattle whatsoever shall be permitted to pass through the said Turnpike or Toll Gate called the *Bridge Gate*, and any Turnpike or Toll Gate to be erected in lieu and stead thereof; and such said respective Tolls and Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in the Manner herein-after directed.

A Halfpenny to be taken instead of fractional Part thereof.

XVI. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls by this Act granted, or otherwise to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but Once for passing and repassing.

XVII. Provided always, and be it further enacted, That when the full Toll shall have been paid for or in respect of any Horse or other Beast passing through any of the Turnpikes or Toll Gates erected or to be erected on or across the said Road and Branch of Road, the same Horse or other Beast shall (on a Ticket being

produced denoting such Payment) be permitted to return Toll-free before Twelve of the Clock at Night of the same Day; but if any Horse or other Beast shall pass or go a Third Time or oftener on the same Day, drawing any Waggon, Cart, or Carriage, or not drawing, along the said Road, the Tolls hereby made payable shall be again paid, in the same Manner as if such Horse or other Beast had not before on the same Day passed through any of the said Turnpikes or Toll Gates.

Number of Tolls limited.

XVIII. Provided always, and be it further enacted, That no more than Three full Tolls shall be demanded or taken for or in respect of the Passage of the same Horse or Horses, Beast or Cattle, through all the several Toll Gates to be erected upon the said Road and Bridge.

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

XIX. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of any Horse or Horses, or other Beast or Beasts, drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, for every Time of passing or repassing along the said Road.

Post Chaises to pay on every new Hiring.

XX. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, every Time of passing or repassing through the said Turnpikes or Toll Gates, whenever any new Hiring thereof shall take place.

Regulations as to Payment of Tolls at Side Bars.

XXI. Provided always, and be it further enacted, That when the full Toll shall have been paid for or in respect of any Horse or other Beast, passing through any of the said Turnpikes or Toll Gates (except the said Turnpike or Toll Gate called the *Bridge Gate*, and any Turnpike or Toll Gate to be erected in lieu or stead thereof) erected or to be erected across the said Road or Branch of Road, no Toll shall be demanded or taken the same Day for or in respect of the same Horse or other Beast once passing and returning through any One of the Side Gates erected or to be erected along or by the Side or Sides of the said Road; and that when the full Toll shall have been paid for or in respect of any Horse or other Beast passing through any of the said Side Gates, no Toll shall on the same Day be demanded or taken at the Turnpike or Toll Gate (except the same shall happen to be the said present or any future Gate called or to be called the *Bridge Gate*) immediately next to the Side Gate or Side Bar at which such Payment shall have been made, for the once passing and returning of the same Horse or other Beast through such Turnpike or Toll Gate immediately next to the said Side Gate.

Trustees to erect Toll Gates and

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up, and continue, upon the said Branch of Road, One or more Toll Gate or Toll Gates,

Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted.

take Tolls on the Branch Road.

XXIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of the said Branch Road, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Acts.

No Money to be laid out on Branch Road unless Turnpike erected and Tolls taken thereon.

XXIV. Provided always, and be it further enacted, That when the full Toll shall have been paid for or in respect of any Foot Passenger or Person in a Waggon or Cart or other such like Carriage (other than the Driver thereof), passing through the said Turnpike or Toll Gate erected as aforesaid, and called the *Bridge Gate*, or any Turnpike or Toll Gate in lieu or stead thereof, every such Foot Passenger or Person shall be permitted to pass again through such Turnpike or Toll Gate at any Time or Times, and as often as he or they shall think proper, on the same Day, before Twelve of the Clock at Night, on producing a Note or Ticket to the Collector of the Tolls at such Turnpike or Toll Gate.

Foot Passengers only to pay once a Day.

XXV. And whereas Horses or other Cattle employed in hauling Vessels upon the said River *Irwell*, with their Drivers, pass over the said Bridge, and through the Turnpike erected thereon; be it therefore enacted, That no Toll shall be demanded or taken at the said Turnpike for the Horses or other Cattle employed as aforesaid, with their Drivers, as well during the Time of such Employ as in going to and returning from the same, for passing and repassing not only along the Towing Path to be made under the said Bridge, but also over the said Bridge, and through the Turnpike or Toll Gate to be erected thereon or near thereto.

Hauling Horses to pass the Bridge Toll-free.

XXVI. And whereas by the said first-recited Act certain Regulations are prescribed in respect to the Bridges to be erected on the said Road, and it is expedient that such Regulations should be made applicable to Cases of rebuilding or repairing any of the said Bridges; be it therefore enacted, That during the rebuilding of the said Bridges across the Rivers *Irwell* and *Medlock*, and the said Canal belonging to the said Duke of *Bridgewater* deceased, and in all subsequent Repairs and Alterations of either of such Bridges, the said Trustees, and the several Persons by them employed therein, shall cause as little Impediment or Obstruction to the free Navigation of the said Rivers and Canal, as the Nature of the Case will admit.

Bridge not to obstruct the Navigation.

XXVII. Provided also, and be it further enacted, That in case the said Trustees shall rebuild or cause to be rebuilt the said Bridge so erected across the said River *Irwell*, the same shall not consist of more than Three Arches, and the Arch adjoining to the *Salford* Side

Dimensions of the Bridge over the Irwell.

Side of the said River shall measure in the Inside thereof Fifty Feet at least in the Span, and Twenty-six Feet at least in the Elevation; such Elevation to be measured from the Surface of the Water in the said River when the same flows Two Inches deep at the least over the Weir next below the Situation of the same Bridge, called *Throstle-Nest Weir*.

Regulations as to Ascent to Bridge, &c.

XXVIII. Provided always, and be it further enacted, That the Ascent to any Bridges to be made under the Authority of this Act shall not be more than One Foot in Thirteen Feet, and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Trustees to make a sufficient Towing Path.

XXIX. Provided also, and be it further enacted, That the said Trustees shall and they are hereby required to maintain and keep in good Repair and Condition a substantial and sufficient Towing Path, of Five Feet wide at the least, under the said Arch adjoining to the *Salford* Side of the River *Irwell*, and also (if thereto required by the Company of Proprietors of the *Mersey* and *Irwell* Navigation) Two substantial Cranes or Teagles, in proper Situations, One on each Side of the same Bridge, with the necessary Ropes and Tackles thereto, for the Convenience of raising the Masts of the Vessels which have been lowered in passing under the same Bridge.

Ascertaining the Dimensions of the Bridge across the Canal.

XXX. Provided also, and be it further enacted, That in case the said Trustees shall rebuild or cause to be rebuilt the said Bridge so erected across the said Canal late belonging to the said Duke of *Bridgewater* deceased, the same shall be, in the Width of its Span and Height of its Arch, and Breadth of the Towing Path, not less than the corresponding Dimensions of the Bridge now erected across the said Canal at or near *Hulme Hall*.

Width of the other Bridges.

XXXI. Provided also, and be it further enacted, That in case it shall be necessary to rebuild the said Three Bridges across the said Rivers *Irwell* and *Medlock* and the said Canal, or any of them, the Width of each Bridge shall not be less than Twelve Yards between the Parapet Walls thereof.

Application of the Tolls, &c.

XXXII. And be it further enacted, That out of the first Money arising by virtue of this Act the said Trustees or any Five or more of them shall, in the first Place, pay all the Costs, Charges, and Expences of obtaining and passing this Act, or in anywise relating thereto; and the Remainder of such Monies shall from Time to Time be employed in erecting and maintaining Turnpikes and Toll Houses, and in repairing, widening, diverting, and amending the said Road and Branch of Road, and supporting or reinstating the said Bridges, and paying the Principal and Interest of the Monies now owing or to be borrowed on the Credit of the Tolls arising on the said Road and Branch of Road, and in defraying the necessary Expences

Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

A certain Portion of Tolls to be laid out in Repair of Road.

XXXIII. And whereas, in consequence of the large Debt and Interest due upon the said Road, the said Trustees have been unable to apply a sufficient Sum of Money to the proper Repair thereof; and it is therefore expedient that Provision should be made for applying Part of the Tolls arising on the said Road and Branch for the more effectual Repair thereof; be it therefore enacted, That the said Trustees shall and they are hereby directed and required to pay and apply, in each and every Year from the Commencement of this Act, Three Eighth Parts of the Tolls received by the said Trustees in the general Repair and Maintenance of the said Road and Branch, and the Remainder of such Tolls shall be applied in manner next herein-before directed.

Power to borrow Money on the Tolls.

XXXIV. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest, on the Credit of the Tolls arising on the said Road and Branch of Road, (but subject and without Prejudice to any Mortgage or Mortgages, Security or Securities, now existing or hereafter to be granted of the Tolls of the said Road or Branch of Road, for or in respect of any Sum or Sums of Money now due and owing on the Credit thereof,) such Sum or Sums of Money as they the said Trustees shall from Time to Time think proper, and to demise and mortgage the Tolls of or arising upon the said Road and Branch of Road, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of which Mortgages shall be paid out of the said Tolls,) as a Security to any Person or Persons, or their Trustees, who shall advance such Sum or Sums of Money; which Mortgage or Mortgages shall be in the Words or to the Effect in that Behalf set forth in the said recited Act of the Third Year of the Reign of His present Majesty, but with such Variations as shall be necessary or be thought requisite to render the same subject and without Prejudice to the Mortgage or Mortgages, Security or Securities now existing or hereafter to be granted of the Tolls of the said Road and Branch of Road, for or in respect of any Sum or Sums of Money now due and owing on the Credit thereof.

Trustees empowered to borrow Money to pay off existing Securities.

XXXV. And be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of borrowing any Sum or Sums of Money for the Purpose of paying off any Principal Sum or Sums of Money advanced or owing under or by virtue of the said Act hereby repealed, or any of them, it shall be lawful for the said Trustees and they are hereby empowered to borrow such Sum or Sums of Money as may be required for that Purpose, of any Person or Persons willing to advance the same, upon such Terms and Conditions as the said Trustees shall, under the Circumstances of any such Case, deem expedient; and it shall be lawful for the said Trustees from Time to Time to grant fresh Securities and Mortgages of the Tolls of or arising upon the said Road and Branch

of Road, either for the Purposes last aforesaid, or in lieu or in the Place of any Security or Securities now existing, for any Sum or Sums of Money due and owing on Security of the Tolls of the said Road and Branch of Road, to any Person or Persons who may be desirous of having or accepting such new Security or Securities, in such and the like Manner, and under such and the same Regulations, and by such or the like Form of Mortgage as is set forth in the said recited Act of the Third Year of the Reign of His present Majesty; provided that such fresh Mortgage or Mortgages may, in point of Form and Effect, be made with such Variations as the Circumstances of the Case shall render proper, or as shall be necessary, or thought requisite, to give such Mortgage or Mortgages Priority over any Mortgage or Mortgages to be made for the Security of any Sum or Sums of Money hereafter to be borrowed on the Credit of the Tolls of the said Road and Branch of Road, pursuant to the Power in that Behalf herein-before contained.

Getting Materials.

XXXVI. And whereas by the said first-recited Act certain Restrictions are prescribed with respect to getting Materials for repairing the said Road and Bridges; be it therefore enacted, That nothing herein or in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty contained shall extend to authorize or empower the Surveyor or Surveyors of the said Road, or any other Person or Persons to be employed in the Execution of the said Acts and this Act, to dig or gather any Gravel or other Materials out of the River *Medlock*, or out of the Rivers *Mersey* and *Irwell*, so far as the same are made navigable by Law, unless with the Consent of the Company of Proprietors of the said Rivers, or to take or remove any Stones which are or shall be placed or fixed for preserving or supporting the Banks of either of the said Rivers, or of any other River or Brook whatsoever, or within the Distance of Thirty Yards of any Bridge, Lock, Mill, Weir, or Dam, on any Account or Pretence whatsoever.

Application of Compensation Money when exceeding 200*l.*

XXXVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster

1 G. 4. c. 35.

Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and not less than 20*l.*

XXXVIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer,

Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Where less than 20*l.*

XXXIX. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XL. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account, to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum

Sum or Sums of Money is and are hereby required to give a Receipt for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any Sum or Sums of Money into the Bank aforesaid.

Where any Question shall arise touching the Title to Money.

XLI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order reasonable Expences of Purchase to be paid by Trustees.

XLII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, and it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XLIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term and Continuance of this Act.

XLIV. And be it further enacted, That this Act shall commence and take effect upon the Third *Friday* next after the passing thereof, and shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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