ANNO DECIMO TERTIO & DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## *Cap*. lxxxvii.

**An Act for more effectually repairing and improving the Road from *Rochdale*, through *Bamford* and *Birtle*, to *Bury*, and several other Roads therein mentioned, all in the County Palatine of *Lancaster*. [29th *July* 1850.]**

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for* 7 & 8 G. 4.
*more effectually repairing the Road from* Rochdale, *through* Bamford c. 63.
*and* Birtle, *to* Bury, *and several other Roads therein mentioned, all in the County Palatine of* Lancaster: And whereas the Term granted by the said Act was by an Act passed in the last Session of Parliament, intituled *An Act to continue certain Turnpike Acts in* Great 12 & 13 Vict.
Britain *for limited Periods, and to make certain Provisions in respect* c. 87.
*to Turnpike Roads in* England, continued until the First Day of *November* One thousand eight hundred and fifty: And whereas, in pursuance of the said firstly-recited Act, and of certain Acts thereby repealed, considerable Improvements have been made in the said Roads, and a large Sum of Money hath been borrowed on the Credit of the Tolls of the said Roads, which still remains due and owing,

with a large Arrear of Interest, and there is also a large Sum of Money owing to the Treasurer of the said Roads, and the said Money cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually repaired, improved, and kept in repair, unless the Term granted by the said first-recited Act, and continued as aforesaid, be further continued, and further, better, and more effectual Powers be granted; 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,

Firstly-recited Act repealed.

That upon the Third *Thursday* after the passing of this Act the said firstly-recited Act shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereinafter mentioned.

Monies and Property vested in new Trustees.

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enacted, That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover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

Mortgagees in possession to account.

III. And be it enacted, That on or before the Fifth *Thursday* next after the passing of this Act the Mortgagees in possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings upon the said Roads shall render an exact Account in Writing to *Thomas Ferrand Dearden* Gentleman, or other the Clerk for the Time being to the Trustees of the said Roads, at his Dwelling House, or to such other Person as the Trustees of the said Roads for the Time being shall direct, of all Monies received by such Mortgagees, or by any other Person for their Benefit or by their Authority, at such Toll Gates, Bars, Chains, and Toll Houses, or otherwise, and of all Monies expended by them in keeping or repairing the said Toll Gates, Bars, Chains, and Toll Houses, and of the Manner in which they shall have disposed of the Residue of the Monies so received, and shall produce all the Vouchers and Receipts in their Possession or Power relating to such Accounts, and shall on or before the Sixth *Thursday* next after the passing of this Act pay over to such Person as the Trustees by this Act appointed shall direct to receive the same, the Monies (if any) which shall appear to be due from the said Mortgagees on the Balance of such Accounts.

IV. And

Appointment of Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said County Palatine of *Lancaster*, together with *Richard Ashton*, *George Ashworth*, *John Bowker*, *Henry Butterworth*, *Charles Butterworth*, *Nathaniel Buckley* M.D., *William Bartlemore*, *Thomas Ainsworth Crook*, *Robert Clegg*, *William Chadwick*, *James Chadwick*, *Edmund Dawson*, *James Dearden*, *Thomas Ferrand Dearden*, *Henry Dearden*, *John Smith Entwisle*, *Joseph Fenton* (*Crimble*), *John Fenton* (*Crimble*), *William Fenton*, *James Fenton*, *James Fenton* the younger, *Joseph Fenton* (*Bamford Hall*), *John Gilbert*, *John Grindrod*, *Edmund Grundy*, *William Hartley*, *John Hayle*, the Reverend *E. J. G. Hornby* (Rector of *Bury*), *Edward Holt*, *James Kay*, *Robert Kay*, *Richard Kay*, *Hilton Kay*, *John Kershaw*, *Henry Kelsall*, *Jesse Leach*, *Robert Leech*, *Robert Leech* the younger, the Reverend *John Edward Nassau Molesworth*, *Thomas Openshaw*, *William Openshaw*, *Albert Hudson Royds*, *William Edward Royds*, *Clement Royds*, *Thomas Ramsbottom*, *James Scholfield*, *John Taylor*, *William Turner*, and *Oliver Ormerod Walker*, 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. And be it enacted, That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VI. And be it enacted, That the said Trustees shall hold their First Meeting on the Fourth *Thursday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, or as soon after as conveniently may be, at the Inn known by the Name of the *Wellington* Hotel in *Rochdale* aforesaid, and shall then and from Time to Time thereafter adjourn to and meet at such Times, and such Places in the Neighbourhood of the said Roads, as they shall think proper.

Roads to which this Act is to apply.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually amending, widening, improving, maintaining, and keeping in repair the said Turnpike Road commencing at the Westerly End of a certain Dwelling House situate at the Top of *Blackwater Street* in *Rochdale* aforesaid, formerly in the Occupation of *John Lord*, but now of *John Whitehead*, and ending at or near a certain Direction Stone situate in *Bury* aforesaid, opposite the Turnpike Road leading from thence to *Haslingden*, and

and also Three several Roads or Branches of Roads, one commencing at or near a Place called *Kenyonfold* in the Township of *Birtle-cum-Bamford* in the said County Palatine of *Lancaster*, and joining the *Haslingden* Road at or near the *Blue Ball* Inn on *Bagslate* in the Parish of *Rochdale* aforesaid, another commencing at or near a Place called *Elbit*, and ending at or near a Place called *Heavy Gate*, and another commencing in a certain Field called *Rushy Field*, and ending at or near a certain Place called *Wood Gate Hill*, both in the Township of *Bury* aforesaid.

Present Tolls continued for a certain Time;

VIII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Turnpikes, or Toll Bars to be continued or erected on or on the Sides of the said Roads, until the Fifth *Thursday* next after the passing of this Act.

after which the Tolls herein mentioned to be taken.

IX. And be it enacted, That upon and after the Fifth *Thursday* next after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors, to demand and take, at the several and respective Gates, Turnpikes, and Toll Bars which shall be upon or on the Sides of the same Roads, any Tolls not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Hearse, Litter, or other such Carriage, the Sum of Sixpence;

For every Horse or other Beast drawing any Waggon, Wain, or other Four-wheeled Carriage with Wheels of the Breadth of Six Inches, the Sum of Sixpence;

For every Horse or other Beast drawing any Waggon, Wain, or other Four-wheeled Carriage with any of the Wheels of less Breadth than Six Inches but not less than Four Inches and an Half, the Sum of Seven-pence;

For every Horse or other Beast drawing any Waggon, Wain, or other Four-wheeled Carriage with any of the Wheels thereof of less Breadth than Four Inches and an Half, the Sum of One Shilling;

For every Horse or other Beast drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth of Nine Inches, the Sum of Three-pence;

For every Horse or other Beast drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth of Six Inches, the Sum of Four-pence;

For every Horse or other Beast drawing any Cart or other Two-wheeled Carriage with Wheels of less Breadth than Six Inches but not less than Four Inches and an Half, the Sum of Five-pence;

For

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of less Breadth than Four Inches and an Half, the Sum of Sixpence;

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for a greater or less Number:

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

As to the Fraction of a Halfpenny in Tolls.

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

Only Two full Tolls to be payable on the Road between Rochdale and Bury.

XI. And be it enacted, That no more than Two full Tolls shall be taken (except in the Case herein-after mentioned) for passing and repassing once only in the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, Animal, or Thing liable to Toll or Duty, through all the Toll Gates, Bars, and Turnpikes erected or to be erected on the said Road.

Only Three full Tolls to be payable on all the Roads.

XII. And be it enacted, That no more than Three full Tolls shall be taken for passing and repassing on the same Day (to be computed as aforesaid) with the same Horses, Beasts, Cattle, Animal, or Thing liable to Toll Duty, through all or any of the Turnpikes, Bars, or Toll Gates erected or to be erected upon, across, or on the Sides of all or any of the said Roads comprised in this Act.

Persons having paid Toll to return Toll-free.

XIII. And be it enacted, That all Horses, Beasts, Animals, and Cattle (except Horses, Beasts, or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gates, Turnpike, or Bar on any of the said Roads or on the Sides thereof, shall, upon a Ticket or Tickets denoting such Payment being produced, in returning through the same Toll Gates, Turnpikes, or Bars, and in going and returning through such other Toll Gates, Turnpikes, or Bars (if any) as the Tickets for such Payments shall free, be permitted to pass Toll-free the same Day.

Post Chaises, &c. to pay on every fresh Hiring.

XIV. And be it enacted, That the Tolls hereby made payable shall be paid for all Horses or other Beasts not drawing which shall be let out to hire, and all Horses and other Beasts drawing any Post Chaise or other Carriage let out to hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Regulations as to Stage Coaches.

XV. And be it enacted, That the Tolls hereby made payable for or in respect of all Horses or other Beasts drawing any Stage Coach or Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, shall be payable and paid for every Time of passing or repassing through any of the said Turnpikes or Toll Gates respectively.

Respecting Toll Gates.

XVI. And be it enacted, That the several Toll Gates, Turnpikes, Bars, and Toll Houses now standing or being upon the said 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 order and cause to be set up in or across the said Roads or on the Sides thereof any Toll Gate, Turnpike, Bar, or Toll House, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House, as they shall think proper.

Mortgagees to deliver up Possession of Gates.

XVII. And be it enacted, That on or before the said Fifth *Thursday* next after the passing of this Act the Mortgagee or Mortgagees in possession of any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Roads or on the Sides thereof shall deliver up the same to the said Trustees, and the said Trustees, their Collectors and Servants, shall enter into possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Bars, Chains, Toll Houses, or Buildings, then such Receiver, Collector, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*.

Application of Monies.

XVIII. And be it enacted, That all Monies which before the Day of 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 unappropriated or undisposed of, and also all the Monies which shall be received upon the Roads included in the said recited Act hereby repealed, shall be applied as follows; (that is to say,)

Firstly, in defraying the Costs and Charges attending the applying for, obtaining, and passing this Act, or in any way incidental thereto:

Secondly,

Secondly, in defraying the necessary Expenses of erecting or providing, altering, and repairing Toll Gates, Toll Bars, and Toll Houses, and of managing the said Roads; provided that such Expenses of Management, exclusive of any Payments to Toll Collectors for collecting Tolls (if necessary), shall not exceed Fifty Pounds in any One Year:

Thirdly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of Seven thousand Pounds secured upon the Credit of the Tolls authorized to be taken upon the said Roads previously to the Year One thousand eight hundred and twenty-four, or such Part of such Principal Sum as shall for the Time being remain due and owing:

Fourthly, in paying off the Balance due to the Treasurer of the said Trust, but without Interest upon such Balance from the Time of the passing of this Act, and in paying off all other Simple Contract Debts due from the said Trustees at the Time of the passing of this Act, but without Interest on the said Debts:

Fifthly, in paying the Sum of Two thousand one hundred Pounds as and for Arrears of Interest due upon the said Principal Sum of Seven thousand Pounds, rateably to the Persons entitled for the Time being to the same Principal Sum of Seven thousand Pounds:

Sixthly, in paying off, in manner herein-after mentioned, the said Principal Sum of Seven thousand Pounds, or such Part thereof as for the Time being shall remain unpaid:

Seventhly, in defraying the Expenses of maintaining the said Roads and keeping the same in repair.

Mortgagees to take possession of Toll Houses, &c. only for Payment of Interest of Debt.

XIX. And be it enacted, That whenever and so long as the Interest due upon the said Principal Sum of Seven thousand Pounds, according to the Provisions of this Act, shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Bars, Chains, 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, Bars, Chains, 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 said 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

Mortgagee in possession to pay Interest to all Mortgagees without Preference.

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 all Interest due on such 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, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to the Mode of discharging Principal Debt.

XX. And be it enacted, That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a Part of the said Principal Sum of Seven thousand Pounds to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County Palatine of *Lancaster*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of a Part of the said Principal Sum of Seven thousand Pounds to the Creditor who shall by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting have offered to accept the lowest Composition in respect of his Proportion of the same Sum, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum so applicable as aforesaid, or a Portion thereof, (as the Case may require,) in or towards the Discharge of a further Portion of the said Principal Sum of Seven thousand Pounds to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of his Proportion of the same Sum, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments,

after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Money to be laid out or collected in Towns under this Act.

XXI. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Towns of *Rochdale* or *Bury*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed.

XXII. And be it enacted, That no Money shall be borrowed on the Credit of the Tolls by this Act authorized to be taken.

No Interest allowed on Money hereafter advanced by Treasurer.

XXIII. And be it enacted, That no Interest shall be allowed or paid on any Money hereafter advanced by the Treasurer of the Trustees for the Time being for the Purposes of the said Roads.

Trustee or Clerk competent Witnesses in Actions.

XXIV. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Roads not exempt from Provisions of any general Act.

XXV. And be it enacted, 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.

XXVI. And be it enacted, That this Act shall commence on the Third *Thursday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, or until the Payment of the whole of the said Principal Sum of Seven thousand Pounds, whichever shall first happen, and thereafter the said Roads shall be free from the Payment of all Tolls, and all the Powers and Provisions of this Act shall absolutely cease and determine.

Construction of Terms.

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

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

Words importing the Masculine Gender shall include Females:
The Word "Person" shall be understood to mean "Corporation:"
The Expression "the Trustees" or "the said Trustees" shall mean "the Trustees for the Time being acting in the Execution of this Act."

Short Title. XXVIII. And be it enacted, 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 *Rochdale and Bury* Turnpike Road Act, 1850."

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

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