ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxiv.

An Act for more effectually repairing and improving the Road from *Standedge* in *Saddleworth*, in the County of *York*, to *Oldham* in the County of *Lancaster*, and other Roads in the said County of *York*, and for making and maintaining Two new Branches to communicate therewith. [28th *May* 1827.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from or nearly from* Standedge *within* Saddleworth *in the West Riding of the County of* York, *to or near* Mumps Brook, *in the Township of* Oldham, *in the Parish of* Prestwich, *in the County Palatine of* Lancaster; *and also a Road leading out of the said intended Road, through or near* Dobcross, *to or near a Place called* Wallhill *in* Saddleworth *aforesaid; and also another Road leading out of the said first-mentioned Road, at or near a Place called* Shaw Hall, *to or near a Place called* Hollins, *all in* Saddleworth *aforesaid:* And whereas an Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and enlarging the Term and Powers of an Act for making a Road from* Standedge *within* Saddleworth *in the County of* York, *to or near* Mumps Brook, *in the Township of* Oldham, *in the Parish of* Prestwich, *in the County of* Lancaster, *and other Roads therein mentioned:* And whereas the Trustees appointed

32 G. 3. c. 139.

54 G. 3. c. 56.

in or by virtue of the said recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, have proceeded to put the same in execution, and have made considerable Progress in repairing and improving the Roads therein mentioned: And whereas the making and maintaining of a new Branch or Diversion of Road from and out of the said Roads, commencing from or nearly from a Place called *Wool Road* in the Township of *Quick* within *Saddleworth* in the said County of *York*, extending in a North-easterly Direction in one Part, and in an Easterly Direction in another Part, towards and ending at or near *Standedge* in the said Township of *Quick*, and there communicating with the said Road; and also the making and maintaining of another Extension or new Branch of Road from and out of the said Road, commencing from or nearly from a Place called *Uppermill*, within the Township of *Quick* in *Saddleworth*, within the said County of *York*, extending in a North-easterly Direction in one Part, and in an Easterly Direction in another Part, towards and ending at, into, or near a certain Common called *Sail Bark Moss* in the same Township, and thence communicating with the *Holehouse* and *Shepley Lane Head* Turnpike Road, would be of great Advantage and Convenience to the Owners and Occupiers of Lands in the Neighbourhood of the said Roads, and would also be of great public Utility: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King
3 G. 4. c. 126. *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 whereas an Act was passed in the Fourth Year
4 G. 4. c. 95. of the Reign of His said present 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 the Fifth Year of the Reign of His said present
5 G. 4. c. 69. 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:* And whereas it would be more convenient if the said recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third were repealed, and further, better, and more effectual Powers granted, as well for the making and maintaining, diverting, widening, and improving of the several Extensions or new Branches of Road herein-before mentioned, as for repairing, widening, diverting, and improving the present Roads included and comprised in the same Acts; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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

Recited Acts 32 and 54 G. 3. repealed;

by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Thirty-second and of the Fifty-fourth Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

and this Act to take effect.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, as well for

the Purpose from Time to Time of repairing, widening, altering, diverting, and improving the Road from or nearly from *Standedge* within *Saddleworth* in the West Riding of the County of *York*, to or near *Mumps Brook*, in the Township of *Oldham*, in the Parish of *Prestwich*, in the County Palatine of *Lancaster*; and also the Road leading out of the said intended Road, through or near *Dobcross*, to or near a Place called *Wallhill* in *Saddleworth* aforesaid; and also the Road leading out of the said first-mentioned Road at or near a Place called *Shaw Hall*, to or near a Place called *Hollins*, all in *Saddleworth* aforesaid; as also for the Purpose of making and from Time to Time repairing, widening, altering, and improving a new Branch or Diversion of Road from and out of the said present Road, commencing from or nearly from a Place called *Wool Road* in the Township of *Quick* within *Saddleworth* aforesaid, extending in a North-easterly Direction in one Part, and in an Easterly Direction in another Part, towards and ending at or near *Standedge* in the said Township of *Quick*, and there communicating with the present Road; and also an Extension or new Branch of Road from and out of the said present Road, commencing from or nearly from a Place called *Uppermill* within the Township of *Quick* in *Saddleworth* aforesaid, extending in a North-easterly Direction in one Part, and in an Easterly Direction in another Part, towards and ending at, into, or near a certain Common called *Sail Bark Moss* in the same Township, and there communicating with the *Holehouse* and *Shepley Lane Head* Turnpike Road.

New Term and Tolls liable to Debt.

III. And be it further enacted, That this Act and the Tolls hereby granted shall and are hereby declared to be charged with the Payment of all Monies which have been borrowed or which are now due and owing on the Credit or on Account of the Tolls granted by the said recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, and of the Interest due and to grow due thereon respectively, as fully and effectually as if such Monies had been borrowed or become due and owing on the Credit or on Account of the Tolls granted by this Act; and 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 executing the said recited Acts hereby repealed, or to any Person or Persons for the Benefit of the said Roads, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Bonds, &c. under former Acts to be good under this Act.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, hereby repealed, or to or with any of their Officers by their Order or Direction, according to the Provisions and Directions of such Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, notwithstanding the Repeal of the said Acts, until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agree-

Agreements, Demises, Mortgages, and Securities made or entered into by such Trustees, or by any of their Officers by their Order or Direction, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Books used under former Acts to be Evidence.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts of the Thirty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, or of any other Act heretofore passed relating to the said Roads, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Actions, and Proceedings whatsoever, touching any Question arising by virtue of any thing done in pursuance or under the Authority of this Act.

Officers to account.

VI. And be it further enacted, That all Persons who have been employed or who shall have received any Tolls or other Money by virtue and in pursuance of the said recited Acts of the Thirty-second and the Fifty-fourth Years of the Reign of His said late Majesty King *George* the Third, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account for, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or any of them, inflicted in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things by virtue of the said Acts and this Act.

Extending Powers of General Turnpike Acts to this Act.

VII. 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 present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for,) and also the said recited Act passed in the Fourth 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 otherwise provided for,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County

County of *York*, and all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *John Andrew*, *William Astley*, *James Buckley* of *Greenfield*, the Reverend *John Buckley*, *James Buckley* of *Uppermill*, *Edward Brown*, *George Bramall*, *John Booth* of *Manchester*, *John Booth* of *Ashes*, *George Booth* of *Stockport*, *James Broadbent* of *Carr*, *Thomas Beckett*, *Thomas Barker*, *James Barker*, *Abraham Bellott*, *Thomas Barker* the younger, *Joseph Bradley*, *John Bradbury*, *Thomas Bradbury*, *Francis Shaw Buckley*, *John Brideoake*, *Charles Buckley*, *Nathaniel Buckley*, *John Buckley* of *Carrhill*, *James Buckley* of *Mossley*, *James Bottomley*, *James Cocker* the younger, *Richard Clegg*, *Joseph Clegg*, *Enoch Dunkerly*, the Reverend *Evans* Curate of *Lydgate*, *Edward Evans* the elder, *John Evans*, the Reverend *John Fallowfield*, *John Grimshaw* of *Audenshaw*, *Joseph Stanfield Grimshaw*, *John Harrop* the elder, of *Dobcross*, *Joseph Harrop* of *Grasscroft*, *John Harrop* the younger, of *Dobcross*, *Charles Harrop* of *Dobcross*, *Joseph Harrop* of *Tamewater*, *Booth Harrop*, *John Hilton* of *Quick*, *John Harrop* of *Ashton-under-Lyne*, *Samuel Harrop*, *John Harrop* of *Tamewater*, *James Harrop* of *Tamewater*, *William Hampson* of *Dukinfield*, *Isaac Harrop*, *Abraham Hilton*, *Samuel Horrocks*, *Joseph Hesslegrave*, *John Howard*, *James Hall*, *Joseph Jones* the elder, *Joseph Jones* the younger, *William Jones* the elder, *William Jones* the younger, *William Kenworthy* of *Thornley Brook*, *James Kenworthy*, *Edward Kenworthy* of *New Delph*, *William Kenworthy* of *Castleshaw*, *John Kenworthy*, *Charles Kershaw*, *James Lees* of *New Clarkesfield*, *Edward Lees* of *Ashton-under-Lyne*, *Henry Lees*, *William Horton Lloyd*, *Joseph Lees* of *Old Clarkesfield*, *Edward Lees* of *Werneth*, *John Lees* the elder, of *Fairfield*, *John Lees* the younger, of *Fairfield*, *Thomas Lees*, *James Lees* of *Old Clarkesfield*, *Ralph Lawton*, *John Lees* of *New Clarkesfield*, *Robert Lees*, *James Lees* of *Delph Lodge*, *Edward Lees* of *Delph Lodge*, *John Miller* the elder, of *Fairfield*, *John Miller* the younger, of *Fairfield*, *Edward Moss*, *Elkanah Moss*, *Thomas Marsland*, *Jonathan Marsland*, *Jonathan Mellor*, *Thomas Sturgess Mills*, *George Mallalieu*, *Devereux Jones Nicholls*, *Robert Ogden*, *John Ogden* of *King Street*, *Thomas Platt*, *John Platt* the elder, of *Heathfields*, *John Platt* the younger, of *Heathfields*, the Reverend *Charles Kenrick Prescot* Rector of *Stockport*, *Henry Preston*, *Francis Platt*, *Ammon Platt*, *John Radcliffe* the elder, of *Stone Breaks*, *John Radcliffe* of *Cross*, *William Radcliffe* of *Cross*, *William Radcliffe* of *Boarshurst*, *James Radcliffe* of *Boarshurst*, *William Rhodes*, *John Roberts* the elder, *John Roberts* the younger, *Henry Roberts*, *Samuel Roberts*, *John Radcliffe* of *Boarshurst*, *John Rooth*, *Joseph Rowland*, *John Robinson*, *John Radcliffe* the younger, of *Stone Breaks*, *James Radley*, *James Radcliffe* of *Intake*, *James Rowland*, *Samuel Radcliffe*, *John Ridgway*, *Thomas Robinson*, *William Shaw*, *Giles Shaw* of *Uppermill*, *Thomas Stanley*, *Joseph Shaw*, *Thomas Shaw* of *Firlane*, *Samuel Swire*, *Robert Shaw*, *Abel Shaw*, the Reverend *John Sutcliffe*, *Joseph Saxon*, *Andrew Schofield*, *John Thackery*, *John Taylor* of *Oldham*, *William Taylor* of *Dukinfield*, *James Mayers Taylor*, *John Tattersall*, *Thomas Tetlow*, *James Taylor* of *Manchester*, *Ralph Taylor*, *Thomas Taylor*, *Samuel Taylor*, *William Taylor* of *Springhead*, *Henry Whitehead*, *Benjamin Whitehead*, *William Whitehead*, *James Whitehead*, *John Wrigley* of *Dobcross*, *Hugo Worthington*, *James Wright*, *John Wood* of *Ashton-under-Lyne*, *James Wright* of *Grasscroft Clough*, the Reverend

rend *William Winter*, *John Whitaker* of *Oldham*, the Reverend *Cecil Daniel Wray*, *Thomas Wrigley*, *Abraham Whitehead*, *John Winterbottom*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for making, repairing, and improving the said Roads, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

First Meeting of Trustees.

X. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *King's Head Inn* at *Dobcross* in *Saddleworth* aforesaid, or at some other convenient Place near to the said Roads, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, for the Purpose of proceeding to execute the same and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, at Eleven of the Clock in the Forenoon, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper; and the Hours for such Meetings shall be between Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon.

Old Officers to continue.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Two recited Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Treasurer and Clerk

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath

hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk 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, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

not to be the same Person.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in or upon or across the said Roads, or on the Sides thereof, and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Roads, and the Branches and Diversions by this Act directed or authorized to be repaired and amended or made, or on the Sides of such Roads, Branches, and Diversions, or any Part thereof respectively, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, or Chain, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove or alter or discontinue such Gates, Bars, Chains, Toll Houses, and Conveniences, or any of them, or any Part or Parts thereof, as they the said Trustees shall think proper, and direct or appoint.

Power to erect Toll-Gates, Turnpikes, Side Gates, &c.

XIV. And

Gates to be erected on the Branch Road, and Tolls taken.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, upon each and every Branch of Road comprised in this Act, 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.

Power to take Tolls.

XV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being, or continued or erected, by virtue of this Act, in, upon, or across the said Roads, Branches, or Diversions by this Act directed or authorized to be repaired and amended or made, or any of them, or on the Sides thereof, or any Part or Parts thereof, and on every Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Phaeton, Curricle, Gig, Hearse, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Caravan or other such Four-wheeled Carriage used for the Conveyance of Goods, and built and constructed with Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon or other such Carriage upon Three or Four Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Five-pence; and of a less Breadth than Six Inches, and not less than Four and a Half Inches, the Sum of Eight-pence; and of a less Breadth than Four and a Half Inches, the Sum of One Shilling:

For every Horse 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 Five-pence; and of a less Breadth than Six, and not less than Four and a Half Inches, the Sum of Sixpence; and of a less Breadth than Four and a Half Inches, the Sum of Eight-pence:

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

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

And for every Drove of Calves, Pigs, Sheep, or Lambs, *per* Score, the Sum of Ten-pence, and so in proportion for any less Number:

Fractional Parts of a Halfpenny in Tolls.

And in all Cases where there shall be a Fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such Fractional Part: Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate

Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be continued or erected or placed by virtue of this Act in, upon, or across the said Roads, Branches, or Diversions, or on the Sides thereof, or on any Part thereof; and which said respective Tolls shall be and they are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls vested in Trustees.

XVI. 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 Toll Gates or Turnpikes, Side Gate or Side Bar or Chain, erected or to be erected on the said Roads, Branches, or Diversions herein-before mentioned, and hereby authorized to be made, such Horse or other Beast shall (on a Ticket being produced denoting such Payment) be permitted to return Toll-free the same Day, to be computed as aforesaid; but if any such Horse or other Beast shall pass or go a Third Time or oftener on the same Day through all or any of the said Toll Gates or Turnpikes, Side Gate or Side Bar or Chain, every such Horse or other Beast shall be again liable to the Tolls hereby granted and authorized to be taken, in the same Manner as such Horse or other Beast is and would have been in case the Toll for such Horse or other Beast had not before been paid on the same Day at any of the said Toll Gates or Turnpikes, Side Gates, Side Bars, or Chains.

Tolls to be paid but Once for passing and re-passing.

Carriages to pay again after passing andrepassing.

XVII. Provided always, and be it further enacted, That no more than Six full Tolls shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same Horse, Cattle, or Beast, for passing or repassing through all or any of the Toll Gates or Turnpikes, Side Gates, Side Bars, or Chains, along the whole Line of the said Roads, Branches, or Diversions, but all and every Person and Persons, after having paid Six full Tolls as aforesaid, and producing a Note or Ticket or Notes or Tickets denoting the Payment of the said Tolls, shall afterwards pass, with the same Horses, Cattle, and Beasts, Toll-free, during such Day (to be computed as aforesaid), through all and every the Toll Gates and Turnpikes, Side Gates, Side Bars, and Chains erected or to be erected along the whole Line of the said Roads, Branches, or Diversions.

Limiting the Number of Tolls to be paid on the same Day for passing through all the Bars.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

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

XIX. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads or any of them, whenever any new Hiring thereof shall take place.

Post Chaises on every new Hiring.

XX. And be it further enacted, That out of the Tolls and other Monies collected or received under or by virtue of the said recited

Application of Monies.

Acts hereby repealed, or out of the Tolls and other Monies arising under or by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences incurred in, about, and relating to the obtaining and passing of this Act; and then the Remainder of all such Monies shall (after Payment of the necessary Expences from Time to Time of erecting or repairing Toll Gates, Toll Houses, Milestones or Posts, or Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act,) be applied in the first place in keeping down the Interest of the whole Monies now borrowed and due or hereafter to be borrowed or grow due upon the Credit of the said Tolls, as well now in arrear as hereafter to grow due, to be paid to all the respective Creditors equally and without Preference; and after Payment thereof, then in repairing, widening, altering, diverting, and otherwise improving the Roads included in the said recited Acts hereby repealed, and in making, repairing, altering, widening, diverting, and improving the said Branches or Diversions hereinbefore mentioned, and in repaying the Principal Monies which have been heretofore borrowed or advanced on the Credit of the Tolls arising on the said Roads, and the Principal Monies which may be hereafter borrowed or advanced upon the Credit of the Tolls hereby granted on the said Roads, and in otherwise putting this Act into Execution.

Leases, &c. under former Acts to remain in force.

XXI. And be it further enacted, That all Leases, Contracts, and Agreements which are or shall be in existence at the Time of the passing of this Act, shall respectively continue in force until the Time when by the Terms and Conditions thereof the same will expire and determine; and the respective Lessees and Farmers of the Tolls shall in the meantime be entitled to collect and receive the Tolls by this Act granted, as fully and effectually as if the said recited Acts hereby repealed had not been repealed; and all Persons who, under or by virtue of such Leases, Contracts, or Agreements, do or shall owe any Sum or Sums of Money to the said Trustees, shall be liable to the Payment of and shall pay the same, according to the Terms thereof respectively, to the said Trustees, notwithstanding the Repeal of the said Acts.

Old Mortgages may be called in, and others granted.

XXII. And be it further enacted, That the said Trustees shall and may receive in and cancel all or any of the Mortgages now standing out, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively.

Subscribers to pay their Subscriptions.

XXIII. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards any of the Purposes of this Act shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions, as the said Trustees shall order and direct, and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof, as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by

Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied for the Purposes of this Act.

No Money to be laid out on Roads where there is no Tolls taken.

XXIV. 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 any Branch of Road comprised in this Act, 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.

Power to make Diversions.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to set out, make, and from Time to Time to widen, divert, and improve the said several Extensions, new Branches, or Diversions of Road, upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads, as they shall think necessary or expedient, and for such Purposes also to take and use the Buildings, Gardens, and Premises described or intended so to be in the Schedule to this Act annexed, marked (A.), any thing in the said recited Acts contained to the contrary notwithstanding; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be made according to the Plan.

XXVI. And whereas a Map or Plan describing the Line of the said intended Branches or Diversions, and the Lands through or over which the same are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said West Riding of the County of *York*, and also at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore

fore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerks of the Peace respectively, to the end that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said Branches or Diversions shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Branches or Diversions into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners or reputed Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Maps or Plans or Schedule to this Act, as aforesaid, although such Lands, Hereditaments, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described or omitted or misstated in the said Map, Plan, or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Riding or County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake or was not wilful.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XXVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure or damage any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned, or intended so to be, in the Schedule to this Act annexed, marked (A.)

Dwelling-Houses, &c. mentioned in the Schedule to be purchased in Five Years.

XXIX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act or the said recited Acts for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Application of Compensation Money if amounting to 200*l.*

XXX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Pur-

Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed 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 there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by 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 *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, aad for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

1 G. 4. c. 35.

Where less than 200*l*, and amounting to 20*l*.

XXXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, 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 exceed or amount to 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, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, 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, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l*.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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, taken, or used for the Purposes of the said Roads, for his, her, or their own Use and Benefit; or in Cases of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of 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 the 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 said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order 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 or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Titles.

XXXIV. Provided always, 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased for the Purposes of this Act as aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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.

Court may order reasonable Expences to be paid by Trustees.

XXXV. Provided also, 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, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tene-

Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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.

Proviso as to Road in the Township of Oldham.

XXXVI. Provided always, and be it further enacted, That from and after the Expiration of the Term of Nine Years from the Day of the passing of this Act, it shall not be lawful for the said Trustees to repair or amend such Part of the said Turnpike Road as lies within the Township of *Oldham*, by or with any of the Monies to arise from the Tolls collected from the said Turnpike Road, or to erect any Toll Gate, or take any Tolls thereon; and such Part of the said Road shall thenceforth be no longer under the Direction or Management of the said Trustees.

Public Act.

XXXVII. 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.

Commencement and Continuance of this Act.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE (A.) to which the Act refers.

Description of Premises.	Township and Parish.	Owners.	Occupiers.
Garden and Cottage	Quick, Saddleworth	{Samuel Harrop's Assignees -}	Richard Holroyd.
Garden - -	Quick, Saddleworth	William Whitehead	George Shaw.

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