ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. lxxxi.

An Act for making and maintaining a Road from the Top of *Hunt's Bank* in the Town of *Manchester* in the County of *Lancaster*, to join the present *Manchester* and *Bury* Turnpike Road in *Pilkington* in the said County. [5th *May* 1826.]

WHEREAS the making and maintaining a Road from the Top of *Hunt's Bank* in the Town of *Manchester* in the County Palatine of *Lancaster*, through the several Townships, Divisions, or Districts of *Manchester*, *Strangeways*, *Cheetham*, *Broughton*, *Prestwich*, and *Pilkington*, all in the said County, to a certain Place in *Pilkington* aforesaid, called *Bess's of the Barn*, would be of great Advantage and Convenience to the Owners and Occupiers of Estates, and Inhabitants within the said Townships, and the Places adjacent, and will also be of public Utility: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, 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 another Act was passed in the Fourth Year of the Reign of His 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 another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69. *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 of the same, That from and after the passing of this Act all His Majesty's Justices of the Peace for the Time being, acting for the County Palatine of *Lancaster*, together with *Robert Andrew*, *Jonathan Andrew*, *John Ashton*, *Thomas Ashton*, *Samuel Ashton*, *John Anderton*, *John Anderton* junior, *Robert Ashworth*, *Thomas Brown*, *David Bellhouse*, *Edmund Buckley*, *John Bradshaw*, *Richard Bassnett* Clerk, *John Bell*, *William Briddon*, *John Bowker*, *John Clowes* Clerk, *Thomas Clowes* Clerk, *William Lee Clowes*, *William Cririe*, *Charles Cooke*, *Thomas Cardwell*, *Richard Clogg*, *James Clegg*, *William Clegg*, *John Clegg* (*Besses of the Barn*), *John Clegg* (*Prestwich*), *William Calrow*, *Thomas Calrow*, *Jonathan Dawson*, *John Downes*, *John Dawson*, *Robert Duck*, *John Drinkwater*, *Thomas Drinkwater*, *John Duckett*, *Thomas Entwistle*, *William Fox*, *Thomas Fleming*, *John Fullarton*, *William Grant*, *John Grant*, *Thomas Gaskell* Clerk, *George Grundy*, *Daniel Grant*, *William Garnett*, *John Greenwood*, *John Greenwood* junior, *John Grundy*, *Edmund Grundy*, *Robert Garnett*, *John Hulme*, *David Holt*, *Thomas Hoyle*, *Robert Hedderwick*, *Thomas Hope*, *Thomas Hope* junior, *Humphrey Harper*, *Squire Horrocks*, *William Hutchinson*, *William Heap Hutchinson*, *John Hutchinson*, *James Hutchinson*, *Thomas Hutchinson*, *John Hope*, *Thomas Haslam*, *Samuel Holker Haslam*, *William Johnson*, *John Jackson*, *John Ingham*, *William Ingham*, *Thomas Kay*, *Joseph Knott*, *John Kennedy*, *James Kennedy*, *James Kay*, *Richard Kay* the elder, *Richard Kay* the younger, *John Kay*, *James Lyon* Clerk, *John Lomas*, *William Lomas*, *Joseph Lodge*, *John Lancashire*, *Caleb Lea*, *George Lomas*, *James M'Connell*, *Robert Millington*, *Charles Mauson*, *Francis Marris*, *Edward Merryweather*, *James Murray*, *William Marriott*, *George Mills*, *John Marriott*, *William Nightingale*, *Thomas Norris* (*Bury*), *Thomas Norris* (*Redvales*), *John Owen*, *John Owen* (junior), *John Pilling*, *Robert Philips*, *Mark Philips*, *George Philips*, *George Richard Philips*, *John Picope* Clerk, *John Powell*, *James Ramsbottom*, *Thomas Rogers*, *John Redhead*, *William Richardson*, *James Richardson*, *George Scholes*, *Thomas Seddon Scholes*, *Robert Say*, *George Stopford*, *Richard Smith*, *Joseph Smith*, *Thomas Sharp*, *William Sudlow*, *Edward Suttherthwaite*, *Henry Sudell*, *Robert Smethurst*, *Joseph Todd*, *Josiah Twyford*, *William Taylor*, *Samuel Taylor*, *John Taylor*, *William Williams*, *Peter Watson*, *Richard Warren*, *Thomas Worthington*, *Daniel Cecil Wray* Clerk, *John Walker*, *Ralph Winder*, *William Weston*, *Joseph Winter*, *Gilbert Winter*, *Samuel Woodcock*, *Richard Walker*, *James Walker*, *Thomas Walker*, *William Yates*, and their Successors, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, altering, improving, and keeping in repair the Road from the Top of *Hunt's Bank* aforesaid, through the several Townships, Divisions, or Districts of *Manchester*, *Strangeways*, *Cheetham*, *Broughton*, *Prestwich*, and *Pilkington*, to join the present *Manchester* and *Bury* Turnpike Road at a certain Place

Trustees.

in *Pilkington* aforesaid called *Bess's of the Barn*, in the County Palatine of *Lancaster*, and for carrying the said last-recited Acts and this Act into Execution.

Appointment of additional Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, and being qualified according to the Directions of the said recited Acts, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, as if they had been named and appointed by this Act.

Powers of General Turnpike Acts to apply to this Act.

III. 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 by this Act), 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 by this Act,) 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.

Meetings of Trustees.

IV. And be it further enacted, That the First Meeting of the said Trustees shall be held at the *Ducie Arms* in *Strangeways*, or at some other convenient Place on the Line of the said Roads, on the Second *Monday* after the passing of this Act, between the Hours of Ten of the Clock in the Morning and Two of the Clock in the Afternoon, and the said Trustees shall then and there proceed to carry this Act into Execution, and shall then and there from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as they may think proper.

Appointment of Officers.

V. And be it further enacted, That the said Trustees at their first or at any subsequent Meeting, by Writing under their Hands, shall and may appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the Road, and such other Officers as the Trustees shall think necessary; and that the said Trustees shall and may from Time to Time remove all such Clerks, Treasurers, Collectors, Surveyors, and other Officers, or any of them, and on such Removal, or on Death or Resignation, to appoint

appoint others in their Stead; and it shall be lawful for the said Trustees, out of any of the Monies arising by virtue of this Act, to make such Allowance to such Clerks, Treasurers, Collectors, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them or any of them in or about the Execution of this Act, as the said Trustees shall think reasonable.

Treasurer and Clerk not to be the same Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or the Clerk or other Person in the Service or Employ of the Partner of such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint any Person or Persons who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, 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 or Persons, being the Partner or Partners of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said Trustees, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person 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 to make and set out Road.

VII. And be it further enacted, That it shall be lawful for the said Trustees to set out and make the Road herein-before described, and for that Purpose to take and use any Lands, Tenements, and Hereditaments, first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments, to be settled and ascertained in manner directed by the said recited Acts.

Road to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

VIII. And whereas a Map or Plan, describing the Line of the said Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference, containing a List of the Name or Names of the Owner or Occupiers of such Lands and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, 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

hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent, testified in Writing, of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Trustees restrained from pulling down Houses, &c. without Consent.

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act, for making the said Road, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down 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 and 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 specified in the Schedule to this Act annexed.

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

X. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands described in the said Map or Plan, although the Name or Names of the Owner or Owners thereof may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees empowered to take down certain Buildings.

XI. And whereas for the Purpose of making, widening, altering, diverting, and otherwise improving the Road comprized in this Act, it will be necessary to purchase, take, and use (among other Tenements) the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations specified or mentioned in the Schedule to this Act; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, for any of the Purposes aforesaid, to purchase, take, and use all or any of the Houses, Buildings, Gardens, Yards, Paddocks, Plantations, and other Tenements, mentioned in the Schedule to this Act, and to pull down such Buildings and to lay the Sites thereof into the said Road: Provided nevertheless, that if the said Trustees shall not, within the Space of Three Years (to be computed from the passing of this Act), agree for or cause to be valued and paid for, in manner directed by the said first-recited Act, the several Messuages and other Buildings, Tenements, Gardens, Yards, Paddocks, and Plantations, which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purpose of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Road within the Township of Manchester.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed to form and raise so much of the

the said Road as is situate within the Township of *Manchester*, within the Space of Twelve Calendar Months from the passing of this Act; and from and after the Expiration thereof, no Part of the Tolls hereby granted, or Money to be raised by virtue of this Act, shall be laid out or expended in repairing or maintaining such Part of the said Road; and after the Expiration of such Twelve Calendar Months the said Part of the said Road shall be no longer under the Direction or Authority of the said Trustees.

Trustees may erect Toll Gates, &c.

XIII. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized to erect and set up, or cause to be erected and set up, such and so many Toll Gates or Toll Bars upon, across, or on the Sides of the said Road as the said Trustees shall think proper, and from Time to Time to remove the same or any of them, and to erect another or others in the Room or Stead thereof, or to discontinue the same, as the said Trustees shall think proper and expedient; and also shall or may erect and provide so many Toll Houses, with suitable Outhouses and other Conveniences, and take in and inclose from the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House, at or near to such Toll Gates or Toll Bars, and also so many Weighing Machines at or near such Toll Houses, as to the said Trustees shall seem expedient; provided that none of the said Toll Gates or Toll Bars or Weighing Machines shall be removed or discontinued as aforesaid, unless Fourteen Days previous Notice of the Intention to remove or discontinue the same shall have been given by Advertisement to be inserted Twice in some Newspaper or Newspapers published in *Manchester* aforesaid, and affixed in Writing to or upon all the Toll Gates then standing on the said Road.

Power to take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors, or other Person or Persons acting under the Authority of the said Trustees, to demand and take at each and every of the Toll Gates or Toll Bars which shall be erected in, upon, across, or on the Side or Sides of the said Road, the several Tolls following; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Berlin, Chair, Waggon, Wain, Cart, Dray, or other such like Carriage with more than Two Wheels, the Sum of Three-pence:

For every Horse or other Beast drawing any Curricle, Chaise, Chair, Gig, Calash, Hearse, or other such like Carriage with Two Wheels, the Sum of Two-pence:

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

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

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

Tolls vested in Trustees.

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse or Horses, or other Beasts or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Toll

Toll Bar, Side Gate or Side Bar; and such several and 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 manner herein-after directed.

Fractional Part of a Halfpenny.

XV. 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 authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Number of Tolls limited.

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

No Toll Bar nearer Manchester than Boundary of Cheetham and Broughton.

XVII. And whereas the Right Honourable Lord *Ducie* is the Owner of *Strangeways*, in the Township of *Cheetham* and Parish of *Manchester*, and hath, at his Expence, made a good and sufficient Carriage Road through the same, in the Line of the Road described in the said Map or Plan deposited with the Clerk of the Peace, and which Road is now the private Property of the said *Thomas* Lord *Ducie*; be it therefore enacted, That no Toll Bar shall be placed across the said last-mentioned Road nearer to the Township of *Manchester* than the Boundary Line between the Township of *Cheetham* and the Township of *Broughton*, without the Consent of the said Lord *Ducie*, his Heirs or Assigns.

Tolls paid to exempt Once passing.

XVIII. Provided always, and be it further enacted, That if any Person or Persons shall have paid the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of such Toll Gates, Turnpikes, or Side Gates, such Horse, Cattle, Beast, or Carriage shall, Once during the same Day on which Toll has been so paid, upon Production of a Ticket denoting such Payment, be permitted to repass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through any other Gate or Gates freed by such Payment and Ticket, except as herein-after is provided; but nothing in this Clause contained shall extend to exempt any such Person from Payment of Toll for passing a Third Time through such Turnpike Gate on the same Day.

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

XIX. Provided always, and be it further enacted, That the said Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Stage Waggon, Van, Caravan, or other Stage Carriage, conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road.

Post Chaises, &c. to pay every Time of new Hiring.

XX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts let out for Hire, and drawing any Post Chaise or other Carriage,

Carriage, for every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

One Horse Carts to be weighed.

XXI. And whereas it frequently happens that Carts drawn by One Horse, passing upon and along Turnpike Roads, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing upon the said Road, or any Part thereof, drawn by One Horse only, shall and may, in case the said Trustees or any Three or more of them shall so order and direct, be weighed at any Machine now or hereafter to be erected on the said Roads; and that in such Case the like additional Sums or Tolls as are payable by virtue of any Law or Laws now in force for the Overweight of any Waggon, Cart, or other Carriage, and the Loading thereon, shall and may be demanded and taken by the said Trustees, or any Three or more of them, or their Collector or Collectors, in respect of Carts drawn by One Horse only, and which, with the Loading thereon, shall exceed the Weights by Law allowed for Carts with the Loading thereon, when drawn by Two or more Horses; and all Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages when drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

For preventing Nuisances on the Road.

XXII. And be it further enacted, That if any Person or Persons driving any Waggon or Cart shall suffer the Horse or Horses or Beasts of Draught therein, not having Reins to guide the same, to go faster than a Walk; or if any Person driving or riding upon any Horse or other Beast, carrying Milk Cans, Crates, Cans, or Panniers, shall not keep the said Horse or other Beast on the Left Hand Side of the Middle of the said Roads, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Application of Monies.

XXIII. And be it further enacted, That out of the Monies already subscribed or advanced for the Purpose of making the said Road, or which shall be borrowed on the Credit of this Act, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences relative to the obtaining and passing this Act, with Interest on any Sum or Sums of Money which shall be advanced for that Purpose; and the Remainder of all such Monies shall be applied in defraying the Expences of making the said Roads, and in purchasing Lands, Hereditaments, and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, and all other Monies which shall come to the Hands of the said Trustees, shall from Time to Time be applied, first in paying and keeping down the Interest of the Monies which shall be borrowed

on the Credit of this Act, and in the next place in amending and keeping in repair the said Roads, and the Toll Gates and Toll Houses, and in otherwise putting this Act into Execution, and lastly in repaying the Principal Monies which shall be borrowed by virtue of this Act.

Application of Compensation Money, when amounting to 200*l.*

XXIV. 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 or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Acts or this Act particularly mentioned, 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 *ex parte* the Trustees for executing the said recited Acts or this Act, and pursuant to the Method prescribed by an Act of the First Year of the Reign of His present Majesty, 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, 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 made 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 towards the Discharge of any Debt or Debts or other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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, 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 or 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 thereunto, 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

1 G. 4. c. 35.

said Lands, Tenements, or Hereditaments, by the said recited Acts or this Act directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXV. Provided always, 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, to be placed to his Account as aforesaid, in order to be applied in manner 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 Trustees for executing the said recited Acts and this Act (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 may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 20*l.*

XXVI. Provided also, and be it further enacted, That where such Monies so agreed or awarded to be paid as last 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, taken, or used for the Purposes of the said recited Acts and this Act, in such Manner as the said Trustees shall think fit; and in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directions in Cases of not making out Titles.

XXVII. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, and Hereditaments to be purchased by virtue of the said recited Acts or 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 and may be lawful to and 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, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Controul or 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 the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interests 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 the same (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any such Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XXVIII. 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 Court of Exchequer, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under 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 Bank Annuities to be purchased with such Monies, 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.

Court of Exchequer may order Trustees to pay Expences.

XXIX. 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 under the Authority of the said recited Acts or 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, and Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or 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 the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reason-

reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXX. 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 the Act.

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

The

The SCHEDULE referred to by this Act.

Townships.	Description of Property.	Owners.	Occupiers.
Cheetham -	Cottage and Yard -	Right Honourable Lord Ducie - -	Joseph Dale.
Ditto -	Wall, Garden, and Pond - -	Ditto - -	Joseph Smith, Esquire.
Ditto -	House, Cottage, and Garden - -	Ditto - - -	Martha Lomas, George Lingard, and Henry Heywood.
Ditto -	Garden - - -	Robert Millington -	Himself.
Ditto -	Garden and House -	William Lomas -	William Lomas and Abraham Rose.
Ditto -	Garden - - -	Right Honourable Lord Ducie -	Caleb Lea, Lessee and Occupier.
Ditto -	Gardens unoccupied -	Ditto - -	Sarah Lamb, Lessee.
Ditto -	Garden - - -	Ditto - - -	Richard Dixon.
Ditto -	Garden and Summer House - -	Ditto - -	John Rider.
Ditto -	Garden - - -	Ditto - - -	John Morton.
Ditto -	Ditto - - -	Ditto - -	Thomas Hollins.
Ditto -	Ditto - -	Ditto - - -	Thomas Conway.
Ditto -	Ditto - - -	Ditto - -	Ditto.
Ditto -	Ditto - -	Ditto - - -	John Turner.
Ditto -	Ditto - - -	Ditto - -	Ashton Bradshaw.
Ditto -	Ditto - -	Ditto - - -	William Paul, Lessee; Smedley, Occupier.
Ditto -	Ditto - - -	Ditto - -	William Paul, Lessee; William Tuer, Occupier.
Ditto -	Ditto - -	Ditto - - -	John Robinson.
Ditto -	Ditto - - -	Ditto - -	Ditto.
Ditto -	Ditto - - -	Ditto - - -	Unoccupied.
Ditto -	Ditto - - -	Ditto - -	Ditto.
Ditto -	Garden and Summer House - -	Ditto - -	Mary Crabstick.
Ditto -	Ditto - - -	Ditto - -	Joseph Cullingworth.
Broughton -	House and Garden -	Reverend John Clowes	John Taylor, Lessee; Josephus Beddome, Occupier.
Ditto -	Garden - - -	Ditto - -	Betty Watkins, Lessee; Absolam Watkins, Occupier.
Ditto -	Ditto - -	Ditto - - -	Ditto. Ditto.
Ditto -	Plantation - - -	Ditto - -	James Hibbert, Esquire.
Ditto -	Cottage and Garden -	Ditto - - -	John Blomley.
Ditto -	House and Garden -	Ditto - -	Ditto.
Prestwich -	Plantation - -	George Phillips, Esquire	Himself.
Ditto -	Ditto - - -	Ditto - - -	Ditto.
Ditto -	Ditto - -	Thomas Hope, Esquire	Himself.
Ditto -	Cottages, Garden, and Barn - -	George Scholes, Esquire	Charles Lowe, John Lowe, James Lord, Samuel Kenyon.
Ditto -	Wood - - -	Ditto - -	Samuel Kenyon.
Ditto -	Ditto - -	Ditto - - -	Robert Clegg, Esquire.
Ditto -	Ditto - - -	Reverend James Lyon	Samuel Kenyon.
Ditto -	Cottages and Yard -	Thomas Rogers -	Thomas Massey, and Two unoccupied.
Ditto -	Garden - - -	Reverend James Lyon	Hugh Grimshaw.
Ditto -	Garden, House, and Barn - -	Thomas Rogers -	Abraham Kay and Thomas Dean.

Townships.	Description of Property.	Owners.	Occupiers.
Prestwich -	Garden - - -	William Clegg, Esquire	Thomas Marland.
Ditto -	Ditto - -	Reverend James Lyon	Thomas Coope, Lessee and Occupier.
Ditto -	Ditto - - -	Ditto - -	Thomas Crompton.
Ditto -	House and Garden -	Ditto - - -	Josiah Steel, James Heys, and Adam Coope.
Ditto -	Garden - - -	Ditto - -	John Haddock.
Ditto -	Gardens - - -	Ditto - - -	James Royle, John Ridings, and Richard Leaver.
Ditto -	Garden - - -	Ditto - -	Samuel Kaye.
Ditto -	Ditto - -	Ditto - - -	Mary Meadowcroft, Lessee; John Crompton, Occupier.
Ditto -	Ditto - - -	John Coope - -	Himself.
Ditto -	Three Cottages and Gardens - -	Thomas Rogers -	Thomas Crompton, John Greenhalgh, and One unoccupied.
Ditto -	Garden - - -	Right Honourable Lord Derby -	John Coope, Lessee; Thomas Coope, Occupier.
Ditto -	Garden and Orchard -	Ditto - -	James Walker, Lessee; James Dawson, Occupier.
Ditto -	Ditto - - -	Ditto - - -	Ditto. Ditto.
Ditto -	Cottages and Gardens	Ditto - -	John Tanner, Lessee; Betty Jackson, John Hutton, James Grimshaw, Betty Leigh, and Joseph Holland, Occupiers.
Ditto -	Cottage, Barn, and Yard - -	Ditto - - -	Mary Walker, Lessee; William Crompton, Occupier.
Ditto -	House and Yard -	Ditto - -	Daniel Jackson, Lessee and Occupier.
Ditto -	Two Cottages and Yard - -	Ditto - - -	Fletcher, Lessee; unoccupied.

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