CHAPTER xxiii.

An Act to relieve the Owner of the Norton Priory Estate in the County of Chester from the liability to repair certain roads in the said County and to provide for the future maintenance and repair thereof and for other purposes. [23rd May 1898.]

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WHEREAS by an Act passed in the thirty-ninth and fortieth years of the reign of His late Majesty King George the Third chapter 44 intituled "An Act for shutting up and discontinuing "certain roads and footpaths leading through the grounds of Sir "Richard Brooke Baronet in the townships of Norton and Halton "in the parish of Runcorn and county palatine of Chester and for "making and maintaining other roads instead thereof" after reciting that that part of the road leading from Runcorn in the county palatine of Chester through the township and village of Halton and township of Norton in the same county to Warrington in the county palatine of Lancaster which lay between a certain house in Halton aforesaid then or late in the possession or occupation of William Norbury and a certain cottage in Norton aforesaid called Woods Cottage then in the possession or occupation of William Woods being one mile four furlongs and one hundred and eighty yards in length or thereabouts and also the road leading from a certain bridge over the Duke of Bridgewater's Canal in Norton aforesaid called Norton Bridge into the said first-mentioned road near a place called the Lodge being three furlongs and fifty-two yards in length or thereabouts and which severally passed through the grounds of Sir Richard Brooke Baronet of Norton Priory in the said county of Chester and near to his mansion house of Norton Priory aforesaid and also certain footpaths therein particularly mentioned were then used as publick roads and publick footpaths and the making use of the same was in many respects inconvenient and injurious to the property of the said Sir Richard Brooke and in particular to the occupation of and residence at his

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said mansion house of Norton Priory And reciting that the said Sir Richard Brooke was a minor and that Sir Foster Cunliffe and Thomas Brooke were guardians of and trustees for the said Sir Richard Brooke And reciting that the said Sir Foster Cunliffe and Thomas Brooke were willing and desirous in case the roads and footpaths therein-before described be shut up and discontinued to take upon themselves during the minority of the said Sir Richard Brooke and in case of his death under age then during the respective minorities of such of his brothers as should at any time succeed to the inheritance of the said estate at Norton Priory aforesaid to make complete and maintain the roads therein-after mentioned which said intended new roads would pass through and over the lands and grounds of the said Sir Richard Brooke or of the said Sir Foster Cunliffe and Thomas Brooke his guardians and trustees or the one of them and not of any other person or persons whomsoever It was enacted that it should be lawful for the said Sir Foster Cunliffe and Thomas Brooke and the survivor of them and his heirs at any time during the minority of the said Sir Richard Brooke or in case of his death under age then during the respective minorities of such of his brothers as should at any time succeed to the said estate at Norton Priory aforesaid and for the said Sir Richard Brooke after he should attain the age of twenty-one years and his heirs and assigns (in case the same was not before completed and finished) to make and complete a road of the width therein mentioned for the commodious passage of cattle and carriages from the said cottage called Woods Cottage through and over the several fields in Norton aforesaid therein specified to a certain lane called Astmore Lane and from thence over certain other fields to another part of the said lane called Astmore Lane leading to the bridge over the Duke of Bridgewater's Canal and from thence over certain fields therein mentioned to a lane called the Summer Lane and also to make and complete a like road from the said bridge through and over certain fields therein mentioned to the said road leading from Runcorn aforesaid to Warrington aforesaid through the said village of Halton at or near a certain brook called Halton Brook And also to make and complete a like road from the said other bridge called Norton Bridge to the said cottage called Woods Cottage to communicate with the said road to Warrington:

And the said Act contained provisions for shutting up and discontinuing the said existing roads and footpaths so soon as the new roads thereby authorised were completed And by section 3 of the said Act it was enacted that the said Sir Foster Cunliffe and

Thomas Brooke and the survivor of them and his heirs during the minority of the said Sir Richard Brooke as his guardians and trustees and in case of his death under age then during the respective minorities of such of his brothers as should at any time succeed to the said estate at Norton Priory aforesaid and the said Sir Richard Brooke after he should have attained his said age of twenty-one years his heirs and assigns should at all times keep in repair the said intended new roads therein-before particularly described And by section 4 of the said Act it was enacted that it should be lawful for the said Sir Foster Cunliffe and Thomas Brooke and the survivor of them and his heirs at any time during the minority of the said Sir Richard Brooke or in case of his death under age then during the respective minorities of such of his brothers as should at any time succeed to the estate at Norton Priory aforesaid and for the said Sir Richard Brooke after he should attain his age of twenty-one years his heirs and assigns to erect and set up and from time to time to remove and to erect and set up others in lieu thereof as occasion might require such and the like number of gates upon and across the said intended new road as had theretofore been or then were erected and set up upon and across the said road intended to be shut up and discontinued:

And whereas in pursuance of the said Act a road (herein-after called Road No. I.) was duly constructed from Woods Cottage to Astmoor Canal Bridge and thence to the junction with the Runcorn and Northwich Road near Halton Brook and such Road No. I. forms part of a road between Runcorn and Warrington:

And whereas the whole of the said road between Runcorn and Warrington aforesaid (with the exception of such part thereof as consisted of Road No. I.) was by order made on the sixth day of August one thousand eight hundred and ninety-one and duly confirmed by the Cheshire County Council under the provisions of the Highways and Locomotives (Amendment) Act 1878 and the Local Government Act 1888 declared to be a main road:

And whereas Road No. I. has hitherto been maintained and repaired by the owners for the time being of the said Norton Priory Estate in accordance with the provisions of the herein-before recited Act:

And whereas in further pursuance of the said Act a road (herein-after called Road No. II.) was duly constructed from Woods Cottage aforesaid to Norton Canal Bridge:

And whereas by an order of the justices of the peace for the division of Runcorn in the said county of Chester in petty sessions holden on the twenty-eighth of January one thousand eight hundred and seventy-eight it was ordered and declared that Road No. II. was

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and should thenceforth be and remain a public highway to be repaired at the expense of the parish of Norton in the county of Chester:

And whereas since the date of the said order of the twenty-eighth of January one thousand eight hundred and seventy-eight Road No. II. has been maintained and repaired by the Daresbury District Highway Board (the then highway authority) and their successors (under the Local Government Act 1894) the Runcorn Rural District Council:

And whereas Sir Richard Marcus Brooke of Norton Priory in the county of Chester Baronet is the successor in title of the said Sir Richard Brooke mentioned in the herein-before recited Act and is as such successor entitled under and by virtue of an indenture of settlement dated the fifteenth of January one thousand eight hundred and eighty-three and made between Sir Richard Brooke since deceased of the first part the said Sir Richard Marcus Brooke (then and therein described as Richard Marcus Brooke) of the second part Alice Crawley of the third part and Piers Egerton Warburton (therein by mistake described as Piers Eyles Egerton Warburton) and Robert Edward Tomkinson (therein by mistake called Robert Tomkinson) of the fourth part as tenant for life in possession to the said estate at Norton Priory in the county of Chester and under such settlement the said Piers Egerton Warburton and Robert Edward Tomkinson are trustees for the purposes of the Settled Land Acts 1882 to 1890:

And whereas the said Piers Egerton Warburton and Robert Edward Tomkinson have in their hands as such trustees as aforesaid capital moneys within the meaning of the Settled Land Acts 1882 to 1890 more than sufficient to make the payments herein-after authorised:

And whereas the said Sir Richard Marcus Brooke and the Cheshire County Council have agreed (subject to the sanction of Parliament being obtained) that the said Sir Richard Marcus Brooke and all future owners for the time being of the said estate at Norton Priory shall be released from all liability in respect of the repair of Road No. I. and that the future maintenance and repair thereof shall be undertaken by the Cheshire County Council And that in consideration thereof such money payments shall be made as are herein-after mentioned and sufficient land for widening Road No. I. and the approaches to Astmoor Canal Bridge as herein-after mentioned be appropriated and dedicated and such right to take stone and such wharfage rights and accommodation as herein-after mentioned be granted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Norton and Halton Roads Act 1898.

Interpretation.

2. In this Act—

The expression "the owner" means the said Sir Richard Marcus Brooke Baronet and his successors in title for the time being owner or owners of or beneficially entitled to the possession of or to the receipt of the rents and profits of the said estate at Norton Priory ;

The expression "the trustees" means the said Piers Egerton Warburton and Robert Edward Tomkinson and the survivor of them and other the trustees or trustee for the time being of the said indenture of settlement of the fifteenth of January one thousand eight hundred and eighty-three for the purposes of the Settled Land Acts 1882 to 1890 ;

The expression "the settled lands" means the lands and hereditaments comprised in and settled by the said indenture of settlement of the fifteenth of January one thousand eight hundred and eighty-three ;

The expression "the County Council" means the Cheshire County Council.

Power to trustees of settlement to pay moneys out of capital moneys in their hands.

3. The trustees may at any time after the passing of this Act pay out of moneys for the time being in their hands as capital moneys within the meaning of the Settled Land Acts 1882 to 1890 to the County Council the following sums :—

(A) The sum of seven hundred pounds being part of the consideration for the release herein-after contained of the owner and the settled lands ;

(B) Such a sum (not exceeding one hundred pounds) as the surveyor for the time being of the County Council shall certify to have been expended in setting back the fences of Road No. I. in order to carry out the widenings in this Act mentioned :

Which said sums shall be applied by the County Council towards the expenses to be incurred by them in reconstructing widening and otherwise improving Road No. I.

Power to owner to provide land for widening road and approaches

4. The owner may appropriate and dedicate out of the settled lands sufficient land—

(A) For widening Road No. I. from twenty-one feet six inches to thirty-six feet for a distance of thirty-four yards or thereabouts in a northerly direction from Bigfield Cottage ;

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to Astmoor Canal Bridge.

(B) For widening Road No. I. from twenty-five feet to thirty-six feet between Bigfield Cottage aforesaid and Manor Wood being a distance of three furlongs one hundred and seventy-three yards or thereabouts;

(C) For widening the approaches to Astmoor Canal Bridge on either side to thirty-six feet:

The widenings mentioned in (A) and (B) shall unless otherwise agreed between the County Council and the owner be on the south side of the road.

Power to owner to grant right of taking stone from Stenhill Quarries.

5. The owner may grant to the County Council full and free liberty to take free of cost from the Stenhill quarries at Halton forming part of the settled lands such a quantity of stone as may be required for filling up the sides of Road No. I. when it shall be so widened as aforesaid and the ditches on either side thereof.

Power to owner to grant free wharfage accommodation on existing wharves on the Bridgewater Canal and at Bigfield Dock on Manchester Ship Canal.

6. The owner may grant to the County Council full and free liberty at all times hereafter to use free of charge for the purpose of unloading road material (A) the existing wharves (forming part of the settled lands) on the Bridgewater Canal and (B) the existing wharves (forming part of the settled lands) at the dock at Bigfield on the Manchester Ship Canal or (C) sufficient land adjoining such wharves.

Power to modify foregoing provisions by agreement.

7. It shall be lawful for the owner and the County Council by agreement to alter vary or modify any of the provisions contained in the immediately preceding section and to substitute any provisions (including a provision for payment by the trustees of any sum or sums of money) in lieu thereof and any such sum so to be paid by the trustees may be paid out of capital moneys in their hands within the meaning of the Settled Land Acts 1882 to 1890 and shall be applied in the same manner as the several sums herein-before authorised to be paid to the County Council by the trustees.

Power to owner to execute deeds &c.

8. The owner may execute such deed or deeds as may be necessary for the purpose of carrying out and exercising all or any of the powers herein-before conferred on him.

Saving rights of Manchester Ship Canal Company.

9. Provided always that nothing herein contained shall in any way alter prejudice or affect the rights or powers of the Manchester Ship Canal Company under the several Acts relating to the Bridgewater Canal and the Manchester Ship Canal respectively or shall confer on the County Council any further or other right or power than they would have obtained under such a grant or grants as herein-before mentioned if the owner had been absolutely entitled in fee simple in possession to the settled lands.

Repeal of sections 3 and 4 of

10. When and so soon as the several sums herein-before authorised to be paid to the County Council by the trustees have been paid and

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39 & 40 Geo. 3 c. 44. Road No. I. to be a main road.

sufficient land has been appropriated and dedicated by the owner for the purposes aforesaid and the right and liberties of taking stone and unloading road material as herein-before authorised have been granted or the provisions contained in any agreement made in pursuance of the power in that behalf herein-before conferred have been complied with the owner and the settled lands shall be released and discharged from all liability to keep in repair the roads so constructed under the authority of the herein-before recited Act 39 and 40 Geo. III. c. 44. and sections 3 and 4 of the said Act shall be repealed and Road No. I. shall thereupon be a main road within the meaning of the Highways and Locomotives (Amendment) Act 1878 as amended by the Local Government Act 1888 and shall with the materials thereof and all drains belonging thereto and all rights in connexion therewith vest in the County Council and shall thenceforth subject to the provisions of the said Acts of 1878 and 1888 be maintained and repaired by the County Council accordingly.

Costs of promoting and passing Act.

11. The trustees may and shall pay out of capital moneys in their hands within the meaning of the Settled Land Acts 1882 to 1890 a sum not exceeding four hundred and fifty pounds in or towards the payment of the costs charges and expenses of and incidental to the promotion and passing of this Act and the balance (if any) of such costs charges and expenses as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid and borne by the County Council and shall be charged on the county fund.

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