

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. XCV.

An Act for more effectually repairing and otherwise improving the Road from *Crossford Bridge*, in the County Palatine of *Lancaster*, to *Altrincham* in the County Palatine of *Chester*.

[14th *June* 1827.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and amending the Road leading from* Crossford Bridge, *within* Stretford, *in the County Palatine of* Lancaster, *to* Altrincham *in the County Palatine of* Chester: And whereas an Act was passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Thirty-sixth Year of His present Majesty, for repairing the Road leading from* Crossford Bridge, *in the County Palatine of* Lancaster, *to* Altrincham *in the County Palatine of* Chester: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *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 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

36 G. 3. c. 143.

45 G. 3. c. 57.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas the Trustees for executing the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty King *George* the Third have proceeded in putting the same in execution, and have made considerable Progress in repairing and improving the Road therein mentioned, and have borrowed and taken up at Interest several considerable Sums of Money upon the Credit of the Tolls thereby granted: And whereas it would be more convenient if the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty King *George* the Third were repealed, and further, better, and more effectual Powers granted for repairing, widening, diverting, and improving the Road included and comprised in the same Acts; but the same 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 by the Authority of the same, That upon the Fourth *Monday* next after the passing of this Act the said recited Acts passed in the Thirty-sixth and Forty-fifth 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 null and void to all Intents and Purposes whatsoever.

Recited Acts of the 36th and 45th G. 3. repealed;

and this Act to be in force.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of amending, widening, diverting, altering, repairing, improving, and keeping in repair the Road leading from *Crossford Bridge*, in the County Palatine of *Lancaster*, to and into the Town of *Altrincham* in the County Palatine of *Chester*, there to communicate with the Turnpike Road leading from *Altrincham* aforesaid to *Northwich* in the same County Palatine, and for otherwise putting the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act into Execution.

Tolls granted by this Act made liable to the original Debt.

III. And be it further enacted, That the Term and Tolls by this Act granted shall be and are hereby charged with and made subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due on the Credit of this Act or of the Tolls hereby authorized to be collected.

Securities, &c. under former Acts to continue in force.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made to or by or entered into by any Person or Persons to or with any of the Trustees for executing the said Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty, shall remain

in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same are or shall be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the same Acts, with or to any Person or Persons, for any Purpose relating to the said Road or to the Execution of the same Acts, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty.

Books under former Acts to be Evidence under this Act.

V. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Road, kept according to the Directions and Provisions of the said recited Acts hereby repealed, or either of them, 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, in such and the same Manner as if the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty had not been repealed.

Officers under former Acts 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 or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Road, 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, or either of them, inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of this Act.

Extending the Powers of the 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 said 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, repealed, or otherwise provided for by the said recited Act of the Fourth Year of the Reign of His said present Majesty, or 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 said 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, repealed, or otherwise provided for by this Act,) and also the said recited Act passed in the Fifth Year of the Reign of His said 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

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 said respective Counties Palatine of *Lancaster* and *Chester*, together with the Right Honourable *George Harry Grey* commonly called Lord *Grey*, the Honourable *Henry Booth Grey*, the Honourable *William Booth Grey*, the Honourable and Reverend *Anchitel Grey*, the Honourable *George Augustus Frederick Leicester*, Sir *John Chetwode* Baronet, Sir *Philip Grey Egerton* Baronet, Sir *Henry Mainwaring Mainwaring* Baronet, Sir *John Thomas Stanley* Baronet, Sir *Richard Brooke* Baronet, *Thomas Atkinson*, *John Blackburne*, *Robert Haldane Bradshaw*, *James Bradshaw*, *Isaac Blackburne*, *John Ireland Blackburne*, *Peter Langford Brooke*, *Thomas Langford Brooke*, *Henry Brooke*, *Henry Delves Broughton* Clerk, *John Barratt*, *Robert Baxter*, *Charles Cholmondeley*, *John Crewe*, *John Chetwode*, *George Chetwode* Clerk, *William Dodge Cooper Cooper*, *Davies Davenport*, *William Davenport*, *Edward Davies Davenport*, *Peter Daine* the younger, *George Eaton*, *Wilbraham Egerton*, *William Tatton Egerton*, *Wilbraham Egerton* the younger, *John Ford*, *Charles Ford*, *William Fox*, *William Fox* Clerk, *Edward Vigor Fox*, *John Baskervile Glegg*, *Samuel Greg*, *Booth Grey*, *Harry Grey* Clerk, *Richard Irlam Grantham*, *Thomas Bayley Hall*, *Robert Harrop* Clerk, *Isaac Harrop*, *Isaac Worthington Harrop*, *Samuel Hardey*, *George Hardey*, *George Heron* Clerk, *Peter Heron*, *George Heron* the younger, *Robert Hibbert*, *Thomas Hibbert*, *John Hill*, *John Hollins*, *Peter Holland*, *John Holland*, *Francis Jodrell*, *Bertie Johnson* Clerk, *Richard Popplewell Johnson* Clerk, *Egerton Leigh*, *Peter Leigh* Clerk, *Egerton Leigh* the younger, *George John Legh*, *George Cornwall Legh*, *Peter Legh*, *Oswald Leicester* Clerk, *Oswald Leycester* Clerk, *Hugh Leycester*, *Ralph Leycester*, *Thomas Lowten*, *Edward Jeremiah Lloyd*, *Robert Lansdale*, *John Holdsworth Mallory* Clerk, *William Henry Galfridus Mann* Clerk, *Henry Mainwaring Mainwaring*, *John Moore*, *Robert Joseph Jackson Norreys*, *Devereux John Nicholls*, *Robert Devereux Nicholls*, *James Occleston*, *Thomas Parker*, *John Parker*, *William Pass*, *Edward Pearson*, *Shakespeare Phillips*, *Richard Poole*, *Charles Poole*, *Henry Potts*, *Charles Kenrick Prescot* Clerk, *Charles Watkin John Buckworth Shackerley*, *Thomas Assheton Smith*, *William Henry Assheton Smith*, *Thomas Smith*, *James Sothern*, *Edward Stanley* Clerk, *Thomas William Tatton*, *Robert Taylor*, *Mascie Taylor* Clerk, *Joseph Taylor*, *Edward Venables Townsend*, *Trafford Trafford*, *Richard Legh Trafford*, *Thomas Joseph Trafford*, *Thomas Walker*, *Rowland Eyles Egerton Warburton*, *William Wainman*, *Randle Wilbraham*, *George Wilbraham*, *James Wilde*, *John White*, *William Whitelegg* Tanner, *Thomas Whitelegg*, *James Wood*, *Thomas Worthington*, *Hugo Worthington*, *Robert Worthington*, *Lawrence Wright*, *Thomas Wright* Clerk, *William Henry Wright* Clerk, *Ralph Wright*, 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 the Trustees for carrying the same Acts and this Act into Execution.

Power to appoint additional Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First

First Meeting to be holden in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts as if they had been named and appointed Trustees in and by this Act.

First Meeting of Trustees.

X. And be it further enacted, That the said Trustees shall meet together at the *Unicorn Inn* in *Altrincham* aforesaid, or some other convenient House or Place on or near to the said Road, upon the Fourth *Monday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, or as soon after as conveniently may be, for the Purpose of carrying the same, and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, into Execution.

Old Officers (except the Treasurer) to continue.

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

Treasurer and Clerk not to be the same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who hath or have been or who may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Clerk or Clerks, to be the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint the Person or Persons who hath or have been or who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, to be the Clerk or Clerks to the said Trustees;

tees; and if any Person or Persons 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 Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees restrained from taking down Houses, &c. without Consent, except such as are mentioned in the Schedule.

XIII. And be it further enacted, That the Powers and Authorities given by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty, and this Act, for making, maintaining, widening, diverting, improving, or altering the said Road comprised in 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 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 and specified in the Schedule to this Act annexed.

Trustees to pay for the Premises in the Schedule within Five Years.

XIV. Provided always, and be it further enacted, That if the said Trustees shall not within the Space of Five Years next after the passing of this Act agree for, or cause to be valued and paid for, in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, the several Gardens, Houses, Buildings, and Premises which they are by this Act empowered to purchase, take, and use, or so much thereof as they shall respectively deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given for such Purpose only shall cease, determine, and be utterly void, except with the Consent of the Owners and Occupiers thereof respectively.

Power to erect Toll Gates, or to continue the present.

XV. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove the Toll Gate or Turnpike and Toll House now standing and being in or upon or across the said Road, and also to erect and set up or build, or cause

to be erected, set up, and built, upon, in, or across the said Road, or on the Sides thereof, or any Part thereof, 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, Weighing Machine or Weighing Machines, and also one or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each such Garden, as they shall think necessary; and from Time to Time to take down and remove, and afterwards rebuild or reinstate, the same Toll Houses, Gates, Turnpikes, Side Gates, Side Bars, Chains, or Weighing Machines, or any of them, as they the said Trustees shall think proper, direct or appoint.

Power to take Tolls.

XVI. 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 the Toll Gate or Turnpike now standing and being in, upon, or across the said Road, and also at each and every of the Toll Gates or Turnpikes which shall be erected by virtue of this Act 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, Berlin, Landau, Chaise, Hearse, Calash, or other such Carriage, with more than Two Wheels, when drawn by Four or more Horses or other Beasts, the Sum of Three-pence; and when drawn by Three Horses or other Beasts, the Sum of Four-pence; and when drawn by One or Two Horses or other Beasts, the Sum of Three-pence:

For every Horse or other Beast drawing any Chaise, Curricle, Chair, Gig, or other such Carriage, with Two Wheels, when drawn by more than One Horse or other Beast, the Sum of Two-pence; and when drawn by only One Horse or other Beast, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, or other such Carriage, with Four Wheels, the Fellies of such Wheels being of the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, when drawn by Six or more Horses or other Beasts, the Sum of Eight-pence; and when drawn by a less Number than Six Horses or other Beasts, the Sum of Seven-pence:

For every Horse or other Beast drawing any Cart, Wain, or other such Carriage, with Two Wheels, the Fellies of such Wheels being of the Breadth of Six Inches from Side to Side at the Bottom or Sole thereof, when drawn by Four or more Horses or other Beasts, the Sum of Sixpence; and when drawn by a less Number than Four Horses or other Beasts, the Sum of Three-pence:

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

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

And

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

Tolls vested in the Trustees.

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 such Toll Gate or Turnpike; 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 in Tolls.

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

Number of Tolls limited.

XVIII. Provided also, and be it further enacted, That no more than One full Toll and a Half of a full Toll 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 passing and repassing of the same Horse or Horses, Beasts, Cattle, and Carriages, through all the several Toll Gates on the said Road.

Persons having paid the Tolls to return Toll-free on the same Day if not laden, both going and returning.

XIX. And be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, or Beast through any Toll Gate, Turnpike, or Side Gate, such Horse, Cattle, or Beast shall, during the same Day, to be computed as aforesaid, on which Toll has been so paid, upon the 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 any Waggon or Cart which shall be laden both going and returning, in which Case the Person or Persons driving or having the Care of such Waggon or Cart shall be liable to pay Toll for the Horse or Horses drawing such Waggon or Cart returning, in like Manner as he or they would have been liable to pay for the same in case the same had not passed through such Turnpike or Toll Gate on the same Day); and no Waggon, Cart, or other such Carriage shall be deemed to be laden, unless the Lading therein or thereon shall be of the Weight of Three hundred and sixty Pounds Avoirdupois, or upwards.

Post Chaises &c. to be subject to Toll on every new Hiring:

XX. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road, whenever any new Hiring of such Horses or other Beasts shall take place.

Stages on every Time of passing.

XXI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of all Horses or other Beasts

Beasts drawing any Stage Coach, Diligence, or other Stage Carriage, conveying Passengers for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

One Horse Carts to be weighed.

XXII. And whereas it frequently happens that Carts drawn by One Horse, passing upon and along the said Road, 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 shall so order and direct, be weighed at any Machine erected or to be erected on the said Road; and 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 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 the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof; any thing in the said recited Acts or any of them contained to the contrary notwithstanding.

For preventing Nuisances on the Road.

XXIII. And be it further enacted, That 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 Road, 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 the Tolls.

XXIV. And be it further enacted, That all the Tolls and other Monies and Effects which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty King *George* the Third, or otherwise, and all Monies which shall arise or be received from the Tolls by the said recited Acts of the Third and Fourth Years of His present Majesty's Reign, and this Act, granted, or which shall come to the Hands of the said Trustees, shall be applied first in paying the Expences of procuring and passing this Act, then in paying the Principal and Interest of all Monies now due and owing on the Credit of the Tolls granted by the said recited Acts of the Thirty-sixth and Forty-fifth Years of the Reign of His said late Majesty King *George* the Third, or which may hereafter become due and owing on the Credit of this Act or the Tolls hereby granted, and afterwards in repairing, widening, altering, diverting, and otherwise improving the said Road, and in otherwise defraying the Expences attending the Execution of this Act and the said recited Acts of the Third and Fourth Years of the Reign of

His said present Majesty, and to and for no other Use or Purpose whatsoever.

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

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Persons under any Disability or Incapacity, as in the said recited Acts 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 this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His said 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, 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 Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or in 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, or Hereditaments, or affecting other Lands, Tenements, or 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 upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments

1 G. 4. c. 35.

by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, or this Act, authorized to be purchased, in case such Purchase or Settlement were made.

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

XXVI. 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; and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the Trustees for executing 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 and Produce arising thereon, may be applied in manner herein-before directed, so far as the same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Where under 20*l.*

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

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

XXVIII. 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 under or by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, or 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name

Name and with the Privity of the Accountant General of the said Court of Exchequer, 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 Order, Controul, 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 the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum 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 Sum or Sums of Money into the Bank as aforesaid.

In case of disputed Titles.

XXIX. And be it further enacted, That when 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, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of 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 respectively, or under the Possession of such Person or Persons, shall be deemed and taken to be 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 to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court may order Expences of Purchases to be paid by Trustees.

XXX. 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 of the Third and Fourth Years of the Reign of His present Majesty, or of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, or to be applied in the Purchase of other Lands, 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 pursu-

ance

ance of this Act, or so much of such Expences as the said Court shall deem 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, out of the Monies to be received by virtue of this Act.

Public Act.

XXXI. 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.

XXXII. And be it further enacted, That this Act shall commence upon the said Fourth *Monday* next after the passing of this Act, and shall continue and be in force and effect for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which the aforegoing Act refers.

Description of Premises.	Owners Names.	Lessees Names.	Occupiers Names.
In the Parish of Ashton-upon-Mersey :			
Garden - -	Isaac Barrett - -	- - - -	John Ashcroft.
Garden - -	Do. - -	- - - -	James Kay.
Garden and Yard -	John Moore - -	- - - -	Thomas Whitelegg.
Garden - -	Thomas Atkinson -	- - - -	Robert Williamson.
Plantation - -	Do. - -	- - - -	Thomas Richardson.
Garden - -	Do. - -	- - - -	John Hurlbert.
Farm Yard or Field -	Richard Pearson -	- - - -	Edward Pearson.
Garden - -	Thomas Royle -	- - - -	Thomas Royle.
Garden - -	The Earl of Stamford and Warrington -	Joshua Renshaw -	James Hamnett.
In the Parishes of Ashton-upon-Mersey and Bowdon :			
Garden - -	The Earl of Stamford and Warrington -	John Bythell - -	John Bythell.
Garden - -	Do. - -	Overseers of the Poor of Ashton-upon-Mersey - -	Overseers of the Poor of Ashton-upon-Mersey.
Garden - -	Do. - -	William Siddall and Jane Siddall -	Ellen Hamnett.
Garden - -	Do. - -	John Owen - -	James Bythell.
In the Parish of Bowdon :			
Garden - -	William Clough -	- - - -	William Holt.
Garden - -	Do. - -	- - - -	Samuel Royle.
Garden - -	Do. - -	- - - -	Thomas Ackerley.
Garden - -	Do. - -	- - - -	Samuel Speed.
Garden and Part of House - -	The Earl of Stamford and Warrington -	John Barratt - -	Eliza Brownhill.
Garden and Field -	Do. - -	Samuel Hardey -	Samuel Hardey.
Garden - -	Do. - -	George Gratrix -	John Wood.
Stables - -	Do. - -	- - - -	Richard Plester.
Dwelling House called the Roebuck -	Do. - -	George Burgess -	John Turner.

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