



ANNO TRICESIMO NONO

GEORGI III. REGIS.

Cap. 64.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of an Act, passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, altering, diverting, and turning the Road from Ardwick Green, near Manchester, in the County of Lancaster, to the Bridge at the Corn Mills at Wilmslow, in the County of Chester.* [1st July 1799.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty King George the Third, intituled, *An Act for repairing, widening, altering, diverting, and turning the Road from Ardwick Green, near Manchester, in the County of Lancaster, to the new Bridge at the Corn Mills at Wilmslow, in the County of Chester*: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted, which, together with the said Tolls, has been applied to the Purposes of the said Act; and the Money so borrowed still remains due, and cannot be repaid, nor can the said Roads be properly amended and kept in Repair, unless the Term and Powers of the said Act are enlarged, and the said Tolls increased:

[Loc. & Per.] 11 E

Preamble.

creased: 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 the said recited Act, made in the Thirty-third Year of His present Majesty's Reign, and all the Clauses, Powers, Provisions, Orders, Regulations, Restrictions, Matters, and Things therein contained, shall be, and the same is and are hereby further continued for and during the Term herein-after mentioned, in as full and ample Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions, herein contained, and which shall commence and take Effect upon the First Day of *August* One thousand seven hundred and ninety-nine, and continue during the Term hereby granted, and this Act, and the additional Term and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said former Act, and of such other Sum and Sums of Money as shall be borrowed or become due and owing on the Credit or on Account of the said Act, and of this Act, and the Interest due and to grow due upon the same respectively.

Additional
Trustees.

II. And be it further enacted, That the Right Honourable *John Stanhope* commonly called *Lord Petersham*, *George Birch* Clerk, *Ralph Bower*, *Thomas Cash*, *Thomas Clarke*, *Peter Davenport Finney* of *Fulshaw*, *Peter Davenport Finney* the younger, *Isaac Harrop*, *George Hulme*, *Hugh Pownall*, *Peter Pownall*, *John Saxon*, *Trafford Trafford*, *Joseph Wood*, *Isaac Worthington*, *George Worthington*, the Rector of *Wilmslow* for the Time being, the Rector of *Cheadle* for the Time being, the Rector of *Didsbury* for the Time being, *Joseph Beever*, *Thomas Bailey*, *Edward Davies Davenport*, *James Norman*, *William Myers*, *William Beever*, *Robert Peel*, *Lawrence Peel*, *Thomas Hewitt*, *Benjamin Wilson*, *Robert Gee*, *William Crowther*, and *George Martin*, shall be, and they are hereby added to and joined with the Trustees appointed by and in pursuance of the said former Act, for putting the same and this Act into Execution; and the Trustees herein nominated and their Successors are hereby empowered to act in the Execution of the said former Act and of this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said former Act.

For appoint-
ing new
Trustees on
Vacancies.

III. And be it further enacted, That when and as often as any Trustee shall become disqualified to act, or shall cease to reside in either of the Counties of *Lancaster* or *Chester*, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, to elect and appoint another Person living within one of the said Counties, in such and the same Manner, as by the said former Act is directed for electing and appointing new Trustees on Vacancies as therein mentioned.

Tolls to be
taken.

IV. And whereas the Tolls by the said recited Act granted have been found very inadequate to the proper Execution thereof, be it therefore enacted, That the said Tolls shall be, and they are hereby declared to be repealed, and that instead thereof the Tolls following shall be demanded, taken, and paid, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through any Gate or Turnpike which is or shall

shall be erected in, upon, or on the Side of the said Road; (that is to say),

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Hearse, or other such Four-wheeled Carriage, drawn by Six or more Horses or Beasts of Draught, Two Shillings; and by Four Horses or Beasts of Draught, One Shilling and Sixpence; and by less than Four Horses or Beasts of Draught, One Shilling:

For every Calash, Curricule, Chaise, Chair, or other such Two-wheeled Carriage, drawn by Two or more Horses or Beasts of Draught, Eightpence; and by One Horse or Beast of Draught, Sixpence:

For every Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, Four Shillings; with Wheels of a Surface of Sixteen Inches, Two Shillings; upon Rollers of the Breadth of Sixteen Inches, Two Shillings; and for every Cart, Wain, or other such Carriage, with Wheels of the Breadth of Nine Inches on the Bottom or Sole thereof, drawn by Four or more Horses or Beasts of Draught, One Shilling; and by Three Horses or Beasts of Draught, Ninepence; and by Two Horses or Beasts of Draught, Sixpence; and by One Horse or Beast of Draught, Fourpence; and for every Cart, Wain, or other such Carriage, upon Rollers of the Breadth of Sixteen Inches, Sixpence; and for every Waggon or other such Four-wheeled Carriage, with Wheels of the Breadth of Six Inches as aforesaid, Four Shillings; and for every Waggon or other such Carriage, upon Wheels rolling a Surface of Eleven Inches on each Side, Two Shillings:

For every Cart, Wain, or other such Carriage, with Wheels of the Breadth of Six Inches as aforesaid, drawn by Three or Four Horses or Beasts of Draught, One Shilling; and by Two Horses or Beasts of Draught, Ninepence; and by One Horse or Beast of Draught, Fourpence:

For every Waggon or other such Four-wheeled Carriage, with Wheels of less Breadth than Six Inches, and drawn by any Horse or Horses, or Beast or Beasts of Draught, Six Shillings; and for every Cart, Wain, or other such Carriage, with Wheels of less Breadth than Six Inches, and drawn by Three or more Horses or Beasts of Draught, One Shilling and Sixpence; and by Two Horses or Beasts of Draught, One Shilling; and by One Horse or Beast of Draught, Sixpence; and for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny:

For every Drove of Oxen or Neat Cattle, Tenpence *per* Score; and so in proportion for any greater, or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, Fivepence *per* Score; and so in proportion for any greater or less Number:

And also that on each and every *Sunday* after the Commencement of this Act, there shall be demanded and taken at the Gate or Turnpike now erected at *Rushbulme*, or at any other Gate or Turnpike to be erected or set up in lieu thereof, Double the Tolls above-mentioned, to be respectively demanded and taken for every Horse, Beast, or other Cattle, Coach, Waggon, Cart, or other Carriage, (except such Horses or other Beasts, and Carts or Carriages as shall be used and employed in carrying or conveying Milk only, the same being hereby declared liable to the Payment

Payment of the same Tolls as are due and payable on any other Day of the Week, and no more.

Which said several Tolls shall be, and the same are hereby vested in the Trustees for putting the said Act and this Act in Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such and the same Manner, and by such Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisoos, Exemptions, and Restrictions, as are contained in the said Act with respect to the Tolls thereby granted; but subject nevertheless to this Act, and the Provisions, Regulations, and Restrictions, herein contained.

Repealing an Exemption in the former Act in Favour of Carriages laden with Coal.

V. And whereas by a Clause in the said recited Act it is enacted, That no Person or Persons should be liable to pay any Toll or Duty at any Toll Gate or Turnpike erected in, upon, or on the Side of the said Road, for any Waggon, Wain, or Carriage, laden with Coals, which should have paid any Toll or Duty for the same at any Toll Gate or Turnpike erected by virtue of any Act for repairing any particular Highway or Road, and that every Person who should have paid any Toll or Duty at any Toll Gate or Turnpike erected as aforesaid on passing through the same, should, upon his returning back laden with Coal, and producing a Note or Ticket that such Toll or Duty had been paid the same Day at any other Toll Gate or Turnpike, should be entitled to receive, and the Collector of the said Tolls or Duties was thereby required to pay him back the same Toll or Duty: And whereas the Effect of the said Clause is detrimental to the said Road; be it therefore further enacted, That the said recited Clause shall be, and the same is hereby declared to be repealed.

Milk to pay Toll only Once a Day.

VI. Provided always, and be it enacted, That no Person shall be subject to the Payment of Toll more than Once in the same Day for any Horse, Mare, Gelding, Mule, or Ass, laden with Milk, Whey, Butter Milk, or Curds, or for the Return of any such Horse, Mare, Gelding, Mule, or Ass, with the empty Vessels in which such Milk, Whey, Butter Milk, or Curds, shall have been conveyed; any Thing herein-before contained to the contrary notwithstanding.

Repealing the Applications of the Tolls and the Money borrowed, and directing a general Application thereof instead.

VII. And whereas by a Clause in the said recited Act contained, it is enacted, That the Tolls to be collected by virtue thereof, and all Monies to be borrowed on the Credit of the said Tolls, and all other Monies coming to the Hands of the said Trustees, shall be by them applied to and for several and separate Purposes, and to and for several and separate Parts of the said Roads, as in the said Act particularly mentioned: And whereas the Appropriation and Application of the said Tolls and Money as aforesaid, has been found inconvenient; be it therefore enacted, That from and after the Commencement of this Act, the said Clause, and every other Part of the said Act which relates to the same Purpose, shall be, and the same is and are hereby declared to be repealed, and instead thereof, be it enacted, That out of any Money already received by virtue of the said former Act, or out of the First Money to arise by virtue of the said Act and this Act, the said Trustees, or any Five or more of them, shall in the first Place pay and defray all the Costs, Charges,

Chargès, and Expences, of obtaining and passing this Act, or in anywise relating thereto, and the Remainder of such Monies shall, from Time to Time, be applied in amending, widening, altering, turning, repairing, and keeping in Repair, the said Road, and in paying the Principal and Interest of all Monies now due and owing on the Credit of the said Act, or which may hereafter become due and owing on the Credit of the said Act and this Act, and in defraying the Expences attending the Execution of the said Act and this Act as to the Whole of the said Road; and that all the Monies which have already been borrowed, charged, or secured, on particular Parts of the said Road, or on the Tolls to be collected thereon, shall, from and after the Commencement of this Act, become charged upon the Whole of the said Road, and all the Tolls to be collected thereon; any Thing in the said recited Act, or in any Mortgages or Securites which may have been granted or made by virtue of the said Act to the contrary hereof in anywise notwithstanding.

VIII. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and may, if thereunto required, receive in and cancel all or any of the Mortgages now standing out on the Credit of the said recited Act, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively, according to the Tenor and Purport of this Act.

Old Mortgages may be called in, and new ones granted.

IX. And whereas by a Clause in the said recited Act, it is among other Things enacted; That it shall be lawful for the Surveyor or Surveyors of the said Road, or such Person or Persons as he or they shall appoint, having an Order as therein mentioned to widen any Part of the said Road, so as to make such Part of the said Road not exceeding Forty Feet in Width, which is not sufficient; be it therefore further enacted, That it shall be lawful for such Surveyor or Surveyors, or other Person or Persons, having an Order as in the said Act particularly mentioned, to widen any Part of the said Road under the Powers, Provisions, Regulations, and Directions, in the said Act contained, so as to make such Part of the said Road not exceeding Sixty Feet in Width; any Thing in the said Act contained to the contrary in anywise notwithstanding.

For widening the Road to any Width not exceeding 60 Feet.

X. And be it further enacted, That the Money or Recompence to be paid for any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used by virtue of the Powers of the said Act and this Act, for the Purposes thereof, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as in the said recited Act particularly mentioned, shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as the said Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte*, the Trustees for executing the said Act and this Act, pursuant to the Method prescribed by the Act of the

For re-investing Purchase Monies.

Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured, to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Party or Parties as aforesaid in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled by virtue of this Act.

Penalties for
Nuisances and
Obstructions
on the Road.

XI. And be it further enacted, That if any Person or Persons shall bait, drive, or worry any Bull or Bear with Dogs or otherwise upon the said Road, or driving any Pigs or Swine upon the said Road, shall suffer the same to stop on the Road, or to root up and damage the same, or any

any Part thereof; or the Fences, Hedges, Backings, or Cops on either Side thereof; or if any Person having the Care of or driving any Waggon, Cart, or other Carriage upon the said Road, shall suffer the Horse or Horses, or Beasts drawing the same, to go faster than a Walk; or if any Person driving or riding upon any Horse, Mare, or Gelding, carrying Milk Cans, Crates, Cans, or Panniers, shall not keep the said Horse, Mare, or Gelding on the Left-hand Side of the said Road, or shall permit or suffer the same to go abreast of any other Horse, Mare, or Gelding, or faster than a slow Trot; or if any Person shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, or let off, or throw any Squib, Rocket, Serpent, or Fireworks whatsoever, on any Part or Parts of the said Road, or within Forty Yards from the same, every Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered, levied, and applied in such Manner as other Penalties, Forfeitures, and Fines, are by the said former Act directed to be recovered, levied, and applied.

XII. And be it further enacted, That this Act shall be adjudged, Publick Act. deemed, and taken to be a Publick Act; and be judicially taken Notice of by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

XIII. And be it further enacted, That the Term granted by the said Term of the Act. recited Act, shall, upon the said First Day of *August* cease and determine, and that the said Act, (subject as herein-before mentioned), and this Act, shall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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