



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lvii.

An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for repairing the Roads from *Manchester* to *Salter's Brook*, and for making several Roads to communicate therewith; and also for making a certain new Extension or Diversion of the said Roads instead of a certain Extension or Diversion by the said Act authorized to be made. [17th *May* 1833.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads from Manchester in the County Palatine of Lancaster to Salter's Brook in the County Palatine of Chester, and for making and maintaining several Extensions or Diversions of Road, and a new Branch of Road to communicate therewith*: And whereas the Trustees for carrying the said Act into execution were thereby authorized and empowered to make and maintain an Extension or Diversion of the said Roads in the Township of *Ardwick* in the said County Palatine of *Lancaster* from the Northerly End of *Chancery Lane* to and along *Tipping Street* and *Medlock Street*,
[*Local.*] 14 Y there

7 G. 4. c. 16.

Powers of
recited Act
extended to
this Act.

there to communicate with the Southerly End of the Bridge over the River *Medlock* in the Turnpike Road leading from *Manchester* aforesaid to *Stockport* in the said County Palatine of *Chester*: And whereas the Powers in the said recited Act contained for making and maintaining the said Extension or Diversion have not been carried into execution by the said Trustees: And whereas an Extension or Diversion of the said Roads, commencing from or nearly from the Northerly End of *Chancery Lane* in *Ardwick* aforesaid, and extending therefrom over and across the River *Medlock*, and along *Travis Street* to the *London Road* in *Manchester* aforesaid, would be of great public Utility, and would be much more beneficial to the Public than the Extension or Diversion by the said recited Act authorized to be made as aforesaid; and it is therefore expedient that the said recited Act should be amended, for the Purpose of effecting the beneficial Objects aforesaid: 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 the said recited Act, and all the Powers, Provisions, Authorities, Penalties, Forfeitures, Matters, and Things therein contained, shall, save and except where the same are hereby altered, varied, or repealed, be extended to this Act, and be construed therewith, in as full and ample a Manner to all Intents and Purposes as if the same had been repeated and re-enacted in the Body of this Act, and made Part thereof.

Power to
make intend-
ed Extension
of the said
Roads.

II. And be it further enacted, That in lieu of making and maintaining the Extension or Diversion of the said Roads by the said recited Act authorized to be made as aforesaid it shall be lawful for the Trustees acting under the said recited Act of the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, and their Successors, and they are hereby fully authorized and empowered, to set out, make, and maintain, of such Width as they shall think proper, not exceeding Sixty Feet wide, the new Extension or Diversion of the said Roads hereinbefore mentioned, commencing from or nearly from the Northerly End of *Chancery Lane* in *Ardwick* aforesaid, and extending therefrom, over and across the River *Medlock* and along *Travis Street*, to the *London Road* in *Manchester* aforesaid, according to the Plan and Book of Reference herein-after mentioned, together with such Footpaths, Causeways, Bridges, Mounds, Culverts, Fences, Ditches, Drains, and other Works as they shall think expedient, and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, and for the Damage they may sustain by the Execution of the Powers of this Act; and it shall be lawful for the said Trustees and for their Surveyors and Workmen from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which such Road, Footpaths, Causeways, Bridges, Mounds, Culverts, Fences, Ditches, Drains, and other Works are intended to pass or be made, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such a Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon any such Lands, Tenements, or Hereditaments for any of the Purposes of this Act; and

and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided always, that from and after the making of the said new Extension or Diversion of the said Roads the same shall be and be deemed to be to all Intents and Purposes Part of the Roads included in this Act and in the said recited Act, and shall be deemed and taken to be and shall be a public Highway to all Intents and Purposes.

III. And whereas a Map or Plan describing the Line of the said new Extension or Diversion hereby authorized to be made, together with a Book of Reference containing a List of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same Extension or Diversion is intended to pass, has been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees, in making the said Extension or Diversion, shall not deviate from the Line thereof without the Consent in Writing of the Owner and Occupier through whose Lands or Hereditaments such Deviation shall be made.

Map or Plan deposited with Clerk of the Peace, to remain there, and be open to Inspection.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Extension or Diversion of the said Roads through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of the Lands, Tenements, or Hereditaments through or over which the same are respectively set out and described in the said Map or Plan and Book of Reference, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may be erroneously described, omitted, or misstated in the said Map or Plan and Book of Reference, in case it shall appear to any Two Justices of the Peace for the said County Palatine of *Lancaster*, and be certified in Writing under their Hands, that such Omission, Misnomer, or Mis-statement happened by Mistake.

Misnomers not to prevent Execution of the Act.

V. Provided also, and be it further enacted, That the Powers and Authorities in the said recited Act or in this Act contained, for making, maintaining, widening, diverting, improving, or altering the said Roads, and the said intended Extension or Diversion thereof, 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 take in or make use of any Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner and Occupier thereof first had and obtained, except such as are mentioned or specified in the Schedule to this Act annexed.

Houses, &c. not to be taken without Consent.

VI. Pro-

Limiting
Period for
purchasing
Property.

VI. Provided also, and be it further enacted, That in case the said Trustees shall not purchase or contract to purchase the several Lands, Tenements, and Hereditaments which they are hereby authorized and empowered to purchase, or so much thereof respectively as they shall deem necessary or proper for the Purposes of the said recited Act and of this Act, within the Space of Five Years from the passing of this Act, all the Powers hereby or by the said recited Act granted to them for purchasing the same shall thenceforth cease and determine, and be utterly void, except with the Consent in Writing of the Owners and Occupiers thereof respectively.

Trustees not
to maintain
Extension of
Road when
completed.

VII. And be it further enacted, That when and so soon as the said Extension or Diversion hereby authorized to be made shall have been made and completed and opened to the Public under the Powers for that Purpose herein-before contained, it shall not be lawful for the said Trustees to lay out or expend any Portion of the said Tolls, or any Sum or Sums of Money to be borrowed or taken up at Interest upon Credit thereof, in maintaining, altering, repairing, or improving any Part of the same Extension or Diversion which the respective Commissioners for carrying into execution the several Acts of Parliament for improving the several Townships of *Manchester* and *Ardwick*, or either of them, can be required to repair and maintain, according to the Provisions contained in the same Acts respectively, nor shall any Toll Gate be erected upon any such Part of the same Extension or Diversion respectively, or any Toll be taken thereat; any thing herein or in the said recited Act contained to the contrary notwithstanding.

Money re-
ceived under
this Act not
to be laid out
in repairing
Streets.

VIII. And be it further enacted, That it shall not be lawful for the said Trustees to lay out or expend any Money received by or vested in them by virtue of the said recited Act or this Act in the Repair or Improvement of any Part of the Roads included in the said recited Act or this Act that pass or may hereafter pass through any Part of any Town having on both Sides thereof Houses, Buildings, or Gardens adjoining to such Houses, and occupied therewith, save and except in making and completing the said Extension or Diversion of Road hereby authorized to be made, nor shall any Toll be collected on any such Part of the said Roads.

Trustees to
give Notice
to the Man-
chester Wa-
terworks
Company of
Alteration of
Road.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, lessen, or affect any of the Powers, Privileges, or Authorities now belonging to the Company of Proprietors of the *Manchester* and *Salford* Waterworks under or by virtue of any Act or Acts of Parliament now in force, or otherwise howsoever; and that in case, by the forming, making, lowering, raising, widening, or altering the said intended Road, the Pipes of the said Company of Proprietors shall be obliged to be altered, raised, taken up, removed, or relaid, the said Trustees or their Clerk shall, previous to the forming, making, lowering, raising, widening, or altering the said intended Road, give or cause to be given to the said Company Thirty Days Notice in Writing, to be left at the Office of the said Company of Proprietors in *Manchester* aforesaid, in order that full Time and Opportunity may be afforded to the said Company to alter, raise, take up, remove, or relay their said Pipes as aforesaid, and which
said

said Pipes shall be altered, raised, taken up, removed, or relaid by the said Company at the Costs, Charges, and Expences of the said Trustees ; and if there shall be any Dispute between the said Trustees acting in execution of this Act and the said Company of Proprietors, the same shall from Time to Time be ascertained and settled by a Justice of the Peace for the said County of *Lancaster* upon the Application of either Party ; and in case such Costs, Charges, and Expences shall remain unpaid for the Space of Ten Days next after the Day on which the same shall have been so ascertained and settled as aforesaid, and Demand made thereof by or on the Behalf of the said Company from the Treasurer for the Time being of the said Trustees acting in execution of this Act, the same shall and may be recovered from the said Trustees by the said Company of Proprietors as any other Debt or Demand, and the Signature of the said Justice to the Amount so by him ascertained and settled as aforesaid shall be conclusive Evidence of the Amount of such Debt or Demand.

X. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by the Trustees for executing this and the said recited Act in preference to all other Payments whatsoever. For paying
Expences
of the Act.

XI. 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. Public Act.

XII. And be it further enacted, That this Act shall continue and be in force from and after the passing thereof for and during the Term and Continuance of the said recited Act. Term of Act.

The SCHEDULE referred to by the foregoing Act.

Owners or reputed Owners.	Occupiers.	Description of Property.
<i>Township of Manchester.</i>		
James Higginson	Henry Coop -	Steps to House.
	Thomas Gipton -	Area and Steps to Cellar.
	Abraham Lee -	Steps to House.
	Joseph Hutton -	Area and Steps to Cellar.
	Thomas Jones -	Steps to House.
	Jane Bell -	Area and Steps to Cellar.
	Himself -	Steps to House.
John Oakes and Samuel Manifold.	William Foulkes -	Area and Steps to Cellar.
	Sarah Hall -	Steps to House.
	Sarah Mellor -	Area and Steps to Cellar.
	James Corry -	Steps to House.
James Hall	Thomas Bentley -	Area and Steps to Cellar.
	John Rawlinson -	Steps to House.
	Daniel Slater -	Area and Steps to Cellar.
Executors of John Seel	Thomas Wood -	Steps to House.
	Thomas Jones -	Area and Steps to Cellar.
	William Acton -	Steps to House.
	Thomas Sherlock -	Area and Steps to Cellar.
Executors of Richard Hartley.	George Goodwin -	Steps to House.
	Robert Grimshaw -	Area and Steps to Cellar.
	John Timms -	Steps to House.
	William Chorlton -	Area and Steps to Cellar.
Edward Baxter	Margaret Yates -	Steps to House.
	Adamstone Knipe -	Area and Steps to Cellar.
	Edward Rice -	Steps to House.
	William Stanley -	Area and Steps to Cellar.
	James Turner -	Steps to House.
	Mary Oliver -	Area and Steps to Cellar.
	James Taylor -	Steps to House.
	Price Thomas -	Area and Steps to Cellar.
	William Heap -	Steps to House.
	Ann Stanley -	Area and Steps to Cellar.
	Mary Lomas -	Steps to House.
	William Tongue -	Area and Steps to Cellar.
	John Plumley -	Steps to House.
	Peter Tongue -	Area and Steps to Cellar.
	David Blakley -	Steps to House.
	Thomas Cunningham -	Area and Steps to Cellar.
Ann Simpson	Elizabeth Higginson -	Steps to House; Area and Steps to Cellar.
	Jonathan Banner -	Steps to House.
	George Burgess -	Area and Steps to Cellar.
	Maria Bridge -	Steps to House.
	John Lord -	Area and Steps to Cellar.

Owners or reputed Owners.	Occupiers.	Description of Property.
Jonathan Ditchfield	Robert Harrop -	Steps to House.
	Richard Cunningham -	Area and Steps to Cellar.
	Jeremiah Bamber -	Steps to House.
	James Masterson -	Area and Steps to Cellar.
John Ogden -	Ann Bamford -	Steps to House.
	James Bamford -	Area and Steps to Cellar.
	Mary Roberts -	Steps to House.
	James Dunneford -	Area and Steps to Cellar.
Abraham Harrison	Ann Thornton -	Steps to House.
	John Quin -	Area and Steps to Cellar.
	Peter Swan -	Steps to House.
	Ann Walmesley -	Area and Steps to Cellar.
Jonathan Ditchfield	Samuel Pennington -	Steps to House; Area and Steps to Cellar.
	Charles Kirkman -	Steps to House.
	John Chapman -	Area and Steps to Cellar.
Joseph Yates -	Thomas Hale -	Steps to House.
	Mary Massey -	Area and Steps to Cellar.
Trustees of William Slack deceased.	William Duckworth -	Steps to House.
	Stephen Beckett -	Area and Steps to Cellar.
George Ashton -	William Walker -	Steps to House.
	Jonathan Crossgrove -	Area and Steps to Cellar.
Thomas Griffiths -	Thomas Dickenson -	Steps to House.
	Thomas Johnson -	Area and Steps to Cellar.
Charles Royle -	Himself -	Steps to Cellar, and Stone Projections.
James Fildes -	Himself -	So much of the Shop at the Corner of Travis Street as shall be necessary to round the Corner to a Curve, the Outside of which shall not exceed the Distance of Five Feet from the Point of the Angle of the Westerly and Southerly Sides of the said Shop.
<i>Township of Ardwick.</i>		
Charlotte Swindells	Thomas Whitworth -	Timber Yard.
	Joseph Whitworth -	Garden.
	John Harrop -	Ditto.
William Chantler and William Smalley Rutter	Jane Bowker -	Ditto.
	Thomas Swift -	House Porch.
Alice Harrison, Ann Ainsworth, and Jane Ainsworth	Ann and Jane Ainsworth	Garden.
Richard Lyon -	Joseph Shaw -	Steps to House.
John Ogden -	George Powell -	Public House.
	James Davenport -	Cottage.
Leonard Willan	Thomas Barton and Jonathan Thompson -	Factory Yard.

