

Manchester Parish Highways.

Realm there had been, Surveyors of the Highways for each of the said respective Townships, and no Surveyors of the Highways had ever been appointed for the Parish at large, and until the Year One thousand seven hundred and eighty-one all Repairs of Highways within the said Parish (except such Highways as were exclusively repaired by Trustees of Turnpike Roads, or by Individuals liable to the Reparation thereof *ratione tenuræ*, or by reason of any other special or particular Cause of Obligation), and except certain Portions of Two Highways in *Denton* (repaired by the Inhabitants of the Township of *Haughton*), were done and performed by the Inhabitants of the several Townships in which such Highways were respectively situate, without any such Repairs being done or performed by the Inhabitants at large of the said Parish, and but for the Presentment and Indictments therein-after mentioned, and the Proceedings thereon, the Inhabitants of each of the said Townships might have been charged with the Reparation of all the Highways within such Township respectively, by reason of a general Custom in the said Parish in that Behalf (except such Roads as were subject to be repaired by particular Individuals), and the Inhabitants of the said Parish would have been entitled to plead to any Indictment or other Proceeding for not repairing any such Highways, that by reason of such Custom the said Inhabitants were exempt from the Reparation of the same; and reciting, that in the Year One thousand seven hundred and eighty-one a Presentment was made against the Inhabitants of the said Parish for not repairing Part of a certain Highway called *Salter's Lane*, and lying chiefly within the Township of *Rusholme*, and that in the Year One thousand seven hundred and eighty-four an Indictment was found against the same Inhabitants for not repairing particular Parts of the said Lane, being either a Continuance of the Road so presented, or Parts thereof, and that in the Year One thousand seven hundred and ninety-three another Indictment was found against the same Inhabitants for not repairing a certain Highway in the Township of *Manchester*, and that in the Year One thousand seven hundred and ninety-six another Indictment was found against the same Inhabitants for not repairing a certain Continuation or further Part of the said last-mentioned Highway, and that subsequently in the said last-mentioned Year an Indictment was found against the same Inhabitants for not repairing a certain further Length of the said last-mentioned Highway, and that in the Year One thousand eight hundred and nine an Indictment was found against the same Inhabitants for not repairing a certain Highway in the Township of *Levenshulme*, to which said Presentment and Indictments respectively the Persons served with Process thereon were advised to plead and did plead the General Issue that the said Inhabitants were Not Guilty, and such Presentment and Indictments

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were respectively brought to Trial, and Verdicts were found thereon against such Inhabitants, and Judgments were duly had and given against the said Inhabitants according to the said respective Verdicts; and reciting, that upon the Occasion of defending the said Presentment and Indictments the Persons appearing to and defending the same were advised that the Inhabitants of any Parish could not defend themselves against any Indictments or other Proceeding for not repairing any Highway within such Parish by reason of any general Custom for the Inhabitants of the several Townships within such Parish to repair all the Highways within such respective Townships, or in any other Manner than by showing that the alleged Road in question was not a public Highway, or that the same was in sufficient Repair; and further reciting, that in the Year One thousand eight hundred and sixteen an Indictment was preferred against the Inhabitants of the said Parish for not repairing a certain Highway within the Township of *Chorlton Row*, and the Churchwardens of the said Parish, being served with Process upon such Indictment, did agree that the Expense of repairing the Highway so indicted as last aforesaid should be paid by the Inhabitants of the said Parish, after deducting certain Sums of Money agreed to be contributed by the Prosecutors of the same Indictment and the Inhabitants of the Township of *Chorlton Row*, and such Agreement was accordingly carried into execution, and a Verdict was allowed to pass without Opposition against the Inhabitants of the said Parish; and further reciting, that it would be a great Relief and Benefit to the Inhabitants of the said Parish, and of the several and respective Townships within the same, and would be the Means of preventing Litigations in future, that, notwithstanding the Verdicts and Judgments upon the said Presentments and Indictments, the several Townships within the said Parish should be severally and respectively made liable to the Repair of the Highways within the same, according to the ancient Usage and Custom in that Behalf, save and except as to the said Highways in respect whereof such Verdicts had been given as aforesaid, and such other Highways as by Custom or Tenure or other particular Obligation had been theretofore repaired by any other Person or Persons than the Inhabitants of such respective Townships as aforesaid, instead of being liable to contribute with the Inhabitants at large of the said Parish towards the Repairs of Highways in other Townships of the same Parish; after such Recitals it was enacted, that from and after the passing of the said Act no Indictment, Presentment, or other Prosecution should be commenced against the Inhabitants of the said Parish for the Neglect or Omission to repair or maintain any Highways, Footway, or Bridleway within the same Parish, and that the said Inhabitants should not be in anywise charged with or liable to the Reparation of any Highways, the
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several Highways in respect of which such Presentment had been made, and such Indictments had been preferred, and such Verdicts had and obtained as aforesaid, and any other Highways in respect of which any Verdict might have theretofore been given against the Inhabitants of the Parish at large, if any such there were, only excepted, which said last-mentioned Highways should continue to be repaired by and at the Expense of the Inhabitants at large of the said Parish, in as full, large, and ample a Manner as they were liable to the Maintenance and Reparation of the same at the Time of passing the said Act; and it was further enacted, that it should be lawful for Her Majesty's Justices of the Peace for the said County of *Lancaster*, at any Special Session for the Highways to be holden in and for the Division of *Manchester* in the Hundred of *Salford*, to appoint One or more Person or Persons as Surveyor or Surveyors of the Highways within the said Parish which the Inhabitants of the said Parish were liable to repair as aforesaid, and such Surveyor or Surveyors should be subject to all such Rules, Orders, and Regulations as the Surveyor or Surveyors of every Parish or Parishes was or were or should be or might be thereafter subject or liable according to the general Laws and Statutes of this Realm, except as therein-after mentioned; and it was further enacted, that it should be lawful for Her Majesty's Justices of the Peace at any such Special Session as aforesaid to order and appoint any Sum or Sums of Money which to them should seem meet and reasonable to be raised for the Repairs of such Highways, and the Money so directed to be raised should be levied by an Order of the said Justices at such Special Sessions to the Overseers of the Poor or other proper Officer or Officers of the several Townships within the said Parish, in the same Manner and in the same Proportions as the said several Townships respectively were and from Time to Time should and might be liable to contribute to the Payment of the County Rate of the said County, and to be paid into the Hands of such Person or Persons as the said Justices should appoint in that Behalf; and it was further enacted, that all the Regulations and Provisions mentioned and contained in an Act passed in the Thirteenth Year of the Reign of His then Majesty, or in any other Act or Acts, touching or relating to the Repair and Amendment of the Highways, should continue to be in force and virtue with respect to all Highways within the said Parish, and should be applied and executed in the same Manner as if that Act had not passed, except so far as the same were varied and altered by the Regulations and Provisions therein mentioned and contained: And whereas the several Highways in respect of which such Presentment was made, and such Indictments preferred, and such Verdicts had and obtained as aforesaid, and which by the said Act now in recital were directed to continue to be repaired by and
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at the Expense of the Inhabitants at large of the said Parish of *Manchester*, and which from that Time to the present have been so repaired, are in Number Four, and are respectively situate as follows: One called *Salter's Lane*, in the Townships of *Levenshulme* and *Rusholme*; One called *Garratt Road*, in the Townships of *Manchester* and *Chorlton Row* otherwise *Chorlton-upon-Medlock*; One called *Talleyrand Lane*, in the Township of *Levenshulme*; and One called *Oxford Road*, in the Township of *Chorlton Row* otherwise called *Chorlton-upon-Medlock*: And whereas the Verdicts obtained upon the Presentments and Indictments named in the said Act were obtained and are stated in the said Act to have been obtained by erroneous Pleading, and by Ignorance of the Law of the Land as it then stood, and by Consent and Compromise, and the Inhabitants of the Parish of *Manchester* were thereby compelled to pay for the Repairs of Roads to which they were not legally liable by reason of the general Custom for the Inhabitants of the several Townships within such Parish to repair all the Highways within such respective Townships: And whereas by the Increase of Population and of Buildings in the Parish of *Manchester* the said several Roads have now become and are in the most populous and inhabited Parts of the said Parish, and are now to a great Extent Streets: And whereas the charging of the Repair of the said several Roads upon the Parish at large, instead of upon the Townships in which they are locally situate, was and is contrary to Custom, and to the general Law of the Land as modified by such Custom, and is unjust and unnecessary in Principle and Practice, inasmuch as a large Amount of Rates is levied upon Townships which repair their own Highways, and are some of them at a great Distance, and which are thus doubly burdened with Rates for the Repairs of their own Highways and for the Repair of Highways which do not belong to their Township, but which of Right belong to Townships of much greater Population and Ability to pay: 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 Authority of the same,

Particular
Description
of the Four
Highways.

I. That the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, Chapter Twenty-two, shall be and the same is hereby repealed.

59 G. 3. c. 22.
repealed.

II. Provided nevertheless, That all Contracts and Engagements legally entered into up to the passing of this Act, under and by virtue of the said Act, shall be completed, paid for, and discharged out of the Monies to be raised by virtue of the said Act.

As to exist-
ing Debts or
Liabilities.

[*Local.*]

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III. That

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Highways to be repaired by the Townships in which they are situate.

III. That from and after the passing of this Act all and every the Highways within the said Parish (except such Highways as for the Time being may be by Law repairable by Trustees of Turnpike Roads, or by Individuals liable to the Reparation thereof *ratione tenuræ* or by reason of any other special or particular Cause or Objection,) shall be repaired by the particular Township in the said Parish in which such Highways shall be situate; and the Inhabitants of the said Parish of *Manchester*, as such Parishioners, shall be entirely freed and discharged from any Obligation or Liability to repair the same or any Part or Parts thereof.

No Indictment shall be brought, &c. against Inhabitants of Manchester for Non-repair of certain Highways.

IV. That no Indictment shall be brought or other legal Proceedings commenced against the Inhabitants of the said Parish of *Manchester*, as Inhabitants of such Parish, for the Non-repair of any Highway situate in the said Parish; and if any such Indictment be brought or Proceeding commenced the same shall be discharged by the Court taking cognizance thereof, with Costs to be paid by the Party prosecuting such Indictment or other legal Proceeding.

Surveyors appointed under 59 G. 3. c. 22. to make up their Accounts, and pay Expenses of this Act.

V. That the Surveyors of the said Parish of *Manchester* appointed under the herein-before recited Act shall, within One Calendar Month after the passing of this Act, make up their Accounts of all Receipts and Disbursements on account of the said Highways under the Provisions of the Act passed in the Sixth Year of the Reign of King *William* the Fourth, Chapter Fifty, and out of the Balance (if any) in their Hands pay the Costs, Charges, and Expenses incurred preparatory to and in the soliciting and obtaining this Act of Parliament; and the Surplus (if any) afterwards remaining shall be repaid to the respective Overseers of the Poor of the several Townships within the said Parish, in proportion to the Amount of the Rate then last levied on the said Overseers respectively by the Provisions of the Act hereby repealed.

If Balance insufficient, Costs how to be paid.

VI. That if such Balance shall be insufficient to pay such Costs, Charges, and Expenses, then the Justices of the Peace for the said County of *Lancaster* before whom such Accounts of the said Parish Surveyors shall be laid, pursuant to the Provisions of the said Act of the Sixth Year of the Reign of King *William* the Fourth, shall make an Order upon the several Overseers of the Poor of the several Townships within the said Parish to pay their fair Proportion of the said Costs, Charges, and Expenses, or of so much thereof as such Balance shall be insufficient to satisfy, such Proportion to be calculated according to the Amount levied on such Townships in and by the

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the then last Rate made under the Provisions of the Act hereby repealed; and such Justices shall name the Person to whom such Money so ordered shall be paid, and the respective Overseers of the Poor shall, within Twenty-one Days next thereafter, pay such Monies so ordered accordingly, and be allowed the same in their Accounts as good and legal Payments.

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