



ANNO SEPTIMO

# GEORGIIV. REGIS.

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## Cap. xx.

An Act for amending an Act of His present Majesty, for repairing the Road from *Sandon* in the County of *Stafford* to *Bullock Smithy* in the County of *Chester*, and from *Hilderstone* to *Draycot in the Moors*, and from *Wetley Rocks* to *Tean*, in the County of *Stafford*, so far as relates to the *Macclesfield* District of Road; and for making a Diversion of Road in the said District.

[22d March 1826.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act* 5 G. 4. c. 24. for amending, repairing, and maintaining the Road from *Sandon* in the County of *Stafford* to *Bullock Smithy* in the County of *Chester*, and from *Hilderstone* to *Draycot* in the *Moors*, and from *Wetley Rocks* to *Tean*, in the said County of *Stafford*: And whereas the said Road was divided into Three Districts; and the Trustees acting in the Execution of the said Act, so far as respects the *Macclesfield* District of Road therein mentioned, have proceeded to put the same into Execution, and have made considerable Progress in repairing, widening, diverting, and improving the said *Macclesfield* District of Road: And whereas it would tend greatly to the Improvement of the Communication between *Hugbridge* and *Macclesfield*, in the said County of *Chester*, if the Trustees were enabled

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to

to make a Diversion of the present Line of the said *Macclesfield* District of Road from *Hugbridge* to *Macclesfield*, through the several Townships of *Bosley*, *Gawsworth*, and *Sutton*, in the said County of *Chester*: 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 passed in the Fifth Year of the Reign of His present Majesty, and all and every the Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), so far as the same relate to the said *Macclesfield* District of Road therein mentioned, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of recited Act, so far as they relate to the *Macclesfield* District, extended to this Act, save as herein mentioned.

New Line of Road.

II. And be it further enacted, That it shall and may be lawful to and for the said Trustees of the said *Macclesfield* District of Road to make certain Deviations of the Road from or near to a certain Place called *Hugbridge*, in the Township of *Bosley* in the Parish of *Prestbury* in the said County of *Chester*, through the said several Parishes, Townships, or Places called *Bosley*, *Gawsworth*, and *Sutton*, to a certain Place called *Mill Green*, in the said Township of *Sutton*; and that such new Deviations of Road, when made, shall be maintained, repaired, and supported by the said Trustees, by virtue of the Provisions contained in the said recited Act and this Act.

Old Road to be given up.

III. Provided always, and be it enacted, That when and as soon as the said new Deviations of Road shall be made fit for the Passage of Horses, Cattle, or Carriages, then and in such Case so much of the old Line of Road as leads from *Hugbridge* to a certain Bridge called *Sutton Bridge*, in the said Township of *Sutton*, in lieu or in the Stead of which such Deviations shall be made, shall cease to be under the Direction, Controul, or Management of the said Trustees.

Power to erect Turnpikes on new Line of Road.

IV. And be it further enacted, That the said Trustees shall and may set up One or more Turnpike or Turnpikes, Toll Gate or Toll Gates, upon, across, or on the Side of the said Deviations of Road herein mentioned; and may also erect such Toll Houses, with suitable Outbuildings thereto, as they shall think necessary; and may also inclose from any Grounds thereto adjoining, convenient Garden Plots for the said Toll Houses respectively, not exceeding in the whole One Eighth Part of a Statute Acre for each Toll House, as they may judge proper; and may cause all or any such Turnpikes or Toll Gates and Toll Houses from Time to Time to be taken down and set up again, and to be removed or altered in such other Situations as they shall judge proper, and shall and may in like Manner continue, alter, take down, remove, and set up again, all or any of such several Toll Gates and Weighing Machines, Cranes or Engines, now erected or to be erected upon or near the said Roads or any Part thereof.

Only One Toll to be taken be-

V. Provided always, and be it further enacted, That it shall not be lawful to and for the said Trustees to demand or take, or cause to be demanded

manded or taken, on such Part of the said Road as is situated between *Hugbridge* and the Town of *Macclesfield*, more than One full Toll for or in respect of the same Horse or other Beast or Cattle, at any Gate or Gates erected or to be erected by virtue of the said recited Act or this Act, or more than One Toll for and in respect of the same Horse or other Beast or Cattle, at any Gate or Gates erected or to be erected by virtue of the said recited Act or this Act, between *Sutton Bridge* and *Macclesfield* aforesaid; on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night.

tween *Hugbridge* and *Macclesfield*, and between *Sutton Bridge* and *Macclesfield*.

VI. Provided also, and be it enacted, That in all Cases where any Cart, Wain, or any such like Carriage upon Two Wheels, the Fellies of which shall be of the Breadth of Six Inches or upwards, drawn by One Horse or other Beast only, it shall and may be lawful to and for the said Trustees to demand or take, or cause to be demanded or taken, for such Horse or other Beast, the Sum of Sixpence, and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches, the Sum of Eightpence for such Horse or other Beast, before any such Horse or other Beast shall pass any such Toll Gate or Turnpike; any thing in the said recited Act passed in the Fifth Year of the Reign of His present Majesty to the contrary notwithstanding.

Additional Tolls on One Horse Carts.

VII. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Roads, often 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 along the said Roads, drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof, as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One Horse Carts to be weighed.

VIII. And be it further enacted, That all the several and respective Tolls authorized to be taken in and by the said recited Act or this Act shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such Manner as in the said recited Act and this Act is mentioned.

Vesting Tolls in Trustees.

IX. And be it further enacted, That the said Trustees shall and may receive in and cancel all or any of the Mortgages now standing out, and give and execute another Mortgage or other Mortgages instead and in lieu thereof respectively.

Mortgages may be cancelled.

X. And whereas a Map or Plan describing the Lines of the said intended Diversions, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same are intended

Restricting Trustees from deviating beyond certain Dis-

to

tances of the  
Line without  
Consent.

to pass, has been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Chester*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace aforesaid, to the end that all Persons may, at all reasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace for the Time being 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 that the said Trustees, in making the said Diversions described in the said Map or Plan, shall not deviate more than One hundred Yards from the Lines thereof, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Misnomers  
not to pre-  
vent Execu-  
tion of this  
Act.

XI. Provided always, and be it further enacted, That if any of the Lands, Houses, or Buildings to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands or Buildings described in the said Map or Plan, or any Part, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands, Houses, Buildings, and Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately described; provided it shall appear to any Two or more Justices of the Peace of the County wherein such Lands, Houses, Buildings, or Premises shall be situated, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands or Buildings had Notice that such Lands or Buildings would be wanted for the Purposes thereof.

Trustees not  
to pull down  
Houses, &c.  
except those  
mentioned in  
the Schedule.

XII. Provided always, and be it enacted, That the Powers and Authorities hereby given to the said Trustees shall not extend or be construed to extend to the taking down of any Dwelling House or other Building, or taking in the Site of any House or other Building, or to the taking of any Garden, Orchard, Yard, Court, Park, Paddock, inclosed Shrubbery, planted Walk, or Avenue to a House, without the Consent of the Owners or Proprietors thereof respectively, save and except the same Hereditaments and Premises mentioned and described in the Schedule to this Act annexed.

Diversions to  
be made in  
Five Years.

XIII. Provided also, and be it enacted, That in case the said Trustees shall not make and execute the said Diversions within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same without the Consent in Writing of the Owners of the Lands, over and through which any such Diversions shall be thereafter made, first had and obtained.

Application  
of Money.

XIV. And be it further enacted, That all the Monies and other 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

recited Act, shall be by the said Trustees applied, first in paying the Expences of procuring the passing of this Act, and then in making and repairing the said several Roads, and otherwise, according to the Directions of the said recited Act.

XV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to order and direct One or more Lamp or Lamps to be placed and erected on or against or in front of each and every of the Toll Houses to be erected by virtue of the said recited Act or this Act, as they the said Trustees shall think proper, and also to order and direct at what Times of the Year, and during what Hours, such Lamp or Lamps, or any of them, shall be kept lighted; and all and every the Collectors and Collector of the Tolls authorized by the said recited Act or this Act to be taken and collected, and also all and every the Lessees or Lessee thereof, who shall neglect or omit to observe and fulfil the Orders of the said Trustees, in respect to the keeping and lighting of such Lamp or Lamps, shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Neglect or Omission; and in case any Person or Persons shall damage or injure any Lamp or Lamps to be placed and set up as aforesaid, or extinguish the Lights therein, such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, to be recovered and applied in such and the same Manner as Penalties incurred for Offences against the said recited Act are directed to be recovered and applied.

Lamps to be  
lighted at  
Toll Houses.

XVI. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be held by them, to borrow of and from the Commissioners for carrying into Execution an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sum or Sums of Money as the Majority of the said Trustees present at such Meeting or Meetings may deem expedient for the Purposes of the said recited Act or this Act, upon Mortgage or Assignment of all the Tolls authorized to be collected and received by virtue of the said recited Act or this Act, and the Toll Gates and Toll Houses erected or to be erected for collecting the same, with their Appurtenances; subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of the Reign of His present Majesty, and the Acts therein recited or referred to, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Trustees  
may borrow  
Money of  
Exchequer  
Bill Commis-  
sioners.

XVII. Provided also, and it is hereby enacted, That any Mortgage or Assignment which shall be given or made by the said Trustees to the said Commissioners for the Issue of Exchequer Bills, shall have Priority over and shall precede all other Mortgages or Securities granted under the Provisions of the said recited Act or this Act; any thing in the said recited Act or this Act, or in any Mortgage or Security which shall have been granted under the said recited Act, or which shall hereafter be granted under this Act, to the contrary in anywise notwithstanding.

Mortgages,  
&c. to the  
Commis-  
sioners of  
Exchequer  
Bills to have  
Priority of  
other Mort-  
gages.

[Local.]

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XVIII. And

Public Act.

XVIII. 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 of this Act.

XIX. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of the said recited Act.

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The SCHEDULE referred to by the foregoing Act.

No.	Owners or reputed Owners.	Description of Property.	Township.	Parish.	County.	Occupiers.
28	Lord Bingham	Plantation	Sutton	Prestbury	Chester	Lord Bingham.
35	John Smith Daintry, Esq.	Plantation	Sutton	Prestbury	Chester	John Smith Daintry, Esquire.
38	John Smith Daintry, Esquire.	Yard	Sutton	Prestbury	Chester	John Smith Daintry, Esquire.
39	Messieurs Charles and Richard Wood.	Cross Street	Sutton	Prestbury	Chester	Messieurs Charles and Richard Wood.

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