

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. xlix.

An Act for repairing the Road from *Nantwich* to *Wheelock Wharf* in the County Palatine of *Chester*; and to repeal an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third; and to continue and extend the Trust. [30th *June* 1848.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, for making and maintaining a Turnpike Road from the Town of *Nantwich* to *Wheelock Wharf* in the Township of *Sandbach* in the County Palatine of *Chester*: And whereas in pursuance of the said Act the Trustees acting by virtue thereof have made and completed the Road thereby authorized to be made from the Town of *Nantwich* to *Wheelock Wharf* aforesaid: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, a large Portion of which Money still remains owing: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make and maintain the new Line of Road herein-after mentioned: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted, as well for

repairing and improving the said present Road, as also for making, maintaining, and making Turnpike the said new Line of Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: 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 the Authority of the same, That upon the First Day of *August* next after the passing of this Act the said recited Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

All Arrears of Tolls, &c. due under recited Act vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Chester*, together with all Persons who shall on the said First Day of *August* One thousand eight hundred and forty-eight be Trustees under the said Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the *Crown Inn* in *Nantwich* aforesaid, or at some other convenient Place in the Neighbourhood of the said Roads, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed

ceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is to apply.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from *Nantwich* to *Wheelock Wharf* aforesaid, and for making and maintaining the new Line of Road herein-after mentioned, (that is to say,) a new Line of Road commencing at *Stowford* and terminating at or near the *Crewe* Station of the *London and North-western* Railway in the Parish of *Barthomley*, all in the said County of *Chester*.

Certain Highways to be made Turnpike Roads,

VIII. And be it enacted, That it shall be lawful for the said Trustees, for the Purposes of the said Line of Road, to take, widen, render Turnpike Road, and maintain as Part thereof respectively, so much of a certain Highway leading from the *Newcastle-under-Lyme* and *Nantwich* Turnpike Road at *Weston Hall* to *Stowford* as lies between the Guide Post standing in the Township of *Weston* at the Junction between the said last-mentioned Highway and the Highway leading therefrom to the Village of *Barthomley*, and also so much of the Highway leading from the *Newcastle under Lyme* and *Nantwich* Turnpike Road aforesaid to *Stowford* as lies between *Weston Hall* and *Stowford*.

Map, &c. deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection,

IX. And whereas a Map or Plan describing the Line of the said intended Road, and the Lands through which the same is intended to be made, widened, altered, or improved respectively, together with a Book of Reference thereto containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Chester*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, 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 Map or Plan and Book of Reference, or any Copy therefrom respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to make Deviations in Line of Road according to Plan.

X. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the Line of Road herein-before described in the Line and through the Lands delineated in the Map or Plan and described in the Book of Reference herein-after mentioned, of such Width as they may think proper, not exceeding Sixty Feet, together with such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the said Map or Plan and Book of Reference, making satisfaction for the same to the Owners thereof and other Persons interested therein, for the Damage

which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

Trustees may deviate from Plan to an Extent not exceeding 100 Yards.

XI. And be it enacted, That it shall be lawful for the said Trustees in making the said Line of Road to deviate from the Line delineated upon the said Map or Plan: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the said Line, or into the Lands of any Person not described in the said Map or Plan or in the said Book of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Lands marked on the Plan may be used notwithstanding Errors in the Plan or Book of Reference.

XII. And be it enacted, That it shall be lawful for the said Trustees to make the said Line of Road in the Line in or through the Lands delineated upon the said Map or Plan, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Map or Plan or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Chester* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XIII. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest therein, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees; but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall by means of such Purchase and Conveyance or Assurance be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XIV. Provided always, and be it enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall

shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have same Power of digging, &c. as if they had the Lands.

XV. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Limiting the Time for purchasing Property.

XVI. Provided also, and be it enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act, or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads, shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Present Tolls continued until the End of the Term of the existing Letting.

XVII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the First Day of *September* One thousand eight hundred and forty-eight.

Power to take Tolls.

XVIII. And be it enacted, That upon and after the First Day of *September* One thousand eight hundred and forty-eight it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast, (not drawing,) laden or unladen, 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:

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

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of One Shilling:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XIX. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only One Toll to be payable on the Roads.

XX. And be it enacted, That no more than One Toll shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Roads.

Persons having paid Toll to return Toll-free the same Day.

XXI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay Toll on every new Hiring.

XXII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XXIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Extra Weight to pay Double Toll between 1st November and 1st April.

XXIV. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year it shall be lawful for the said Trustees to demand at each Toll Gate Double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage the Weight of which and of the Loading thereof shall exceed Two Tons.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

XXV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time, that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime, Chalk, or Manure for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said

Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall in respect of the Matters last-mentioned be payable.

Respecting Toll Gates.

XXVI. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said present Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in or across the said present Turnpike Roads, and also upon any Road to be made or repaired by virtue of this Act, or on the Sides thereof, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar as they shall think proper.

Application of Monies on old Line of Road.

XXVII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the Road included in the said recited Act hereby repealed shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed:

Thirdly, in paying the Expenses of improving, maintaining, and keeping in repair such Road, and in putting this Act into execution with reference thereto:

Fourthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed.

Application of Monies on new Line of Road.

XXVIII. And be it enacted, That all Monies which shall be received by the said Trustees on or in respect of the new Line of Road authorized by this Act to be made shall be applied as follows; (that to say,)

Firstly, in discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in making, improving, maintaining, and keeping in repair the said new Line of Road, and putting this Act into execution with reference thereto:

Thirdly, in paying and discharging any Interest which may from Time to Time become due and be owing in respect to any Money which may hereafter be borrowed on the Credit of the Tolls to be collected on the said new Line of Road:

Fourthly, in reducing, paying off, and discharging any Principal Sums of Money which may have been borrowed under the said recited Act, or may be due on the Credit of the Tolls to be taken on the said new Line of Road by this Act authorized to be made.

As to Money to be laid out on Roads.

XXIX. And be it enacted, That no more Money shall be expended in the Repairs of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

XXX. And

No Money taken to be laid out in Towns.

XXX. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, or shall any be collected therein or in the Town of *Nantwich*.

For stopping up a certain Footpath, &c. from Stowford to Crewe.

XXXI. And whereas by the Construction of the new Road by this Act authorized, and the Alteration of the several public Roads or Highways herein-before mentioned, a certain Footpath, Bridle Road, or Highway commencing at *Stowford* aforesaid, passing through *Crewe Park*, and terminating in the *Nantwich* and *Wheelock* Turnpike Road near to the *Crewe* Station of the *London and North-western* Railway, will be rendered unnecessary for the Public; be it enacted, That as soon as the said Roads and Highways shall have been made, altered, and made Turnpike respectively in manner herein-before provided the said Footpath, Bridle Road, or Highway from *Stowford* to the *Nantwich* and *Wheelock* Turnpike Road shall be stopped up and discontinued.

Trustee or Clerk not incompetent Witnesses in Actions.

XXXII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Roads in this Act to be subject to any future general Act.

XXXIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXXIV. And be it enacted, That this Act shall commence on the First Day of *August* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

XXXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

XXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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