ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xl.

An Act for improving certain Roads within the County Palatine of *Chester* called The *Chester*, *Neston*, and *Woodside Ferry* District of Roads.

[6th *May* 1833.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for amending and widening the Roads from the City of* Chester *to the* Woodside Ferry *in the Township of* Birkenhead *in the County of* Chester; *and from the said City to the* Assembly House *in* Parkgate *in the Township of* Great Neston *in the said County; and from* Great Neston *aforesaid to the said* Woodside Ferry; *and from the Road leading from the City of* Chester *to* Parkgate *aforesaid to the Road leading from the same City to the said* Woodside Ferry: And whereas another Act was passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, for amending the Roads from the City of* Chester *to the* Woodside Ferry *in the County of* Chester, *and other Roads therein mentioned:* And whereas another Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts passed for amending the Roads from the City of* Chester *to the* Woodside Ferry *in the County of* Chester, *and other Roads therein mentioned; and for making a Diversion in some Part of the said Roads:* And whereas it is expedient that the Term and Powers of the said Acts should

27 G. 3 c. 93.

43 G. 3. c. 93.

1 G. 4. c. 15.

should be extended and enlarged: And whereas it would be of public Advantage if Power were granted to widen and improve certain Parts of the said Roads, and also to make certain Diversions and new Lines of Road from and out of such Roads as herein-after mentioned: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Acts herein-before recited were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas the beneficial Objects herein-before mentioned 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Fourth *Monday* next after the passing of this Act the said recited Acts of the Twenty-seventh and of the Forty-third Years of the Reign of King *George* the Third, and of the First Year of the Reign of His late Majesty King *George* the Fourth, shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of widening, improving, repairing, and maintaining in repair the several Roads herein-after mentioned; (that is to say,) the Road leading from the City of *Chester* to the *Woodside Ferry* in the Township of *Birkenhead* in the County Palatine of *Chester*, and the several Branch Roads leading therefrom to the several Places next herein-after mentioned; (that is to say,) to a certain Gate in the Township of *Eastham*, on the North-east Side of *Carlett Wood*, near *Eastham Ferry House*, and to the *New Ferry House* in the Township of *Lower Bebington*, and to the *Rock Ferry House* in the Township of *Higher Bebington*, all in the said County of *Chester*; and from the said City of *Chester* to the *Assembly House* in *Parkgate* in the Township of *Great Neston* in the said County, and from *Great Neston* aforesaid to the said *Woodside Ferry*, and from the Road leading from the City of *Chester* to *Parkgate* aforesaid, through the Village of *Willaston* in the Parish of *Neston*, to the Road leading from the City of *Chester* to the said *Woodside Ferry*; and also for the Purpose of making and maintaining the several Diversions and new Lines of Road herein-after mentioned; (that is to say,) a Diversion of the present Turnpike Road from *Chester* to *Woodside Ferry*, to commence at or near to the North-west Corner of a Field in the Township of *Moston*, belonging to *Thomas Amery*, and in the Occupation of *Thomas Ithell*, and passing through the said Township, to terminate at or near *Moston* Toll Gate in the Parish of *Saint Mary-on-the-Hill;* a Diversion of the present Turnpike Road from *Chester* to *Woodside Ferry*, to commence at or near a certain Dwelling House in the Village of *Great Sutton*, belonging to the Trustees of the late *Joseph White* Esquire, and in the Occupation of *Jonathan Maddock*, and passing through the Township of *Great Sutton*, to terminate at or near to the North-west Corner of a Field situate in the Township of *Great Sutton* aforesaid, belonging to and in the Occupation of the Reverend *Thomas Edwards*; a Diversion of the present Turnpike Road from *Great Neston* to *Bebington*, to commence at the End of *Brimstage Lane* in the Township of *Poulton-cum-Spittle*, at or near a Dwelling House in the Occupation of *John Griffith*, and passing through the aforesaid Township of *Poulton-cum-Spittle* and the Township of *Lower Bebington* and the Parish of *Bebington*,

to terminate at or near a certain other Dwelling House in the Township of *Lower Bebington* aforesaid, and near to the Village of *Bebington*, in the Occupation of *William Nicholls*; a Diversion of the present Turnpike Road from *Chester* to *Woodside Ferry*, to commence in the Village of *Bebington* aforesaid, at or near a Dwelling House in the Occupation of Mrs. *Jane Francis*, Widow of the late *William Francis*, and passing through the Township of *Lower Bebington* and Parish of *Bebington* aforesaid, to terminate at or near the *Ship* Public House in the Village of *Bebington* aforesaid; and a new Line of Road from and out of the present Turnpike Road from *Chester* to *Woodside Ferry*, to commence at or near the Eleventh Mile Stone on the said Road, near a Dwelling House in the Village of *Brombrough*, in the Occupation of *Jane Ellis*, and passing through the Townships of *Brombrough*, *Lower Bebington*, *Higher Bebington*, and *Tranmere* in the Parishes of *Brombrough* and *Bebington* herein-before mentioned, to terminate near the Dwelling House herein-before mentioned, in the Occupation of *William Blundell*, all within the County Palatine of *Chester*; and the several Roads herein-before mentioned and by this Act placed under the Controul of the Trustees appointed for carrying this Act into execution shall hereafter be called "The *Chester*, *Neston*, and *Woodside Ferry* District of Roads."

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County Palatine of *Chester*, together with the Right Honourable *Richard Grosvenor* commonly called Earl *Grosvenor*, the Honourable *Robert Grosvenor* commonly called Lord *Robert Grosvenor*, Sir *Stephen Richard Glynne* Baronet, Sir *John Thomas Stanley* Baronet, Sir *Thomas Mostyn Champneys* Baronet, Sir *Thomas Stanley Massey Stanley* Baronet, Sir *Richard Brooke* Baronet, Sir *Philip de Malpas Grey Egerton* Baronet, Sir *John Cotgreave* Knight, *Samuel Aldersey*, *Leonard Addison*, *Leonard Addison* the younger, *Thomas Amery*, *George Becher Blomfield* Clerk, *Joseph Bower* Clerk, *Abraham Ball*, *Samuel Nevitt Bennett*, *John Nevitt Bennett*, *Richard Barker*, *Thomas Francis Barker*, *James Boydell*, *James Boydell* the younger, *Thomas Boydell* Clerk, *Francis Boydell*, *Thomas Bagnall*, *Samuel Brittain*, *Robert Brittain*, *Samuel Bennett*, *Robert Baxter*, *Richard Fosbrooke Buckley*, *Roger Barnston*, *Roger Harry Barnston*, *Thomas Brassie*, *William Wilson Currey*, *Richard Congreve*, *William Walter Congreve*, *Richard Jones Congreve*, *Ralph Congreve*, *Unwin Clarke* Clerk, *George Congreve*, *George Claude Chamberlain*, *Lynch Sidney Cotton*, *Titus Chaloner*, *George Cumming* Doctor of Medicine, *Ferdinand Casson* Clerk, *Hugh Colley*, *Roger Collier*, *Charles Winter Davis*, *Thomas Dixon*, *James Dixon*, *William Currie* Clerk, *John Edwards*, *Thomas Edwards* Clerk, *Thomas Wilkinson Edwards*, *Rowland Errington*, *John Edwards*, *Joseph Eaton* Clerk, *George French*, *Edward Francis French*, *John Errington French*, *John Feilden*, *Robert Mosley Feilden* Clerk, *John Fletcher*, *Thomas Fluitt*, *Thomas Francis*, *Birkenhead Glegg*, *Baskervylle Glegg*, *John Baskervylle Glegg*, *John Baskervylle Glegg* the younger, of *Withington*, *Edward Holt Glegg*, *Thomas Griffiths*, *Richard Green*, *Joseph Green*, *John Grace*, Sir *John Hilton* Knight, *James Hilton*, *John Pemberton Heywood*, *Philip Humberston*, *Philip Stapleton Humberston*, *Peploe William Hamilton* Clerk, *Charles Hamilton*, *Hugh Robert Hughes*, *Henry Hesketh* the younger, *John Hignett*, *Robert Broadhurst Hill*, *John Huddleston*, *John Harrison*, *George Harrison*, *George Harrison* Surgeon, *Thomas Jones*, *George Jacson*, *Shallcross Jacson*, *George Johnson*, *Bertie Entwisle Johnson* Clerk, *Townshend Ince*, *Townshend Ince* the younger, *Henry Kelsall*, the Reverend *Joshua King*, *George King*, *Joseph*

Joseph Hayes Lyon, *Thomas Leacroft*, *John Shaw Leigh*, *John Hurleston Leche*, *John Larden*, *John Larden* Doctor of Medicine, *Thomas* Clerk, *Thomas Mawdesly* Clerk, the younger, *James Mainwaring* Clerk, *Richard Massie* Clerk, *Richard Massie*, *Peter Mawdesly*, *Robert Morris*, *John Finchett Maddock*, *Thomas Finchett Maddock*, *Thomas Morecroft*, *Charles Morrall*, *Townshend Mainwaring*, *Charles Kynaston Mainwairing*, *George Orred*, *John Wilson Patten*, *Henry Potts*, *Charles Potts*, *Henry Potts* the younger, *Sinckler Porter*, *William Pownall*, *Francis Richard Price*, *Benjamin Penny* Clerk, *Richard Puleston*, *Richard Price Puleston*, *John Robin*, *Thomas Webster Roberts*, *John Swarbrick Rogers*, *John Rogers*, *Richard Richardson*, *Ralph Richardson* the younger, *Charles Richardson*, *John Rowe*, *William Stanley Massey Stanley*, *Charles Stanley*, *Charles Stanley* the younger, *Henry Stanley*, *Thomas Sudworth*, *James Wicksted Swan*, *Richard Smith*, *James Sedgwick*, *William Makepeace Thackeray* Doctor of Medicine, *Harry Brereton Trelawney*, *Robert Vyner*, *William Webster*, *Thomas Webster*, *Richard Wicksted*, *Joseph White*, *George White*, *George Walmsley*, *Edward Ommanney Wrench*, *John Williamson*, *Thomas Brock Yates*, *John Brock Yates*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby declared to be Trustees for carrying into execution this Act.

Power to elect additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held for the Execution of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at *Chester* on the Fourth *Monday* after the passing of this Act, or as soon afterwards as conveniently may be, between the Hours of Eleven and Two, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places upon or near to or in the Neighbourhood of the said Roads as the said Trustees, or the Majority of them, present at such respective Meetings, shall think proper and appoint.

Widenings, Diversions, &c. may be made.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the several Widenings, Diversions, and new Lines of Road herein-before mentioned of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the respective Lines of such Widenings, Diversions, and new Lines as they shall think expedient, and for the Purposes aforesaid, subject nevertheless to the several Provisions and Restrictions in this Act and in the various Acts for regulating Turnpike Roads in *England* contained, to take or use any Lands, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over,

over, or through which the said Widenings, Diversions, and new Lines, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, or any of them, are intended to be made or pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such 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 such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any of the Stakes or other Marks used for the Purposes aforesaid, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

As to Road and Bridge over Bromborough Pool.

VII. And whereas the said Road is intended to be carried over a certain Inlet from the River *Mersey* in the County of *Chester* called *Brombrough Pool*, or a Diversion of the same, by means of a Bridge over the said Pool or Diversion; be it therefore enacted, That the said Trustees shall and they are hereby empowered and required to make and construct the said Bridge over the said Pool or Diversion of such Dimensions and Capacity as will admit of the Flux and Reflux of tidal Waters therein to the same Extent as they are now accustomed to flow, and so as to have the Waterway in the said Pool or Diversion of the same Width or Sectional Area as it now is therein; and shall also make and erect, in any Embankments or Approaches to the said Bridge, sufficient Land Arches or Openings for the Passage of any tidal or other Waters there which are now accustomed to flow into the said Pool or River *Mersey*; and the Ascent of such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Plans &c to remain with the Clerks of the Peace.

VIII. And whereas Maps or Plans describing the said intended Widenings, Diversions, and new Lines of Road, and the Lands upon, in, over, or through which the same respectively are intended to be carried, together with Books of Reference thereto containing the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the County Palatine of *Chester*, and in the Office of the Clerk of the Peace for the City and County of the City of *Chester*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to the Clerks of the Peace respectively in whose Custody the Map or Plan or Book of Reference so inspected or referred to may be 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 Maps or Plans and Books of Reference, or either of them, or any Copy thereof respectively or of any Part thereof respectively, certified by the Clerks of the Peace respectively for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and Equity.

Trustees not to deviate more than

IX. And be it further enacted, That the said Trustees in making the said Widenings, Diversions, and new Lines of Roads by this Act authorized,

100 Yards from Plan.

rized, shall have full Power and Authority to deviate from the Lines delineated on the Plans so deposited with the respective Clerks of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Lines so delineated upon the said Plans, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands such Deviation beyond the said Distance of One hundred Yards shall be proposed to be made.

Houses, &c. not to be taken without Consent, except those mentioned in the Schedule.

X. Provided always, and be it further enacted, That the Powers and Authorities by this Act granted for making the said Widenings, Diversions, and new Lines shall not authorize the said Trustees to pull down, or to take, use, or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively (except such as are mentioned in the Schedule to this Act annexed), without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first obtained.

Unintentional Errors in Map, &c. not to prevent Execution of Act.

XI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Trustees to make the said Widenings, Diversions, and new Lines in the Line or Course, and upon, in, over, or through the Lands, delineated upon the said Maps or Plans, although such Line or Course, or such Lands or any of them, or the Situation of such Lands respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Maps or Plans, or Books of Reference thereto, provided it shall be made appear to any Two or more Justices of the Peace for the County, Division, or Place within which the Cause of Dispute shall arise, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and shall remain in the Custody of the Clerk of the Peace of such County, Division, or Place for the Time being.

Limiting the Period for purchasing the Property.

XII. And be it further enacted, That if the said Trustees shall not, within the Space of Three Years next after the passing of this Act, agree for or cause to be valued and pay for the Lands which they are by this Act authorized to take, then and from thenceforth the Powers by this Act granted, or by any other Act or Acts granted, in relation to the taking of Lands for the Purposes of Turnpike Roads, shall, so far as relates 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, any thing in this Act or in any such Acts or Acts as aforesaid contained to the contrary thereof notwithstanding.

Part of old Road to be abandoned after Diversions made.

XIII. And be it further enacted, That when and so soon as the said Diversions and new Lines of Road shall have been made and completed fit for the Passage of Horses, Cattle, and Carriages, so much and such Parts of the present Lines of Road as shall have been substituted by such

Diversions and new Lines respectively shall cease to be Turnpike Roads, and to be maintained as such by the said Trustees; and such Parts of the said Lines of Road so ceasing to be Turnpike Roads as in the Judgment of the said Trustees shall be useless and unnecessary to the Public shall be discontinued as public Highways, and shall and may be stopped up by the said Trustees, subject to the Provisions and Directions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; and so much of the Land constituting any former Road so stopped up as aforesaid, for which Rent is now paid or payable to the Owner thereof, shall be restored and given up to such Owner; and so much of such Land as shall have been purchased by the Trustees acting in the Execution of the said former Acts hereby repealed shall and may be sold by the Trustees for executing this Act, for the Benefit of the Trust, in the Manner and subject to the Provisions and Directions in that Behalf contained in the said Act of the Third Year of the Reign of His late Majesty King *George* the Fourth; and so much of such Land as shall neither have been purchased by the Trustees for executing the said former Acts hereby repealed, nor for which Rent is now paid or payable as herein-before mentioned, shall vest in the respective Owners of the adjoining Lands in manner following; (that is to say,) One Moiety thereof in the Owner of the Land on the one Side, and the remaining Moiety in the Owner of the Land on the other Side thereof. 3 G. 4. c. 126.

Power to continue Toll Gates, &c.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, upon the said Roads, or upon any Part or Parts thereof respectively, or upon the said Diversions and new Lines respectively, or upon the Sides thereof respectively, when and where and as they shall judge necessary, and also from Time to Time to alter or to take down, and to re-erect or re-construct, or to discontinue and remove such Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Trustees to erect Toll Gates, and to take Tolls thereat.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts for regulating Turnpike Roads in *England;* and no Money arising from any of the Tolls by this Act authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing; and no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such Branch Road; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls.

XVI. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For

For every Horse, Ass, Mule or other Beast or Cattle, drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricle, Gig, or other such like Carriage, the Sum of Seven-pence:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Three-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not of less Breadth than Four Inches and a Half, the Sum of Sixpence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four Inches and a Half, the Sum of Nine-pence:

For every Horse, Ass, Mule, or other Beast or Cattle, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen, Cows, or Neat Cattle (Calves excepted), the Sum of Ten-pence, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number than a Score:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof:

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire, or not having the Name of the Owner or Owners of any such Waggon, Wain, Cart, or other such like Carriage affixed in legible Characters on the Right or Off Side thereof, the Sum of Ten Shillings:

Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

4 G. 4. c. 95.

As to the fractional Part of a Halfpenny in Tolls.

XVII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken the Sum of One Halfpenny may be demanded and taken in lieu of such fractional Part.

Limiting the Number of Tolls.

XVIII. And be it further enacted, That no more than Two full Tolls shall be taken for or in respect of the same Horse, Beast, Cattle, or Carriage for passing and repassing any Number of Times in the course of the same Day through all or any of the Toll Gates or Toll Bars upon the said Road between *Chester* and *Parkgate*, nor more than Two full Tolls upon the said Road between *Parkgate* or *Great Neston* aforesaid and the said *Woodside Ferry*, nor more than Three full Tolls or Six Half Tolls

Tolls on the said Road from the said City of *Chester* to the said *Woodside Ferry*, except as is herein-after otherwise provided.

Toll in certain Cases to be paid on repassing.

XIX. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle for which Toll shall have been paid for passing through any of the said Toll Gates or Toll Bars shall return drawing another or a different Waggon, Wain, Cart, or other such Carriage, such Horse, Beast, or Cattle shall not be permitted to repass through such Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle if in so repassing such Horse, Beast, or Cattle shall travel upon any of the said Roads for the Distance of Two Miles or more.

Stage Carriages, &c. to pay every Time of passing;

XX. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing upon the said Road.

Post Chaises on every new Hiring.

XXI. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, and passing upon the said respective Roads, upon each Occasion of a new and distinct Hiring of such Horses, Beasts, or Cattle.

Weight of One-horse Carts, limited.

XXII. And be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive), One Ton and Twelve Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive), One Ton and Eight Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts to be weighed.

XXIII. And be it further enacted, That all Carts and other such Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads may be weighed at any Weighing Machine or Weighing Machines upon such Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law now payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses, and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

Penalty on Lessees of Tolls compounding for Overweight

XXIV. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition, by the Year or otherwise, with any

Person whomsoever, for or in lieu of the Tolls of any Carriage, of whatever Description, by Law liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof by Confession, or upon the Oath of any Witness, before any of His Majesty's Justices of the Peace, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or her Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void, and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied in the Repair of the said Roads.

Trustees empowered to vacate existing Leases of Tolls.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months next after the passing of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after the Day on which such Meeting shall be held, and from and after the Time mentioned in the said Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said Trustees (which in all Cases is hereby reserved) to receive and to recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain by the Determination of such Demises, Leases, and Agreements before the Expiration of the Time for which they were originally granted or made, such Compensation and Satisfaction to be paid at such Times and in such Proportions as shall be agreed upon between the said Trustees and such Lessees respectively: Provided always, that in case such Compensation or Satisfaction shall not be paid within Six Calendar Months next after the same shall have become due to any such Lessee, and have been demanded of the Clerk or Treasurer to such Trustees, or in case the said Trustees and any such Lessee shall not agree upon the Amount of such Compensation or Satisfaction, the same may be recovered by such Lessee by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls for such additional Rent in respect of the Tolls by this Act granted as they shall think reasonable and proper for the unexpired Term of the existing Demises, Leases, or Agreements.

Trustees, &c. declared competent Witnesses in Actions, &c.

XXVI. And whereas by the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is enacted, that the Trustees and Commissioners of Turnpike Roads may sue and be sued in the

Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in any Action or Suit in which they may be Plaintiffs or Defendants, and it is expedient that such Doubts should be removed; be it therefore enacted, That no Trustee or Clerk acting under the Authority of the said recited Acts or of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any such Action or Suit, by reason of such Trustee, Commissioner, or Clerk being Plaintiff or Defendant in such Action or Suit.

Application of Tolls and other Monies.

XXVII. And be it further enacted, That the Money already received or which shall be received by virtue or in respect of the said former Acts hereby repealed, or of any of them, and also the Money which shall be received under or by virtue of this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, and in preference to all other Disbursements whatever, in paying and discharging all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for the Payment thereof or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the the same being repaid; in the next place, in defraying the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones, Posts, and Fences, and of Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act (except the Expences of maintaining the Roads authorized to be made and maintained by the said Acts hereby repealed, and also except the Expences of making and maintaining the several Widenings, Diversions, and new Lines of Road by this Act authorized, for which Provision is herein-after made); in the next place, in paying and discharging any Interest which now is or may from Time to Time become due on the Credit of the said former Acts hereby repealed and this Act; in the next place, in defraying the Expences of maintaining in repair the Roads by the said former Acts authorized to be made, and of making and maintaining the several Widenings, Diversions, and new Lines of Road by this Act authorized to be made, and of otherwise executing the Purposes of this Act; in the next place, in repaying any Principal Monies which have been or may hereafter be borrowed and secured under or on the Credit of the said former Acts hereby repealed, or of this Act.

No Priority of Mortgages.

XXVIII. And be it further enacted, That no Preference shall be given to any Person who hath heretofore advanced any Sum of Money on the Credit of the Tolls granted by the said recited Acts or any of them, or who shall hereafter advance any Sum of Money on the Credit of the Tolls granted by this Act, or to his Assignee, in respect to the Priority of the Mortgage or Assignment or other Security for the same, or for advancing such Sum of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, and their respective Assignees, as also all Persons to whom any such Mortgage or Assignment hath heretofore been made or given shall (in proportion to the Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

XXIX. And

No Tolls to be laid out in repairing the Streets, &c. of Chester.

XXIX. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed or of this Act shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within the City of *Chester* aforesaid, or the Liberties thereof.

Rule for Construction of certain Expressions in the Act.

XXX. And be it further enacted, That wherever in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be construed to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Corporation" shall be used the same shall be construed to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Lands" shall be used the same shall be construed to include Tenements and Hereditaments; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Saving the Rights of the Corporation of Liverpool.

XXXI. And be it further enacted, That nothing in this Act contained shall extend or prejudice, diminish, alter, to take away any Rights, Privileges, Powers, or Authorities heretofore enjoyed by or now vested in the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County of *Lancaster* in relation to the Port and Harbour of *Liverpool* or the said River *Mersey*.

Not to alter the Road to Carlett Ferry.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to be construed to extend to authorize or empower the Trustees named or appointed under or by virtue of this Act to alter the Course of the Road from a certain Gate at the South-west Side of the Wood called *Carlett Wood*, near to a Dwelling House there formerly in the Occupation of *Richard Warrington*, through the said Wood to the said Gate at the North-east Side of the same Wood near *Eastham Ferry House*, without the Consent of Sir *Thomas Stanley Massey Stanley* Baronet, his Heirs or Assigns, to be testified in Writing under his or their Hand or Hands; nor shall any thing in this Act

Nor to affect the Rights of Sir T. S. M. Stanley.

contained extend or be construed to extend to impeach, prejudice, or interfere with the Right or Title of him the said Sir *Thomas Stanley Massey Stanley*, his Heirs and Assigns, in and to the said Wood, Ferry, Ferry House, or to the Wharf or Landing Place belonging thereto, but that the same, and all Tolls, Profits, Rents, and Advantages arising therefrom, shall from Time to Time and at all Times hereafter be had, received, enjoyed, and taken by the said Sir *Thomas Stanley Massey Stanley*, his Heirs and Assigns, in like Manner as the same have been heretofore of Right usually had, received, and enjoyed; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Term of Act.

XXXIII. And be it further enacted, That this Act shall commence on the Fourth *Monday* after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XXXIV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The

The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Townships.	Owners.	Occupiers.	Description.
		Widening of Main Road		
1	Parish of St. Oswald.	Robert Broadhurst Hill Esquire.	Robert Broadhurst Hill Esquire.	Part of Bache Pool, and Part of the Wall or Dam adjoining.
1	Township of Bache	Robert Broadhurst Hill Esquire.	Hugh Robert Hughes Esquire.	Part of Lawn and Plantation.
1	Upton - -	Robert Broadhurst Hill Esquire.	Robert Broadhurst Hill Esquire.	Part of Bache Pool, and Part of the Wall or Dam adjoining.
2	Upton -	Sir Philip De Malpas Grey Egerton Baronet.	William Darlington -	Part of Garden.
3	Upton - -	Sir Philip De Malpas Grey Egerton Baronet.	William Darlington -	Part of Garden.
		Diversion to commence at or near the North-west Corner of a Field belonging to Mr. Thomas Amery, in the Occupation of Mr. Thomas Ithell, and to terminate at or near to Moston Toll Gate.		
2	Moston - -	Richard Massey Esquire -	Richard Massey Esquire	Plantation or Wood.
		Widening of Main Road.		
1	Great Sutton -	Thomas Dunbabin -	Thomas Dunbabin -	Part of Stack-yard.
2	Great Sutton -	Thomas Dunbabin -	Thomas Dunbabin -	Part of Farm-yard and Garden.
3	Great Sutton -	John Cottingham Johnson and John Gorton.	Joseph Oaks -	Outbuildings.
4	Great Sutton -	Robert Jones - -	John Jones - -	Part of Farm-yard.
5	Great Sutton -	Trustees of the late Joseph White Esquire.	Timothy Gittins -	Part of Farm-yard and Garden.
		Diversion to commence at or near the Dwelling House of Jonathan Maddock in the Village of Great Sutton, and to terminate at or near the North-west Corner of a Field belonging to and in the Occupation of the Reverend Thomas Edwards.		
6	Great Sutton -	Trustees of the late Joseph White Esquire.	Jonathan Maddock -	Part of Garden and Farm-yard.
8	Great Sutton -	John Webster Esquire and Jonathan Maddock and the Reverend Thomas Edwards and George Davies, Lessees	George Walker and George Davies.	House, Outbuildings, Offices, Yards, and Gardens.
		Widening of Main Road.		
1	Little Sutton -	John Ithell - -	John Ithell - -	Part of Garden.
2	Little Sutton -	Peter Dunbabin -	Joseph Dunbabin -	Part of Garden.
3	Little Sutton -	John Walker - -	Benjamin Dunn -	Part of Garden.
4	Little Sutton -	William Mason -	William Mason -	Part of Garden.
5	Little Sutton -	Miss Mary Walker -	Miss Mary Walker -	Part of Garden.
6	Little Sutton -	Alexander Armstrong Day.	Isaac Beech and Alexander Armstrong Day.	Part of Garden and Road to Garden.

No. on Plan.	Townships.	Owners.	Occupiers.	Description.
7	Little Sutton -	Sir Thomas Stanley Massey Stanley Baronet.	Sir Thomas Stanley Massey Stanley Baronet.	Part of Plantation or Wood.
1	Childer Thornton	William Wilson Currey Esquire.	William Wilson Currey Esquire.	Plantation.
2	Childer Thornton	William Wilson Currey Esquire.	Peter Bedson -	Part of Garden.
3	Childer Thornton	Sir Thomas Stanley Massey Stanley Baronet.	Charles Hancock -	Part of Garden.
4	Childer Thornton	Sir Thomas Stanley Massey Stanley Baronet.	Charles Hancock -	Part of Garden.
5	Childer Thornton	Sir Thomas Stanley Massey Stanley Baronet.	Richard Littler -	Part of Garden.
6	Childer Thornton	Sir Thomas Stanley Massey Stanley Baronet.	Thomas Ashhurst -	Part of Garden.
		Widening of Main Road.		
17	Eastham -	Sir Thomas Stanley Massey Stanley Baronet.	Martha Lean - -	Garden.
18	Eastham - -	Sir Thomas Stanley Massey Stanley Baronet.	William Tayleur -	Garden.
1	Brombrough -	Reverend James Mainwaring.	Reverend James Mainwaring.	Plantation.
2	Brombrough -	Mrs. Jane Mainwaring and the Reverend James Mainwaring.	Jonathan Buckley -	Part of Garden.
4	Brombrough -	John Baskervyle Glegg Esquire.	Samuel Williams -	House, Buildings, Yards, and Garden.
		A new Line of Road to commence at or near the Eleventh Mile Stone, near to a Dwelling House in the Village of Brombrough in the Occupation of Mrs. Jane Ellis, and to terminate at the present Turnpike Road near to a Dwelling House situate in the Township of Tranmere, in the Occupation of William Blundell.		
5	Brombrough -	Reverend James Mainwaring.	Reverend James Mainwaring.	Plantation.
8	Lower Bebington	Richard Green Esquire -	John Sparks - -	Garden or Orchard.
19	Lower Bebington	Ralph Pearson -	Charles Robinson -	Garden.
20	Lower Bebington	Ralph Pearson - -	Anne Pearson -	House, Offices, and Garden.
21	Lower Bebington	Ralph Pearson - -	Mary Beard - -	House, Offices, and Garden.
22	Lower Bebington	Ralph Pearson - -	William Leake -	House, Offices, and Garden.
23	Lower Bebington	Ralph Pearson - -	Peter Freeland -	House, Offices, and Garden.
24	Lower Bebington	William Chatterton -	Untenanted - -	Garden Ground.
8	Higher Bebington	Robinson Watson Robinson M.D.	Elizabeth Gorst -	Derby House, Yard, and Outbuildings.
9	Higher Bebington	Robinson Watson Robinson M.D.	Elizabeth Gorst -	Garden.
12	Tranmere -	Devisees in Trust of the late George Orred Esquire.	George Myers -	Garden.
		Widening of Main Road from Chester to Neston.		
1	Shotwick -	Samuel Nevitt Bennett Esquire.	Thomas Inglefield -	Garden Ground -

No. on Plan.	Townships.	Owners.	Occupiers.	Description.
		Widening of Main Road in Great Neston.		
1	Great Neston -	Sir Thomas Mostyn Champneys Baronet.	Mr. William Quay and Thomas Garner.	Timber-yard and Town Well, or Lodge for Water.
		Widening of Main Road in Thornton Hough.		
1	Thornton Hough	Sir Thomas Mostyn Champneys Baronet.	Mr. George Walker, Lessee; Jonathan Edwards, Tenant.	Garden.
		Diversion to commence at the End of Brimstage Lane in the Township of Poulton-cum-Spittle, at or near a Dwelling House in the Occupation of John Griffith, and to terminate at or near a Dwelling House in the Occupation of William Nichols situate in the Township of Lower Bebington, and near to the Village of Bebington.		
4	Lower Bebington	Sir Thomas Stanley Massey Stanley Baronet.	Sir Thomas Stanley Massey Stanley Baronet.	Gorse Covert.
		Diversion in the Village of Bebington, to commence at or near the House of Mrs. Jane Francis, Widow of the late Mr. William Francis, and to terminate at or near the Ship Public House.		
1	Lower Bebington	Jane Francis - -	Jane Francis - -	Part of Garden.
2	Lower Bebington	Richard Green Esquire	Elizabeth Aspinall -	Garden and Outbuildings.
3	Lower Bebington	Richard Green Esquire	John Waring -	Offices and Garden.
4	Lower Bebington	Richard Green Esquire	William Bradshaw -	House and Garden.
5	Lower Bebington	Richard Green Esquire	John Holmes and Mary Jones.	House, Bakehouse, and Garden.

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