ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 94.

An Act for continuing the Term, and enlarging the Powers of Two Acts, passed in the Ninth and Twenty-ninth Years of the Reign of His present Majesty, for repairing certain Roads, from the End of the County of *Stafford*, through *Nantwich*, to the City of *Chester*, so far as the said Acts relate to the First District of Roads. [24th *June* 1803.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repealing so much of Two several Acts of Parliament, made and passed in the Seventeenth and Twenty-eighth Years of the Reign of His late Majesty King* George *the Second, as relate to the Road from the End of the County of* Stafford, *in the Post Road towards the City of* Chester, *through* Woor, *in the County of* Salop, *to* Nantwich, *in the County of* Chester, *and from* Nantwich *to* Tarporley, *and from thence through* Tarvin, *in the said County of* Chester, *to the said City of* Chester; *and for more effectually repairing, widening, and supporting the same Road, and also for repairing and widening the Road from* Northwich, *in the said County of* Chester, *to the Cross in* Tarvin *aforesaid*, whereby the the said Roads were divided into Districts or Divisions, and the Road leading from the End of the said County of *Stafford* to the said City of *Chester*, as lies betwixt the End of the said County of *Stafford*, and One 9 Geo. 3.

hundred Yards of the East End of a certain Smithy called *Duddon Smithy*, in *Clotton* in the said County of *Chester*, was thereby directed to be called *The First District* of the said Roads: And whereas an Act was passed in the Twenty-ninth Year of His said present Majesty, for enlarging the Term and Powers of the said recited Act, so far as related to the said First District of the said Roads: And whereas the Trustees appointed in and by virtue of the said Acts, have made a considerable Progress in the Execution thereof, so far as the same relate to the said First District, and have borrowed large Sums of Money upon the Credit of the Tolls arising within the said First District; which Sums of Money, with large Arrears of Interest accrued thereon, still remain due, and the same respectively cannot be paid off and discharged, and the said First District of Road effectually amended, widened, and kept in Repair, unless the Term granted and continued by the said recited Acts, so far as relates to the said First District of Roads, be further continued, and the Powers and Provisions thereof altered, amended, and enlarged, and the Tolls increased: 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 Acts, passed in the Ninth and Twenty-ninth Years of the Reign of His present Majesty, and all and every the Powers, Authorities, Provisoes, Regulations, Penalties, Forfeitures, Matters, and Things therein contained (except such as relate to the Exemptions from Stamp Duties, or as are hereby varied, altered, or repealed), so far as the same relate to the said First District of Roads, shall, from and after the passing of this Act, be and continue in full Force and Effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose from Time to Time of amending, widening, improving, and keeping in Repair, the said First District of Roads, as fully and effectually, to all Intents and Purposes, as if the said recited Acts, and the Powers, Authorities, Privileges, Matters, and Things therein contained, were herein particularly repeated and re-enacted; but subject nevertheless to the Provisions, Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; which said additional Term, and the Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Monies now due and owing, and which may hereafter be borrowed and become due and owing on the Credit or Account of the said recited Acts or either of them, or of this Act, so far as relates to the said First District of Roads, and all Interest due and to grow due for the same respectively.

29 Geo. 3.

Acts further continued.

Additional Trustees.

II. And be it further enacted, That the Honourable *William Arden*, the Honourable *Richard Pepper Arden*, *Samuel Aldersey*, *Samuel Aldersey* the younger, *John Armitstead* Clerk, *Peter Bayley* the younger, *Charles Bate*, *Ashton Beckett*, *John Bellyse*, *Edward Bellis*, *John Billington*, *John Baxter*, *Michael Bott*, *John Burscoe*, *John Bromfield*, *George Beckett*, *John Beckett*, *Thomas Beckett*, *Eddowes Bowman*, *Stapleton Cotton*, *William Cotton* Clerk, *Lynch Cotton*, *Cotton* Doctor in Divinity, *Richard Clarke*, *Washington Cliff*, *Anthony Clarkson* Clerk, *Jack Needham Cliff*, *John Downes*, *Joseph Downes*, *John Downes* the younger, *Walter Daniels*, *Richard Darlington*, *Samuel Dod*, *Joseph Dutton*, *Richard Lathbury Dudley*, *Richard Edleston* the younger, *William Egerton*, *Philip Egerton* Clerk, *George Gibbons Elwall*, *Thomas Ellison*, Sir *Thomas Fletcher* Baronet,

net, *Joseph Fenna*, *William Harewood Folliott*, *Joseph Gardner*, *Robert Wilbraham Bromhall Hill* Clerk, *Edward Hinchcliffe* Clerk, *Thomas Hough*, *John Hough*, *Richard Hockenhull*, *Ralph Hulse*, *John Hollins*, *Benjamin Hewitt*, *Thomas Hewitt*, *Roger Jacson*, *Shawcross Jacson* Clerk, *Daniel Johnson*, *Simon Jacson* Clerk, *William Jervis*, *William Jones*, *Edward Jones* of *Royles Green*, *Edward Jones* of *Nantwich*, *George Kenrick*, *Richard Leversage* the younger, *John Lindop*, *John Latham* of *Woor*, *John Latham* of *Woolfall*, *Thomas Littler*, *Thomas Mascie*, *Muckleston* Clerk, *William Massey*, *Richard Mascie*, *Joseph Meredith*, Sir *Thomas Mostyn* Baronet, *Bassett Meller*, *Job Mulliner*, *Richard Owen*, *Oldershaw* Clerk, *John Platt*, *George Platt*, *Samuel Penkethman*, *John Roylance*, *Benjamin Rodenhurst*, *William Rigby*, *Peter Sprout*, *William Sprout*, *Richard Lowndes Salmon* Clerk, *Jonathan Scott* Clerk, *Thomas Sutton*, *William Sutton*, *Richard Shore*, *Thomas Taylor*, *William Taylor*, *Mascie Taylor*, *James Tomkinson* of *Dorfold*, *Robert Timmis*, *George Tollett*, *John Twemlowe* of *Buerton*, *William Twemlowe*, *John Twemlowe* of *Hatherton*, *William Tomkinson*, *Daniel Vaudrey*, *Richard Vernon*, *George Wilbraham* the younger, *Randle Wilbraham*, *Thomas Walley*, *Samuel Woolf*, and *Richard Wilson*, subject nevertheless to the Qualification contained in the said first recited Act shall from and immediately after the passing of this Act, be added to and joined with the Trustees appointed by or in pursuance of the said last recited Act; and that the Trustees hereby appointed, together with the surviving or remaining Trustees appointed by or by virtue of the said last recited Act, shall be and are hereby empowered to put the said recited Acts and this Act in Execution, with respect to the said First District of Roads, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts or either of them.

Trustees to erect an additional Toll Gate.

III. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may cause to be erected, set up, and provided, One Toll Gate or Turnpike, and Toll House, over and across the Road in the said First District of the said Roads at such Place within the said First District of the said Roads, between the End of the Townships of *Tarporley* aforesaid, and the Termination of the same District near to *Duddon Smithy* aforesaid, with suitable Outbuildings and Conveniencies thereto, as the said Trustees, or any Seven or more of them, shall think proper and convenient; which said Turnpike, Toll Gate, and Toll House, and the Materials for making or repairing the same, shall be vested in the said Trustees; and they, or any Seven or more of them, are hereby empowered to bring Actions in the Name or Names of any One or more of them, or of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall disturb them in the Possession thereof.

For repealing former Tolls and granting new ones.

IV. And whereas the Tolls by the said recited Acts, or either of them, authorized to be taken on the said Roads, have been found insufficient for the Purposes of the said Acts, with respect to the said First District of Roads; be it therefore enacted, That, from and after the passing of this Act, the said Tolls shall cease, determine, and be no longer paid or payable in respect of the said First District of Roads, and that instead thereof the respective Tolls following shall be demanded and taken at the several and respective Toll Gates and Turnpikes already set up and erected, or which shall

ſhall hereafter be ſet up and erected in the ſaid Firſt Diſtrict of the ſaid Roads; (that is to ſay),

Tolls.

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaiſe, Curricle, Calaſh, Chair, Hearſe, Caravan, or other ſuch like Carriage, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or ſuch like other Carriage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, the Sum of Three-pence:

For every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or ſuch like Carriage, having the Soles of the Fellies of the Wheels of leſs Breadth or Gauge than Six Inches, the Sum of Four-pence Halfpenny:

For every Horſe, Mare, Gelding, Mule or other Beaſt, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in Proportion for any greater or leſſer Number; and for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in Proportion for any greater or leſſer Number:

Which ſaid ſeveral Sums of Money by this Act authorized to be taken on the Firſt Diſtrict of Roads, ſhall be demanded and taken in the Name of, or as Toll, and ſhall be and the ſame are hereby veſted in the ſaid Truſtees; and every Part thereof ſhall be collected, recovered, levied, paid, applied, aſſigned, leſſened, varied, and diſpoſed of, in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers, Proviſoes, Exemptions, and Reſtrictions, as are contained in the ſaid recited Acts reſpecting the Tolls thereby authorized to be taken: Provided nevertheleſs, that for every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing any Waggon, Wain, Cart, or other ſuch like Carrage, having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, and which ſhall deviate more than a Quarter of an Inch from the Centre, there ſhall be taken and paid the ſame Toll as if ſuch Horſe, Mare, Gelding, Mule, or other Beaſt, were drawing any Waggon, Wain, Cart, or other ſuch like Carriage, having the Soles of the Fellies of the Wheels of leſs Breadth or Gauge than Six Inches.

Coals exempted at Turnpike Gate.

V. And be further enacted, That no Toll ſhall be demanded or taken for any Horſe or other Cattle carrying or conveying Coals in any Waggon, Cart, or other Carriage, and paſſing through the Toll Gate or Turnpike hereby authorized to be erected and ſet up between the End of the Townſhip of *Tarporley* and the Termination of the ſaid Firſt Diſtrict, near unto *Duddon Smithy* aforeſaid.

Annual Meeting to audit Accounts.

VI. And be it further enacted, That there ſhall be held annually One General Meeting of the ſaid Truſtees at *Nantwich* aforeſaid, on the Firſt *Thurſday* in *Auguſt* in each Year; and at ſuch annual General Meeting the Truſtees then met, or any Five or more of them then preſent, ſhall examine and audit the annual Accounts of the Clerk and Treaſurer, Surveyor or Surveyors, and Collectors, relating to their reſpective Accounts, upon

upon Oath, and then and there from Time to Time paſs ſuch Accounts, or ſo much thereof as they ſhall think fit and proper.

Three Truſtees ſufficient for Adjournment.

VII. And be it enacted, That any Three or more of the ſaid Truſtees, acting at any Meeting or Meetings to be held in purſuance of this Act or of the ſaid recited Acts, ſhall be a ſufficient Number to adjourn any ſuch Meeting or Meetings; and that ſuch Adjournment ſo made by any Three or more of the ſaid Truſtees, ſhall be good and valid to all Intents and Purpoſes, any Thing in the ſaid recited Acts contained to the contrary in anywiſe notwithſtanding.

Orders to be ſigned.

VIII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in reſpect to the ſaid Firſt Diſtrict or Diviſion of the ſaid Roads, ſhall be ſigned by the Clerk or Clerks to the ſaid Truſtees, at any Meeting of Five or more of the ſaid Truſtees, or of Three Truſtees for the Purpoſe of adjourning only as herein-before mentioned, as the Caſe ſhall require; and when ſo ſigned, ſhall be deemed and taken to be original Orders, in like Manner as if the ſame were under the Hands of the ſaid Truſtees.

Application of Compenſation Money where exceeding 200 *l.*

IX. And be further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any other Diſability or Incapacity, as in the ſaid recited Acts particularly mentioned; ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing the ſaid Acts and this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or other Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold

for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where under 200 *l.* and above 20 *l.*

X. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardains, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where under 20 *l.*

XI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

XII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act or the ſaid recited Acts; be it further enacted, That all and every Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act or the ſaid recited Acts, ſhall and may cauſe the Conviction to be drawn up in the following Words, as the Caſe ſhall happen, or in any other Form of Words to the ſame Effect:

Form of Conviction.

‘ County of *Cheſter.* } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted
‘ before me *C. D.* One of His Majeſty's Juſtices of the Peace for the
‘ County

'County of *Cheſter* [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal, the Day and Year firſt above mentioned.'

Expences of the Act.

XIII. And be it further enacted, That the Coſts, Charges, and Expences, incident to and attending the obtaining and paſſing this Act, ſhall be paid and diſcharged by the ſaid Truſtees, as ſoon as conveniently may be, out of any Money already collected or received by virtue of the ſaid recited Acts and this Act, in Preference to all other Payments whatſoever.

Publick Act.

XIV. And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be a publick Act, and as ſuch be judicially taken Notice of by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Fixing the Term of the Act.

XV. And be it further enacted, That the Term granted and continued by the ſaid recited Acts, ſhall, upon the paſſing hereof, ceaſe and determine, ſo far as reſpects the ſaid Firſt Diſtrict of Roads, and that the ſaid Acts (ſubject to the Alterations herein-before mentioned) and this Act, ſhall from thenceforth continue and be in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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