



ANNO PRIMO

GEORGII IV. REGIS.

Cap. xv.

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.

[22d June 1820.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and widening the Roads from the City of* 27 G. 3. c. 93. *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 an Act was passed in the Forty-third Year of the Reign of His said late Majesty, intituled* 43 G. 3. c. 93. *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 the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in Execution, and for that Purpose have borrowed several considerable*

[Local.]

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considerable

siderable Sums of Money on the Credit of the Tolls by the said Acts granted and made payable, which Money is still due and owing, and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term granted and continued by the said Acts be further continued, and some of the Powers and Provisions thereof respectively altered, amended, and enlarged, and it is expedient that some of the Tolls granted and continued by the said Acts should be increased: And whereas it would be a great Accommodation to the Public if Part of the Road leading from the said City of *Chester* to the said *Woodside Ferry*, and lying within the Township of *Tranmere*, in the said County of *Chester*, were altered, diverted, and turned, from, at, or near a Dwelling House situate in the said Township of *Tranmere*, belonging to Sir *John Grey Egerton* Baronet, and in the Occupation of *Martha Naylor*, to or near the Southern End of the Embankment across *Birkenhead Pool* in the same County, in a nearer and more direct Line than the present: But the several Purposes aforesaid cannot be effected without the Aid and 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 this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein respectively contained, (except such as are varied, altered, or repealed) shall be and continue in full Force and Effect and shall be executed for and during the Term herein-after mentioned, in like Manner, and as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Provisions, Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take effect immediately from and after the First Day of *September* next, and continue and be in force during the Term hereby granted; and this Act, and the additional Term and Tolls hereby granted and continued, shall be subject and liable to the Payment of all the Money now due and owing on the Credit or on Account of the said recited Acts, or either of them, or which shall be borrowed on the Credit of the said Acts and of this Act, and all Interest due and to grow due thereon respectively; but no Preference shall be given to any Person or Persons advancing any Sum or Sums of Money upon the Credit of this Act, or who shall have already advanced any Sum or Sums of Money on the Credit of the said recited Acts, or either of them, in respect to the Priority of advancing, or having advanced, any Sum or Sums of Money; and all Persons to whom any Mortgages or Securities shall have been made, or shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls granted and made payable by this Act, in equal Degree one with another.

Recited
Acts further
continued.

No Prefer-
ence to be
given to Cre-
ditors.

Trustees
under former
Acts to be
Trustees for
this Act;
and Power
to appoint
additional
Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the said County of *Chester*, together with the Trustees already named and elected in or under and by virtue of the said recited Acts, shall be and they are hereby appointed Trustees for putting this Act into Execution; and it shall be lawful for the said Trustees, or any Five or more of them, at their First or Second Meeting to be holden under this Act, to elect any additional Number of fit and proper Persons,

not exceeding Ten in the whole, to be Trustees for the Purposes of the said recited Acts and this Act; and such Trustees so named and elected, and so to be elected, and their Successors, to be elected in the Manner in the said first recited Act mentioned, and having qualified as herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing the said recited Acts and this Act, as if they had been named and appointed Trustees in and by this Act; and all and every the Powers, Authorities, Directions, Matters, and Things by the said recited Acts, or by this Act, given to or directed to be done by or before the said Trustees, shall and may be exercised, had, and done by or before any Five or more of them; and all such Acts, Matters, and Things shall be of as full Force and Effect as if done or executed by or before all the Trustees, or by or before Trustees named and appointed in and by this Act.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, whilst he holds any Place of Profit, or shall be concerned or interested in any Contract or Contracts under the said Acts and this Act, or any or either of them, nor in any Case wherein he shall be personally interested, otherwise than as a Creditor; nor shall any Person be qualified to act as a Trustee unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having such Estate of the clear yearly Value of One hundred and fifty Pounds, or be possessed of a Personal Estate alone, or Real and Personal Estate together, to the Amount of Four thousand Pounds, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before any Two or more of the said Trustees, an Oath, or being one of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (that is to say),

Qualification
of Trustees.

I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I truly and *bonâ fide* am in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits issuing out of Freehold [*or* Copyhold] Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, [*or*, am possessed of a Personal Estate alone, *or*, Real and Personal Estate together, to the Amount of One hundred and fifty Pounds] [*or*, am Heir Apparent of *A. B.* who to the best of my Knowledge is possessed of a Real Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Four thousand Pounds. So help me GOD.] Oath.

And if any Person unqualified by any of the Causes aforesaid, or not being qualified as herein-before mentioned, shall nevertheless presume to act contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on

on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of the said recited Acts and this Act, any thing in the said Acts contained to the contrary hereof notwithstanding: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of the said recited Acts and this Act, or either of them (although not duly qualified), previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Acts of Trustees before Conviction declared valid.

Power to erect a Toll Gate on the Road from Chester to the Woodside Ferry, &c.

IV. And whereas it is expedient that the present Situations of some of the Toll Gates and Turnpikes set up and erected under the Authority of the said first recited Act should be varied, be it therefore enacted, That the said Trustees, or any Five or more of them, shall, as soon as conveniently may be after the said First Day of *September* next, cause One Toll Gate or Turnpike to be provided, set up, and erected upon and across the said Road leading from the said City of *Chester* to the said *Woodside Ferry*, between the Dwelling House heretofore in the Occupation of *Thomas Stanton*, deceased, and known by the Sign of the *Recruiting Serjeant*, but now or late in the Occupation of *John Price*, and known by the Sign of the *George and Dragon*, situate near the North End of the Upper Northgate Street, within the Liberties of the said City of *Chester*, and a certain Dwelling House in the Occupation of *William Dutton*, known by the Sign of the *Egerton Arms*, situate in the Township of *Upton*, in the said County of *Chester*, together with such necessary and proper Toll House, Buildings, and Appurtenances adjoining or near to such Toll Gate or Turnpike, as to the said Trustees, or any Five or more of them, shall seem meet, but so nevertheless that when and so soon as such Toll Gate or Turnpike as aforesaid shall be set up and erected by virtue and in pursuance of this Act, the present Toll Gate and Turnpike set up and erected under the Authority of the said first recited Act in the Township of *Backford*, in the said County of *Chester*, to the Northward of *Moston Brook*, shall be discontinued and removed.

Power to take down the Gate on the Great Neston and Woodside Ferry Road, and to erect another between Great Neston and Lower Bebington.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may from Time to Time, and at any Time after the passing of this Act, take down and discontinue the Toll Gate and Turnpike set up and erected under the Authority of the said first recited Act, over or across the said Road leading from *Great Neston* aforesaid, to the said *Woodside Ferry*, near a certain Bridge called *Clatterbridge*, and cause the same, or any other Toll Gate and Turnpike in lieu thereof, to be set up and erected upon and across any other Part of the said last mentioned Road lying between *Great Neston* aforesaid, and the Village of *Lower Bebington* in the said County of *Chester*, together with such necessary and proper Toll House, Buildings, and Appurtenances adjoining or near thereto, as to the said Trustees, or any Five or more of them, shall seem meet.

VI. And

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time and at any Time after the passing of this Act, to cause One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars (in addition to the Toll Gates, Toll Bars, and Turnpikes which have been or may be set up and erected by virtue and in pursuance of the said recited Acts, or either of them), and also One or more new or additional Toll House or Toll Houses, if the same shall appear necessary or proper, with fit and convenient Buildings and Appurtenances thereto to be provided, set up, and erected on the Side or Sides of all or any of the Roads comprised in the said recited Acts, or across any Lane or Way leading into or out of the same, any thing in the said recited Acts or either of them contained to the contrary thereof in anywise notwithstanding.

Power to erect Toll Gates and Side Bars, &c.

VII. And be it further enacted, That upon Payment of the Tolls granted by this Act, the Collector or Receiver thereof shall and he is hereby required to deliver gratis, to the Person paying such Toll, a Note or Ticket denoting such Payment, which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Tickets to be provided, denoting Payment of Tolls.

VIII. And whereas the Tolls granted by the said recited Act of the Forty-third Year of the Reign of His said late Majesty have been found insufficient for the Purposes thereby intended, be it therefore enacted, That the said Tolls shall from and after the First Day of *September* next be and the same are hereby declared to be repealed, and that instead thereof the respective Tolls following shall be demanded, taken, collected, and paid at all and every of the several and respective Toll Gates, Toll Bars, and Turnpikes, which have been or shall be placed, set up, and erected in or upon the said Roads, under or by virtue of the said recited Acts and this Act, or any of them, or in or upon the Side or Sides thereof, or across any Lane or Way leading into or out of the same ; (that is to say),

Tolls granted by the Act of the 43 G. 3. repealed, and others granted in lieu thereof.

For every Horse, Mule, or other Beast, drawing any Coach, Berlin, Landau, Chariot, Chaise, Caravan, Chair, Calash, Hearse, or Litter, the Sum of Seven-pence :

New Tolls.

For every Horse, Mule, or other Beast, drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, the Sum of Three-pence :

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

For every Ox, Cow, or other Neat Cattle (Calves excepted), the Sum of One Halfpenny : And,

For every Calf, Hog, Sheep or Lamb, the Sum of One Farthing.

Which said Tolls shall be and the same are hereby vested in the said Trustees, and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Nonpayment or Evasion thereof, and with such Powers, Provisions, and Regulations as are contained in the said recited

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Acts,

Acts, or either of them, with respect to the Tolls by the said Acts authorized to be taken, but subject nevertheless to the Powers, Provisions, and Regulations in this Act contained.

Double Tolls on Sundays.

IX. And be it further enacted, That it shall and may be lawful to demand and take for and in respect of every Horse and other Beast drawing any Waggon, Cart, or other such like Carriage, on every *Sunday*, Double the Toll or Sum that may be demanded and taken for and in respect of such Horse or other Beast on any other Day.

Limiting the Number of Tolls to be taken in One Day.

X. Provided always, and be it further enacted, That there shall not be more than Two full Tolls payable in any one Day for the same Horses, Mules, or other Beasts, Cattle, Sheep, or Pigs, on the said Road, extending from the said City of *Chester* to *Parkgate* aforesaid; nor more than Two full Tolls on the said Road from *Parkgate* or *Great Neston* aforesaid; to the said *Woodside Ferry*; nor more than Three such full Tolls, or Six Half Tolls, on the said Road from the said City of *Chester* to the said *Woodside Ferry*, except as is herein-after otherwise provided.

Stage Coaches only to pass and repass once on Payment of one Toll.

XI. Provided also, and be it further enacted, That every Horse, Mule, and other Beast, drawing any Stage Coach, shall be allowed to pass and repass through any Turnpike, Toll Gate, or Toll Bar already erected or hereafter to be erected by virtue of the said recited Acts and this Act, or any of them, Once only, and no more, upon and for the Payment of One Toll.

Tolls to be paid for Post Horses, &c. every Time they pass.

XII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for and in respect of all Post Horses, Mules, or other Beasts, drawing any Post Chaise or other Carriage, every Time they shall pass through any such Turnpike, Toll Gate, or Toll Bar, and a Ticket shall be produced denoting a fresh Hiring.

Repeal of Clause in 43 G. 3. requiring Four alternate Meetings of the Trustees at Chester and Great Neston.

XIII. And whereas by the last recited Act it is enacted, that Four Meetings at the least of the said Trustees (exclusive of the General Annual Meeting appointed to be held by the said first recited Act) shall be held in each Year during the Term thereby granted, alternately at *Chester* and *Great Neston*; And whereas such Regulation has been found to be inconvenient, and it is therefore expedient that the same should be repealed; be it therefore enacted, That the same shall be and is hereby repealed, and declared null and void.

Trustees may sue and be sued in the Name of their Clerk.

XIV. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of the said recited Acts or of this Act, in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, nor by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always, that such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid,

paid, out of the first Money to arise by virtue of the said recited Acts or this Act, after such Action or Suit shall be commenced, discontinued, or determined, all Costs, Charges, Damages, and Expences, which by the Event or in consequence of any such Action, Suit, or Proceeding, he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

XV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, and at all Times during the Continuance of the said recited Acts and this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls by this Act granted, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect the same, or to take such Copies or Extracts, as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied, recovered, and applied in Maner by the said recited Acts, or either of them, mentioned and directed.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said Acts and this Act, or any or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts and this Act, or any or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, or any or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XVII. And be it further enacted, That from and after the said First Day of *September* next none of the Tolls granted and made payable by this Act, shall be demanded or taken of or from any Person or Persons for or in respect of any Carriage, Horse, Cattle, or Beast, employed in carrying or conveying, or going empty to carry or convey, or returning empty

Exemptions from Tolls.

from

from carrying or conveying having been employed only in carrying or conveying on the same Day, any Sand, Gravel, Stone, or other Materials, for repairing the said Roads, or any Part thereof, or any of the Highways or public Bridges in the Townships in which such Roads lie, or any Hay, Straw, Corn in the Straw, Potatoes, or other Produce of Land, not bought, sold, or disposed of, but passing only to be laid up or placed in the Outhouses or Yards, or on the Lands of the original Owners thereof; or for or in respect of any Carriage, Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Marl, Compost, Grey Salt, or other Manure of any Nature or Kind whatsoever, or Lime to be employed in Husbandry only, or for manuring or improving of Gardens or Lands and not for Purposes of Trade; or carrying or conveying any Rector, Vicar, Parson or Curate, going to or returning from his own Parish Church or public Place of Divine Service, or visiting his sick Parishioners; or carrying or conveying any Person or Persons going to or from his, her, or their proper Parochial Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person or Persons who shall die and be buried in any of the Parishes wherein such Roads lie, or returning from any such Funeral; or for any Horse, Beast, Cattle, or Carriage of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or returning back from conveying the same; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March or on Duty, or attending them with their Arms or Baggage; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other Public Stores of, for, or belonging to His Majesty, for the Use of His Majesty's Forces, or returning from attending them on such Occasions; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulations of such Corps, at the Time of claiming such Exemption; or for any Cattle going to or from Water or Pasture, or Smith's Shop to be shod; or for or in respect of any Horse or other Cattle, or Cart drawn by one Horse only, going to or from any Mills situate within the Distance of Four Miles from the said Roads, with or for any Corn, Grain, Malt, or Flour for the Owner's own Use and Consumption in his own Dwelling House, and not for Sale, and not exceeding one Horse or Beast, or one Cart drawn by one Horse only, in one and the same Day; or for any Horses or other Cattle employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment; or for any Horse, Cattle, Beast, or Carriage carrying or conveying any Person or Persons going to vote or returning from voting at any Election of a Knight or Knights of the Shire, Citizen or Citizens, Burgess or Burgesses,

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to serve in Parliament for the County Palatine of *Chester*, or for the City of *Chester*, or for the County Palatine of *Lancaster*, or the Borough of *Liverpool* in the said County of *Lancaster*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall in any fraudulent or collusive Manner whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act; and in all Cases the Proof of Exemption shall lie on the Person claiming the same.

XVIII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act or the said recited Acts contained, to the contrary notwithstanding.

Exempting Carriages conveying King's Stores, &c. from Penalties for Overweight.

XIX. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed, as mentioned in an Act passed in the Fifty-fifth Year of His late Majesty's Reign, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the several Horses and other Beasts drawing such Carriages, shall have and be entitled to the Privileges and Exemptions granted by the said Act.

Abatement of Tolls in certain Cases.

XX. And be it further enacted, That every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected or to be erected upon the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front, or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon coming on Duty, each of the Letters of such Name to be at least One Inch in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming and specifying the Gate or Gates freed by such Payment, or shall make use of any scurrilous or abusive Language to any

Toll Collectors to put up their Names.

[Local.]

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Person

Person or Persons travelling upon the said Roads or any of them, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case, every such Collector so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Trustees may appoint temporary Collectors.

XXI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls granted and made payable by this Act shall die or become incapable of performing his Duty, or shall abscond or absent himself, or become insolvent or bankrupt, it shall be lawful for any Five or more of the said Trustees (although not assembled at a Meeting of the said Trustees) to discharge such Collector or Receiver, and to nominate and appoint some other fit and proper Person to be a Collector or Receiver of the said Tolls until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver so dying or discharged, and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all respects, as the Person who shall so die or be discharged would have had or been subject to; and if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by the said Trustees as aforesaid, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die, abscond, absent himself, or become insolvent or bankrupt, or be discharged, or any other Person, shall refuse or neglect to deliver up the Possession of any Toll House or Building and Premises, for the Space of Five Days next after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or any Five or more of them (although not assembled at a Meeting) or by their Clerk or Treasurer, then and in any of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, City, or Place in which such Toll House or Building and Premises shall be situated, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable, or other Peace Officer for the same County, City, or Place, with such Assistance as shall be necessary, to enter such House or Buildings and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees, or any one or more of them, or such new appointed Collector, Receiver, or other Officer, into the Possession thereof.

Penalty on evading the Tolls.

XXII. And be it further enacted, That if any Person or Persons having passed through any Turnpike or Toll Gate erected or to be erected upon the said Roads, or any of them, with any Horse, Cattle, Beast, or Carriage, shall afterwards add or put any additional Horse or Beast to such Carriage, with Intent to evade the Payment of the said Tolls, or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To enable Trustees to take Possession of Toll Houses, &c.

XXIII. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, at any of the Turnpike Gates or Toll Bars now erected or hereafter to be erected upon the said Roads, or any of them, shall be demised or let to farm to any Person or Persons in pursuance of the said recited Acts, or either of them, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let to him, her, or them,

either by taking a greater or less Toll in respect of any Carriage, Horse, Beast or Cattle, than the Tolls so demised or let to him, her, or them, or in any other Way or Manner; or in case the Rent for which such Tolls shall be demised or let, or any Part thereof, shall be in Arrear or unpaid for the Space of Ten Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract, and the Toll House or Toll Houses appertaining to such Turnpike Gate or Gates, Toll Bar or Toll Bars, shall be in the Possession of such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them, appointed to collect the Tolls thereat, then and in any or either of the said Cases it shall be lawful for the said Trustees, or any Five or more of them, (if they shall think proper) to vacate and determine such Demise and Contract, giving a Notice in Writing of such their Determination to such Lessee or Lessees, Farmer or Farmers, by leaving the same at the Toll House or Toll Houses at such respective Turnpike Gate or Turnpike Gates, Toll Bar or Toll Bars, and such Lease or Contract shall from that Time be utterly void and at an End to all Intents and Purposes, save as to the Covenants and Agreements therein contained on the Lessee or Lessees Part and Behalf; and in case any such Lessee or Lessees, Farmer or Farmers, shall not, on Service of such Notice as aforesaid, deliver up the Possession of the Toll House or Toll Houses, and the Turnpike Gate or Turnpike Gates, or Toll Bar or Toll Bars, with the Appurtenances so demised and let to him, her, or them, it shall be lawful for any Justice of the Peace for the County, City, or Place, in which such Toll House or Toll Houses, Turnpike Gate or Turnpike Gates, or Toll Bar or Toll Bars, with the Appurtenances, shall be situate, by Warrant under his Hand and Seal, to order any Constable, or other Peace Officer, with such Assistance as shall be necessary, to enter such Toll House or Toll Houses and Premises in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of such House or Houses and Premises, and to put such Person or Persons into the Possession thereof, as the said Trustees or any Five or more of them shall appoint.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or to whom the same shall have been demised or let to Farm, or any other Person or Persons acting by or under the Authority of the said Trustees, or any Five or more of them, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed to collect the said Tolls, or otherwise acting under the Authority of the said Trustees.

Collectors of
Tolls not
incompetent
Witnesses,

XXV. And be it further enacted, That where it shall be necessary to distrain for the Recovery of the Tolls authorized to be collected by this Act, such Distress shall and may be made or taken by the Person or Persons appointed to collect the said Tolls, or by any Surveyor of the said Roads, or by any other Person or Persons who shall be for that Purpose appointed by them, or any of them, or called on to assist; and that in case any Dispute, Litigation, or Suit shall arise or be had or prosecuted, touching or concerning any such Distress, or the Prosecution thereof, or concerning the Nonpayment of the said Tolls, any such Surveyor, Collector or other Person

Officers may
distrain and
be Witnesses.

Person or Persons, shall not by reason thereof be incompetent to prove the Legality of the Distress, the Nonpayment of such Tolls, or to give any other Proof or Evidence concerning the Premises.

For settling
Disputes
concerning
Tolls.

XXVI. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County, City, or Place wherein such Dispute shall happen to arise, who upon Application made to him for that Purpose, shall examine the Matter, on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Trustees not
to administer
Oaths on
verifying Ac-
counts.

XXVII. And be it further enacted, That nothing in this or the said recited Acts, or any or either of them contained, shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath or Oaths to any Clerk, Treasurer, Collector of the Tolls, Surveyor, or other Officer or Officers now appointed, or hereafter to be appointed under or by virtue of the said recited Acts and this Act, or any or either of them, for the Purpose of verifying his, her, or their Accounts.

For getting
Materials
to make and
repair the
Road.

XXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads, and to or for all such Person or Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Roads, out of or from any Commons or Waste Grounds, common River, Brook, or Pit, in any Parish, Township or Place in which any Part of the said Roads doth lie, or in any adjoining Parish, Township, or Place, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, or railing or fencing-off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County, City, or Place, in which the said Roads do lie, search for, cut, dig, get, gather and take away any such Materials as aforesaid, in, out of, or from the private Lands, Fields, or Grounds, of any Person or Persons where the same may be had or found, in any Township, Parish, or Place, in which any Part of the said
Roads

Roads is situate, or in any adjoining Township, Parish, or Place, (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners or Occupiers of the Ground and Premises where and from whence the same shall be cut, dug, gotten, gathered, and taken or carried away, or over which the same or any other Materials for repairing the said Roads shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees, or any Five or more of them, shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County, City, or Place in which the said Roads, or any of them, do lie, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons, under the Authority of the said recited Acts or this Act, to dig, gather, get, take or carry away any Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Ten Days Notice in Writing, signed by such Surveyor, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County, City, or Place where such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice but shall not show sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justices or any other Two Justices of the Peace for the said County, City, or Place, by their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather, take and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent had attended; any thing in the said recited Acts contained to the contrary notwithstanding.

Notice to be given to Occupiers of inclosed Lands before Materials are taken therefrom.

XXX. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall have been dug or gathered for the Purpose of repairing or improving the said Roads, or any of them, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Ten Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his or her own private

Penalty on taking away Materials got by the Surveyor.

[Local.]

4 F

Use

Use only, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

In altering the Course of the Road, Trustees not to deviate more than One hundred Yards from the present Line except, &c.

XXXI. And be it further enacted, That it shall not be lawful for the said Trustees in diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads, to deviate more than One hundred Yards from the present Line or Course thereof, (except as next herein-after mentioned,) without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration, any thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Power for the Trustees to divert a Part of the present Road from Chester to the Woodside Ferry.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to alter the present Line of the said Road leading from the said City of *Chester* to the *Woodside Ferry* aforesaid, by diverting and turning the same from, at, or near the before-mentioned Dwelling House in the said Township of *Tranmere*, belonging to Sir *John Grey Egerton* Baronet, and in the Occupation of *Martha Naylor*, over Lands within the same Township, and in the Parish of *Bebington* in the said County of *Chester*, belonging to *Daniel Orred* Esquire, *John Carter* Yeoman, *George French* and *Charles Price*, Esquires, the Trustees of *John Chamberlain* Esquire, deceased, and *Thomas Ellis* and *Thomas Higgins* respectively; and now or late in the respective Occupations of *William Preeon*, *Joseph Sidley*, the said *John Carter*, *Ann Boden*, *William Coward*, *Thomas Higgins*, *John Davies*, the said *Thomas Ellis* and *Thomas Higgins*, and *George French*, so as to communicate with and again fall into the existing Road at or near the Southern End of the present Embankment across *Birkenhead Pool* in the same County; for the Purchase of which said Lands and Hereditaments herein-before mentioned and described, or of such Part or Parts thereof respectively as the said Trustees or any Five or more of them shall think necessary to be made use of for the Purpose aforesaid, it shall and may be lawful for the said Trustees, or any Five or more of them, or any Person authorized by them, or any Five or more of them, to treat, contract and agree with the Owners, Proprietors, and Occupiers thereof, and Persons entitled thereto and interested therein respectively, in such Manner, and under the same Powers and Provisions as are given and granted in and by the said first recited Act of the Twenty-seventh Year of the Reign of His late Majesty, for ascertaining and settling the Value of any Lands or Hereditaments, (not being Common or Waste Land,) to be taken and made use of for the Purposes thereof.

Old Road may be given up when new Road made.

XXXIII. And be it further enacted, That when and so soon as the said Trustees shall have caused such intended Alteration and Diversion of the said Road to be made and completed fit for the Passage of Cattle, Carts, and Carriages along the same, then and in such Case the said Trustees or any Five or more of them may and they are hereby authorized and empowered to discontinue as a Turnpike Road the present Line of the said Road from the said Dwelling House belonging to the said Sir *John Grey Egerton*, and in the Occupation of the said *Martha Naylor*, to or near the Southern End of the Embankment across *Birkenhead Pool* aforesaid, and to surrender and give up the same Part of the said present Road to the

the said Township of *Tranmere*, which shall from thenceforth be repaired and maintained by that Township, as other Roads and Highways within the same Township are or ought by Law to be repaired and maintained.

XXXIV. And whereas a Map or Plan, describing the Line of the said intended Alteration and Diversion of the said Road, and the Lands or Grounds through which the same is proposed to be made or carried, together with a List of the Names of the Owners or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the Office of the Clerk of the Peace for the said County of *Chester*; be it therefore enacted, That the said Map or Plan; and List of Owners and Occupiers, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace a reasonable Compensation for making such Copies or Extracts; and that the said Trustees in making the said intended Alteration and Diversion shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made, first had and obtained.

Plan deposited at the Office of the Clerk of the Peace for the County of *Chester*, to remain there for Inspection, &c.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said intended Road into, through, across, or over the several Lands and Premises of any Person or Persons who is or are or may be Owner or Owners, or Occupier or Occupiers of Lands and Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands, or Premises, or the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or misstated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Chester*; and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to make the Road conformably to such Plan, &c. notwithstanding Errors.

XXXVI. Provided also, and be it further enacted, That the Powers and Authorities given by the said recited Acts, or either of them, or by this Act, shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, 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, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are expressly mentioned in the said recited Acts, and this Act, some or one of them; but nothing herein contained shall extend or be construed to extend to protect any Encroachments upon the said Roads, or any Part thereof, by any Dwelling House or other Building, Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees.

Houses, &c. not to be injured.

XXXVII. And

Trustees to
take certain
Premises for
the Use of
the Roads.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons by their Order or Appointment, acting in the Execution of the said recited Acts and this Act, or any of them, to take down, take in, remove and vary the several Buildings, Gardens, Lands, and Premises herein-after particularly specified, and to lay the Sites thereof into the said Roads; (that is to say) the South-west End or Corner, of a certain Barn appurtenant to a Messuage situate in the Township of *Backford*, in the said County of *Chester*, belonging to *Birkenhead Glegg* Esquire, a Major General in His Majesty's Army, and in the Occupation of *Joseph Waring*; a Swine Court and Shippons, and Part of a Fold, or Yard appurtenant to a Messuage situate in the Village and Township, of *Brombrough*, in the said County of *Chester*, belonging to *James Mainwaring* Esquire, and in the Occupation of *John Hankinson*; a Blacksmith's Shop and Yard situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *John Anglesey*; a Shippon, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Thomas Humphreys*; a Dwelling House, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Ann Crimes* Widow; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring* and in the Occupation of *William Venables*; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *John Worrall*; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *John Briscoe*; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *James Brandreth*, and Parts of a Plantation and Garden situate in *Brombrough* aforesaid, belonging to and occupied by the said *James Mainwaring*; also a Dwelling House, Barn, and Shippon situate in *Brombrough* aforesaid, belonging to *Thomas Briscoe*, and in the Occupation of *Henry Fletcher*; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *Thomas Briscoe*, and in the Occupation of *James Millington*; another Dwelling House, and the Shippons adjoining, situate in *Brombrough* aforesaid, belonging to and occupied by *John Anglesey*; another Dwelling House, and the Yard adjoining, situate in *Brombrough* aforesaid, belonging to and occupied by *Elizabeth Scholfield* Widow; also a Dwelling House, Shippon, and Yard, situate in *Brombrough* aforesaid, belonging to *Peter Woodward*, and in the Occupation of *John Mort*; a Dwelling House, Barn, Stable, Shippons, Swine Court, Fold, or Yard, Garden and Croft, situate in *Brombrough* aforesaid, belonging to and occupied by *John Tyson*; a Garden or Orchard, and Cartshade appurtenant to a Messuage or Farm-house, situate in *Brombrough* aforesaid, belonging to *John Glegg* Esquire, and in the Occupation of *Samuel Williams*; also a Garden, Wash-house, Brewhouse, and Workshop, appurtenant to a Messuage situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Thomas Warrington*; a Dwelling House and Garden, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *James Johnson*; another Garden appurtenant to the said Messuage or Farm-house, situate in *Brombrough* aforesaid, belonging to the said *John Glegg*, and in the Occupation of the said *Samuel Williams*; a Dwelling House and Shippon, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in

the Occupation of *Elizabeth Ollerhead*; another Dwelling House, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Jonathan Bell*; another Dwelling House situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Jane Bell* and *Hannah Anglesey*; another Dwelling House, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Mary Woodward* and *Daniel Taylor*; another Dwelling House, situate in *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of the aforesaid *John Hankinson*, and a Barn, Shippon, and Stable, and Part of a Fold or Yard appurtenant to the said Messuage or Farm House situate in *Brombrough* aforesaid, belonging to the said *John Glegg*, and in the Occupation of the said *Samuel Williams*; also Two Gable Ends of a stone-built Messuage or Dwelling House, and the Curtilage in Front thereof, situate at the North End of the Village of *Brombrough* aforesaid, belonging to the said *James Mainwaring*, and in the Occupation of *Thomas Briscoe*; a Garden, situate in the Township of *Lower Bebington*, in the said County of *Chester* (formerly *Yeung's*) belonging to *Joseph Green* Esquire, and in the Occupation of *John Sutton*; Three Dwelling Houses, situate in *Lower Bebington* aforesaid, belonging to the said *Joseph Green*, and in the holding of the Overseers of the Poor of the Township of *Lower Bebington* aforesaid; another Dwelling House situate in *Lower Bebington* aforesaid, belonging to the said *Joseph Green*, and in the Occupation of *George Parry*; a Blacksmith's Shop situate in *Lower Bebington* aforesaid, belonging to the said *Joseph Green*, and in the Occupation of *Michael Aspinall*; and a Shippon and Barn, situate in *Lower Bebington* aforesaid, belonging to the said *Joseph Green*, and in the Occupation of *John Waring*; also Part of a Garden, situate in the Township of *Tranmere*, in the said County of *Chester*, belonging to the said Sir *John Grey Egerton*, and in the Occupation of the said *Martha Naylor*, and a Yard and Garden, or Orchard, situate in *Tranmere* aforesaid, belonging to the said *Daniel Orred*, and in the Occupation of *Thomas Cartwright*, as Undertenant to *George Taylor*, the Lessee or Tenant thereof under the said *Daniel Orred*; also a Shippon and Barn, situate in the Township and Market Town of *Great Neston* aforesaid, belonging to Sir *Thomas Mostyn* Baronet, and in the Occupation of *John Mealor*, as Undertenant to *Joseph Lyon* Esquire, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; a Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *Phæbe Stanley*, Widow, as Undertenant to the said *Joseph Lyon*, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; another Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *William Quigley*, as Undertenant to the said *Joseph Lyon*, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; another Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *William Coventry*, as Undertenant to the said *Joseph Lyon*, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; another Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *James Crompton*, as Undertenant to the said *Joseph Lyon*, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; another Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *William Pritchard*; another Dwelling House,

[Local.]

4 G

situate

situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn* and in the Occupation of *William Maddock*; another Dwelling House situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn* and in the Occupation of *Watkin Fawiger*; another Dwelling House, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *Thomas Kent*, as Undertenant to *Richard Hughes* the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; a Corner of a Fold or Yard, situate in *Great Neston* aforesaid, belonging to and in the Occupation of *John Pinnington*; Part of a Fold or Yard, and a Cart-house and Shippon, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of the said *John Mealor*, as Undertenant to *Hannah Coventry*, Widow, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; Part of a Garden, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn* and in the Occupation of *George Griffiths*, as Undertenant to *Mary Cubbin*, Widow, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; Part of another Garden situate in *Great Neston*, aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *Samuel Williams*, as Undertenant to the said *Hannah Coventry*, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; Parts of a Garden and Croft, situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the several Occupations of *Joseph Gardiner* and the Representatives of *James Bankes*, lately deceased, as Undertenants to *Thomas Cottingham* Esquire, the Lessee or Tenant thereof under the said Sir *Thomas Mostyn*; and a Shop situate in *Great Neston* aforesaid, belonging to the said Sir *Thomas Mostyn*, and in the Occupation of *John Brownsworth*; for the Purchase of which said Dwelling Houses, Buildings, Gardens, Lands, and Premises hereinbefore mentioned and described, or of such Part or Parts thereof respectively as the said Trustees, or any Five or more of them, shall think necessary to be made use of for the Purposes of the said recited Acts and this Act, or any of them, it shall and may be lawful for the said Trustees, or any Five or more of them, or any Person authorized by them, or any Five or more of them, to treat, contract, and agree with the Owners, Proprietors and Occupiers thereof, and Persons entitled thereto and interested therein respectively, in such Manner, and under the same Powers and Provisions as are given and granted in and by the said first recited Act of the Twenty-seventh Year of the Reign of His late Majesty, for ascertaining and settling the Value of any Lands or Hereditaments (not being Common or Waste Land) to be taken and made use of for the Purposes thereof.

In case of
not making
out Titles;

or if Persons
cannot be
found;

Purchase
Money to be
paid into the
Bank of Eng-
land;

XXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of the said recited Acts or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case the Person or Persons to whom any such Sum or Sums of Money shall be awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account

to

to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery, on Motion or Petition.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, for the Purchase of any Lands or Hereditaments, or of any Estate, Right or Interest, in any Lands or Hereditaments to be purchased in pursuance of the said recited Acts or of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank, the Person in Possession of the Land, &c. at the Time of the Purchase, deemed entitled thereto.

XL. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court of Chancery may order reasonable Expences of Purchase to be paid by the Trustees.

XLI. And

For prevent-
ing Nuisances
on the Roads.

XLI. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, or any of them, or shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to graze or be and remain loose on the said Roads, or any of them, or on any Footway or Path on the Side or Sides thereof, or shall cause or occasion any Damage to be done to any such Footway or Path, or to any Posts or Rails on the Sides of any Part of the said Roads; or if any Person driving any Pigs or Swine upon the said Roads, or any of them, shall suffer them to root up or damage the same, or the Hedges or Fences on either Side thereof; or if any Person driving any Waggon, Wain, Cart, or other Carriage, shall ride on the Shafts or other Part of such Waggon, Wain, Cart or other Carriage, or on any of the Horses drawing the same; or if any Person driving or having the Care of any Coach, Chaise, or other such like Carriage, upon the said Roads or any of them, shall drive the same without being seated on the Outside of such Coach, Chaise, or other Carriage, or without holding the Reins; or if any Person driving or having the Care of any Carriage whatsoever, and meeting another Carriage shall not keep his or her Carriage on the Left or Near Side of the said Roads, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care upon the said Roads or any of them; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Sixty Feet of the Centre of the said Roads or any of them, or play at Football or any other Game or Games on the said Roads or any of them, or on any Part or Parts thereof, or on any Footway or Path adjoining thereto, to the Annoyance of any Passenger or Passengers; or if any Person or Persons shall leave any Waggon, Wain, Cart or other Carriage, (except in Cases of Accident) upon or on the Side of the said Roads or any of them, without a proper Person in the Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading thereof as near to the Side of the said Roads as conveniently may be, either with or without any Horse or other Beast of Draught harnessed or yoked thereto; or if any Person, after having blocked any Waggon, Wain, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Roads, or any of them, the Stone or other Matter or Thing used in such blocking; or shall plough, dig, or break up any of the Soil within Twenty Feet of the Centre of the said Roads or any of them, or shall scrape off any Soil or other Thing from the said Roads, or the Side or Sides thereof, or shall take up or carry away any Scrapings thereof, without Leave of the said Trustees, or any Five or more of them, or their Surveyor or Surveyors; or if any Person or Persons shall wilfully commit any other Nuisance or Annoyance upon the said Roads or any of them, or on the Side or Sides thereof, every Person offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety or Half Part whereof shall be allowed to the Informer, and the other Moiety shall be applied for and towards the Purposes of the said recited Acts and this Act.

Gates to
Fields to open
inwards.

XLII. And be it further enacted, That all and every Gate and Gates, Door and Doors, to be hereafter placed in any Field or Ground, or to any Erection or Building adjoining any Part of the said Roads, shall be made

made and hung to open and swing inward towards such Field or Ground, Erection or Building, and not outward towards or into the said Roads; and it shall be lawful for any Five or more of the said Trustees to order all such Gates and Doors as are now erected or may hereafter be erected, and open and swing outward towards or into the said Roads or any of them, to be altered, and made to open and swing inward, as they the said Trustees, or any Five or more of them, shall think proper; and if any Occupier or Occupiers of such Field or Ground, Erection or Building, upon or belonging to which any Gate or Gates, Door or Doors, is or are or shall be constructed, so as to open and swing outward towards the said Roads, or any of them, shall (after Ten Days Notice from the Surveyor of the said Roads, or any of them, requiring him, her, or them, to alter any such Gate or Gates, Door or Doors, and make the same to open and swing inward), refuse or neglect to make such Alteration, or after such Alteration shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XLIII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Toll Houses, and Buildings, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

An Action of Ejectment may be supported by one Mortgagee.

XLIV. Provided always, and be it further enacted, That all Acts, Orders, Proceedings, Matters and Things whatsoever, which in and by the said recited Acts and this Act, or any or either of them, are directed to be heard, determined, made, done or executed by or before any Justice or Justices of the Peace, shall be heard, determined, made, done and executed by or before some Justice or Justices of the Peace, for the County, City, or Place in which the Offence shall be committed, or within whose Jurisdiction the Matter, Cause, or Thing in question shall happen to be or arise; and that all Appeals directed by the said Acts, or either of them, to be made to Justices of the Peace at their General Quarter Sessions, shall be made to and heard and determined by the Justices of the Peace, at the General Quarter Sessions of the Peace to be holden for the County, City, or Place in which the Matter of Appeal shall arise; and that all Commitments to be made by any Justice or Justices, or by any Five or more of the Trustees of the said Roads, by virtue of the said recited Acts and this Act, or any of them, shall be to the Common Gaol or House of Correction of the County, City, or Place in which the Offence shall arise; any thing in the said recited Acts, or either of them contained, to the contrary notwithstanding.

Justices to act within their own Jurisdictions.

[*Local.*]

4 H

XLV. And

XLV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any of them, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County, City, or Place in which the said Roads or any of them do lie, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads respectively lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest), and on such Parts of the said Roads, as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices also shall and may order and direct the Persons who by such Lists shall be subject or liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of the Highways of such respective Parishes or Places to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said Acts, or either of them, authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees), shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts,
Horse

Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Fines, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, or any of them, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, in such and the same Manner as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to pay over such Composition Money, or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, paid, and applied in such and the same Manner as Penalties are by the said recited Acts directed to be levied, recovered, paid, and applied.

XLVI. And be it further enacted, That if any Horse or Horses, Ass or Asses, Cattle or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Roads, the Owner or Owners of such Horse or Horses, Ass or Asses, Cattle or Swine, shall respectively forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be recovered in such Manner as other Penalties by the said recited Acts, or either of them, are directed to be recovered and levied; and the Surveyor or Surveyors of the said Roads, or any of them, and all and every other Person and Persons, is and are hereby authorized to cause all such Horse or Horses, Ass or Asses, Cattle or Swine, as shall be found wandering or depasturing upon the said Roads, or any of them, or on the Sides thereof, to be impounded until the Complaint against the Owner or Owners thereof can be heard before some One of His Majesty's Justices of the Peace, acting for the County, City, or Place wherein such Offence shall happen to be committed, or until the Owner or Owners of such Horse or Horses, Ass or Asses, Cattle or Swine, shall pay the said Penalty; which said Penalty shall be applied towards the repairing of the said Roads, and to or for no other Purpose whatsoever.

To impound
Cattle found
wandering on
the Roads.

XLVII. And whereas Offences may be committed against the said recited Acts and this Act, some or one of them, by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put the same Acts into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the

For securing
transient
Offenders.

the

the County, City, or Place, or near to the Place where the Offence or Offences shall be committed, to be dealt with according to Law, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Trustees may
reward
Informers.

XLVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, if they shall see cause, to pay and apply such Part, not exceeding One Moiety, of any Penalties, Forfeitures, and Fines by the said recited Acts and this Act, any or either of them, inflicted or authorized to be imposed (other than and except such as by the said Acts, any or either of them, are otherwise particularly directed to be applied) to and for the Use of the Informer or Informers, or any Person or Persons taking or seizing or assisting in taking or seizing any Offender or Offenders against the said recited Acts and this Act, or any or either of them.

Expences of
the Act to be
first dis-
charged

XLIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall immediately after the passing thereof, and in preference to all other Payments whatsoever, be paid and discharged by the said Trustees, or any Five or more of them, out of any Money which hath arisen by virtue of the said recited Acts or either of them, or out of the first Monies which shall arise by virtue thereof, and of this Act, or out of any Money borrowed or to be borrowed on the Credit thereof respectively.

Public Act.

L. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term and
Continuance
of the Act

LI. And be it further enacted, That the Term granted and continued by the said recited Acts, shall, from and after the said First Day of *September* next, cease and determine; and that the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act, shall commence, 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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