



ANNO DECIMO

# GEORGIIV. REGIS.

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## *Cap. lxxvii.*

An Act for making and maintaining a Turnpike Road  
between the Town of *Tarporley* in the County  
Palatine of *Chester* and the Town of *Whitchurch*  
in the County of *Salop*. [22d May 1829.]

**W**HEREAS the making and maintaining of a Turnpike Road  
between the Towns of *Tarporley* in the County Palatine  
of *Chester* and *Whitchurch* in the County of *Salop*, com-  
mencing in the Township of *Tiverton* in the Parish of *Bunbury* in  
the said County Palatine, in a certain Village or Hamlet called the  
*Four Lane Ends*, at a Public House there known by the Sign of the  
*Crown*, now in the Occupation of *William Beckett*, and extending  
(amongst other Places) through *Beeston*, *Cholmondeley*, and *Wirswall*,  
in the said County Palatine of *Chester*, and *Hinton* and *Whitchurch*  
in the said County of *Salop*, unto and into the Town of *Whitchurch*  
aforesaid, to the Side of the *Chester* and *Whitchurch* Turnpike Road,  
at a Messuage or Dwelling House in the said Town of *Whitchurch*  
belonging to *Samuel Worthington* Esquire, heretofore used as a  
Public House and known by the Sign of the *Black Lion*, will be a  
great Advantage and Convenience to the Owners and Occupiers of  
Estates and Residents within the several Places or Districts through  
which the said Road will pass, and to the adjacent Country, and will  
greatly facilitate the Communication by materially shortening the  
Distance between the Town of *Manchester* in the County Palatine  
of *Lancaster* and the Borough of *Shrewsbury* in the County of *Salop*,  
and will also be of great public Utility; but the same cannot be

[*Local.*]

22 K

effected



Appointment  
of Trustees.

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 all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Chester* and for the County of *Salop* respectively, together with the Right Honourable *William Henry Hugh Cholmondeley* commonly called Lord *William Henry Hugh Cholmondeley*, the Reverend Sir *Philip Grey Egerton* Baronet, Sir *Thomas Mostyn* Baronet, Sir *Thomas Stanley Massey Stanley* Baronet, Sir *Rowland Hill* Baronet, Sir *William Weller Pepys* Baronet, Sir *Andrew Corbet* Baronet, Sir *Richard Puleston* Baronet, *Samuel Aldersey*, *John Armstrong*, *Ralph Arderne*, *Thomas Alstone*, *Thomas Boycott*, *William Brookes*, *Robert Bailey*, *George Bowen*, *Richard Barker*, *Thomas Bate*, *William Butler*, *William Wycherley Brookes*, *James Bromfield*, *William Cotton* Clerk, *Charles Clarke*, *Lynch Sidney Cotton*, *Thomas Charlton Clutton*, *William Currie* Clerk, *Richard Vincent Corbet*, *George Corser*, *William Churton*, *Thomas James Campbell* Clerk, *Richard Done*, *John Done* of *Broxton*, *John Downes*, *James Done*, *Roger Dutton*, *John Whitehall Dod*, *Broughton Dod*, *Richard Egerton*, *Philip De Malpas Egerton*, *John Egerton* Clerk, *John Edwards*, *John Earlam*, *John Gregory*, *James Green*, *Robert Higginson*, *John Harding*, *Jonathan Hill*, *Philip Humberston*, *Joseph Hassall*, *Thomas Hough*, *David Jenks* Clerk, *William-Jones*, *Robert Neville Johnson*, *John Johnson*, *John Hurleston Leche*, *Joseph Lee*, *Joseph Lee* the younger, *Robert Law* Clerk, *John Lowe*, *Benjamin Lukin*, *James Large*, *John Meredith*, *Richard Massie* Clerk, *Richard Massie* the younger, *John Naylor*, *Richard Nunnerley*, *Robert Bulkeley Orton*, *Thomas Orton*, *John Oldershaw* Clerk, *Richard Powdrell*, *Richard Puleston*, *Domville Halsted Cudworth Poole*, *John Poole* Clerk, *Henry Potts*, *Charles Potts*, *William Rowe*, *Samuel Rowe*, *James Ruscoe*, *Charles Samuel Robert Sandford*, *James Sedgwick*, *Samuel Sproston*, *Richard Sutton*, *Admiral Jervis Tollemache*, *John Jervis Tollemache*, *Thomas Tarleton*, *Henry Tomkinson* Clerk, *Daniel Vawdrey*, *John Barnes Watson*, *Rowland Egerton Warburton* Clerk, *John Williams*, *John Woolrich*, *John Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for putting this Act in execution.

Power to  
appoint  
additional  
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified, not exceeding Five in the whole, in addition to the Trustees herein named and appointed, to be Trustees for the Purposes of this Act ; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Meetings of  
Trustees.

III. And be it further enacted, That the First Meeting of the Trustees for executing this Act shall be held at the *Cholmondeley Castle Inn*, in the Township of *Cholmondeley* in the said County Palatine



Palatine of *Chester*, or at some other convenient House or Place on or near that Part of the intended Line of Road which lies in the said County Palatine of *Chester*, on the Fourth *Wednesday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon; and the said Trustees shall then and there proceed to carry this Act into execution, and shall then and from Time to Time afterwards adjourn to and meet at such Time and Place or Times and Places on the Line or in the Neighbourhood of the said Road as they may think proper.

IV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make the said Road herein-before described upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen from Time to Time by Order of the said Trustees, to enter upon the Lands and Premises or Hereditaments through or over which or whereupon such Roads, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees to set out and make the Road.

V. And whereas a Map or Plan describing the Line of the said Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at each of the Offices of the Clerks of the Peace for the said several Counties of *Chester* and *Salop*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof or therefrom at their Will and Pleasure, paying the said Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of

Map or Plan deposited at the Offices of the Clerks of the Peace to remain there and be open to Inspection.

Road not to deviate more than 100 Yards, without Consent.

of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Misnomers not to prevent the Execution of this Act.

VI. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises to be taken and used for the Purposes of this Act shall happen not to be described in the said Maps or Plans and Books of Reference, or any of the Owners or Occupiers of the same, or any of the Lands, Houses, Buildings, or other Premises described in the said Maps or Plans and Books of Reference, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the same had been accurately described in the said Maps or Plans and Books of Reference respectively, and as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named; provided it shall appear to any Two or more Justices of the Peace acting for the County or Place in which such Lands, Houses, Buildings, or other Premises which have been so omitted, misnamed, or inaccurately described lie, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands, Houses, Buildings, or other Premises had Notice that the same would be wanted for the Purposes of this and the said Acts.

Limiting the Time within which the Trustees may purchase Buildings, &c.

VII. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years (to be computed from the passing of this Act), agree for or cause to be valued and paid for in manner directed by the said Acts, some or one of them, the several Messuages, Cottages, and other Buildings, Gardens, Yards, Plantations, Hereditaments, and Premises in the Schedule to this Act annexed, which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this and the said Acts, then and from thenceforth the Powers which are hereby given them for such Purpose only shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Trustees may erect Toll Gates, &c.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, to erect and set up, or cause to be erected and set up, such and so many Turnpikes, Toll Gates, and Toll Bars in, upon, or across the said Road by this Act authorized to be made and maintained, or in, upon, or across any Part or Parts thereof, or at the Commencement or End thereof, or at, upon, or near the Side or Sides thereof, or at or near the End or Opening of any Lane or Way leading into or out of the said Road, as they shall think proper, and from Time to Time to remove, take



take away, or alter the Situation of the same, or any of them, and to erect another or others in the Room or Stead thereof, or to discontinue the same, as the said Trustees shall deem expedient; and also to erect and provide so many Toll Houses, with suitable Out-houses and other Conveniences, and to take in and inclose from the Sides of the said Roads, or from the Lands adjoining the same, such suitable Garden Spots for the same respectively, (not exceeding One Eighth Part of a Statute Acre to each Toll House,) and to erect and set up so many Weighing Machines at or near each and every or any of such Toll Houses, as to the said Trustees shall seem proper or expedient.

IX. And be it further enacted, That it shall be lawful for the said Trustees, or any Collector or Collectors or other Person or Persons acting under the Authority of the said Trustees, to demand and take, at each and every of the Turnpikes, Toll Gates, and Toll Bars which shall be erected or set up, in, upon, or across the said Road, or any Part or Parts thereof, or at the Commencement or End thereof, or upon or near the Side or Sides thereof, the several and respective Tolls following; (that is to say,) Power to take Toll.

For every Horse or other Beast drawing any Coach, Stage Coach, Chaise, Chariot, Landau, Sociable, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig, or Chair, or other such like Carriage, any Sum not exceeding Nine-pence: Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Tumbrel, Drag, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, Drag, Bone Mill, Thrashing Machine, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches and not less than Four Inches and a Half, any Sum not exceeding Eight-pence:

For the Horse or other Beast drawing any Four-wheeled Chaise, Gig, Chair, or other such Four-wheeled Carriage drawn only by One Horse or other Beast, any Sum not exceeding One Shilling:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Penny: And, for every Calf, Swine, Sheep, or Lamb, the Sum of One Half-penny:

And in all Cases where there shall be a fractional Part of a Half-penny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse or other Beast, Cattle or Carriage whatsoever, shall be permitted to pass through any such Turnpike, Toll Gate, or Toll Bar, and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed. Tolls vested in Trustees.



Limiting the  
Number of  
Tolls to be  
taken.

X. Provided always, and be it further enacted, That no more than Two full Tolls in the whole (except as herein-after mentioned) shall be demanded or taken for or in respect of the passing or repassing of any Horse, Beast, Cattle, or Carriage the same Day, (such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night,) through all the several Toll Gates or Turnpikes to be erected upon the said Road.

Tolls to be  
paid but once  
a Day.

XI. And be it further enacted, That if any Person or Persons shall have paid the full Toll hereby authorized to be taken for or in respect of any Horse, Cattle, Beast, or Carriage, through any of the Turnpikes, Toll Gates, or Toll Bars maintained and supported by virtue of this Act, such Horse, Cattle, Beast, or Carriage (except Horses or other Beasts drawing any Stage Coach, Van, Caravan, Stage Waggon, or other Stage Carriage, or any Post Chaise or other such like Carriage let out to Hire, when any new Hiring thereof shall be made,) shall, upon a Ticket denoting the Payment thereof for that Day being produced, (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and on which Ticket shall be named and specified the Gate and Gates at which the same shall have been paid, and also the Gate and Gates (if any) freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Turnpike, Toll Gate, or Toll Bar, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage  
Coaches, &c.  
to pay each  
Time of  
passing.

XII. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying or conveying Passengers or Goods for Pay, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day (to be computed as aforesaid) through the same Turnpike, Toll Gate, or Toll Bar, the Tolls hereby made payable shall be paid for every Time of passing and repassing through such Turnpike, Toll Gate, or Toll Bar, in like Manner as if no Toll had been before paid thereat; and the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day (to be computed as aforesaid) as often as a fresh Hiring thereof shall take place.

Post Chaises,  
&c. to pay  
every Time of  
new Hiring.

One Horse  
Carts may be  
weighed.

XIII. And be it further enacted, That all Carts passing along the said Road, drawn by One Horse only, shall and may be weighed at any Weighing Machine to be erected on the said Road, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall



be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

XIV. And be it further enacted, That out of the Monies already subscribed or advanced for the Purpose of making the said Road, or which shall be borrowed on the Credit of the Tolls granted by this and the said Acts, the said Trustees shall in the first place, and in preference to all other Payments whatsoever, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing this Act, with lawful Interest on any Sum or Sums of Money which shall be advanced for that Purpose, and the Remainder of all such Monies shall be applied in defraying the Expences of making the said Road, building any Bridges and other necessary Works, and in purchasing Lands, Hereditaments, and Materials for that Purpose, and in erecting, making, or providing Turnpikes, Toll Gates, Toll Bars, Weighing Machines, and Toll Houses, with Lamps, Lights, Outhouses, and Conveniences thereto as aforesaid, and all other Matters and Things necessary or requisite for carrying the Purposes of this Act and the said Acts into full and complete Execution; and after Payment of all such Expences, the Residue (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this and the said Acts granted, and all other Monies which shall come to the Hands of the said Trustees, shall from Time to Time be applied, first, in paying and keeping down the Interest of the Monies borrowed on the Credit of this Act, and in the next place in maintaining, amending, and keeping in repair the said Road, and the Turnpikes, Toll Gates, Toll Bars, Weighing Machines, Toll Houses, Outhouses, Lamps, and other Conveniences aforesaid, and in otherwise putting this Act and the said Acts into execution, and in repaying the Principal Monies borrowed by virtue thereof, and to or for no other Use or Purpose whatsoever, except as next herein-after mentioned.

Application  
of Monies  
borrowed,  
and of the  
Tolls.

XV. And be it further enacted, That it shall be lawful for the said Trustees, when and as they shall judge necessary, to set apart such annual Sum, not being less than Twenty Pounds, as they shall think proper (the Interest to the several Creditors or Mortgagees having been first paid and discharged) during the Continuance of this Act, to be appropriated and paid out of the Tolls to arise at the several Toll Gates on the said Road, towards the gradual Payment of the Principal Sum or Sums of Money already or hereafter to be borrowed, in such Manner as the said Trustees shall from Time to Time think proper and expedient.

Trustees em-  
powered to  
set apart a  
Sum for the  
gradual Pay-  
ment of the  
Principal.

XVI. 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.

Public Act.

XVII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-  
ment and  
Continuance  
of this Act.

The

The SCHEDULE referred to by the foregoing Act.

County.	Townships.	Owners.	Occupiers.	Description.
Chester -	Beeston -	John Earlam -	Samuel Fitton -	Garden.
Ditto -	Bunbury {	Admiral Tolle- mache - - }	John Vickers -	Part of a Garden.
Salop -	Whitchurch {	Samuel Worth- ington, Esquire }	William Wycher- ley - - }	Cottage and Garden.

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