



ANNO NONO

# GEORGII IV. REGIS.

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## Cap. lxxi.

An Act for more effectually repairing and maintaining the Road from the City of *Chester* to the Town of *Frodsham* in the County of *Chester*, and from the said Town of *Frodsham* to *Ashton Lane End* in the same County. [23d May 1828.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, and keeping in repair the Road from Flookersbrook Bridge, within the Township of Newton, near Chester, to the South End of Wilderspool Causeway, and from the Market Town of Frodsham to Ashton Lane End, in the Township of Ashton in the County of Chester*: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act passed in the Twenty-sixth Year of His present Majesty, for amending the Road from Flookersbrook Bridge to the South End of Wilderspool Causeway, and from the Town of Frodsham to Ashton Lane End, in the County of Chester, so far as respects the Chester District of the said Roads, and for extending the same from the present Termination thereof at Flookersbrook Bridge aforesaid, to the North End of Cow Lane Bridge in the City of Chester, and for making a new Road from such proposed Extension to the said Road to the North End of Queen Street in the same City*: And whereas the Trustees appointed by the several before-

26 G. 3.  
c. 139.

47 G. 3.  
Sess. 2. c. 16

[Local.]

17 R

mentioned



mentioned Acts have proceeded to put the said Acts into Execution so far as respects the *Chester* District of the said Roads, and have borrowed considerable Sums of Money upon the Credit of the Tolls arising upon the same District, which still remain due; and the said Roads cannot effectually be amended and kept in repair, nor can the several Sums of Money so borrowed and owing, and the Interest thereof, be paid, unless the Term granted by the said several Acts in respect of the said District be further continued, the Powers and Provisions altered and enlarged, and the Tolls increased: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Soles, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas it would be more convenient that the said Two several hereinbefore recited Acts of the Twenty-sixth and Forty-seventh Years of the Reign of His late Majesty King George the Third, so far as the same relate to the said *Chester* District of Road, should be repealed, and other and more effectual Powers granted and Provisions made for repairing, widening, and improving the Road within the said District; and that the Powers, Provisions, Exemptions, Penalties, and Remedies of the said several recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, or such and so many of them as remain in force and unrepealed, and are not varied or repealed by this Act, should be applicable and effectual for carrying this Act into Execution: 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 upon the Fourth Thursday next after the passing of this Act the said recited Acts of the Twenty-sixth and Forty-seventh Years of the Reign of His late Majesty King George the Third, so far as the same relate to the *Chester* District of the Roads therein mentioned, shall be and the same are, hereby respectively repealed, and instead thereof this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in repair the said District of Road, extending from the North End of *Flockersbrook* Bridge aforesaid, to the Town of *Frodsham* aforesaid, in the County of *Chester*, and from the same Town to *Ashton Lane End* aforesaid.

Recited Acts  
of 26 and  
47 G. 3.  
repealed, and  
this Act to  
be put into  
Execution in  
lieu thereof.

II. And



II. And be it further enacted, That the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of the General Turnpike Act extended to this Act.

III. And be it further enacted, That this Act, and the Term, and Tolls hereby granted or authorized to be taken, shall be and they are hereby made respectively subject and liable to the Payment of all Monies which have been borrowed and are now respectively due and owing on the Credit of the Tolls authorized by the recited Acts of the Twenty-sixth and Forty-seventh Years of the Reign of His late Majesty King *George* the Third, or either of them, to be taken at all or any of the Toll Gates and Side Gates and Chains erected or to be erected upon and across or by the Sides of any Part of the said Roads by this Act directed to be made, widened, improved, and kept in repair, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act, and authorized to be taken upon such Roads respectively; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed into Execution, so far as the same relate to the *Chester* District therein described as aforesaid, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

New Term and Tolls liable to the former Debts, &c.

IV. And be it further enacted, That all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees for carrying the said recited Acts hereby repealed into Execution, or to or with their Clerk or Treasurer, or any other Person or Persons, on behalf of the said Trustees, according to the Provisions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Contracts or Agreements duly made or entered into by the said Trustees, or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not expressly altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms and Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

Bonds, &c. to continue in force.

V. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees in the Execution

Books used under former Act to be Evidence



under this  
Act.

Books, &c.  
relative to  
former Acts  
to be deli-  
vered to  
Trustees  
under this  
Act.

Trustees.

cution of the said Two first-recited Acts, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions, whatsoever, in such and the same Manner as if the said Two first-recited Acts had not been repealed.

VI. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the Roads by this Act directed to be widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for, and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and this Act are by the said recited Act of the Fourth Year of the Reign of His present Majesty required to pay, or account for, the same.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the County of Chester, together with the County of Chester, together with the Honourable Richard Grosvenor commonly called Lord Viscount Balmore, the Honourable Henry Cholmondeley commonly called Lord Henry Cholmondeley, the Honourable Robert Grosvenor, the Honourable George Bridgman, the Honourable Edward Massey, Sir Thomas Mostyn, Baronet, Sir Richard Brooke Baronet, Sir Mathew Williams, Wynn, Baronet, Thomas Ashton, William D.D. George Blomfield Clerk, Thomas Brooke, Roger Barnston, Roger Henry Barnston, Samuel Blittain, Robert Brittain, William Walter Brittain, Thomas Bagnall, Samuel Nevill, Robert Barker, Samuel Burgess, Sir John Cotgreave Knight, Titus Chaloner, Lynch Sydney Cotton, John Clarke Clerk, Thomas Dixon, James Dixon, Dean (of Thornton), Joseph Edmondson, Thomas Evans, Thomas Edwards Clerk, John Edwards, Thomas Francis, John Fletcher, Thomas Fluit, Thomas Grosvenor, Joseph Grace, George Brydges Granville, Booth Grey, Birkenhead Glegg, Baskerville Glegg, Lieutenant Colonel John Baskerville Glegg, Henry Hesheth, Henry Hesheth the younger, Peter Heron, Hugh Robert Hughes, Reploe William Hamilton, Charles Hamilton, Philip Hamilton, Alderman George Harrison, John Harrison, James Hilton, John Hilton, William Hilton, John Stewart, William Hayes, Richard Janion, Shallcross, Jacobson, George Johnson, William Jones, John Johnson, John Johnson of Hoole, Henry Kelsall, Alderman John Standen, Arthur Lewis, Thomas Leacroft, James Thomas Law, Thomas Lowden, John Lightfoot, James Maitland, Charles Mytton Clerk, Thomas Moulson, Alderman Robert Moulson, John Finchett, Maddock, Thomas Finchett Maddock, William Moss, John Movesley Clerk, Frederick Maister Clerk, Alderman William Newell, Richard Gerrard Perryn, Henry Potts, Charles Potts, Giles Harworth Peel Clerk, William Pownall, John Spearbrock Rogers, John Drake Rogers, John Reece, Joseph Robinson, Edward Roberts, Reverend Dudley Ryder, James Sedgwick, James



*James Slade, Thomas Sudworth, Robert Taylor, Richard Tyrwhitt, William Makepeace Thackeray, Robert Topham junior, Thomas Urmson, John Williamson, Thomas Walker, Francis Wrangham, Thomas Whittle, Edward Ommanney Wrench, Timothy Whitby of Jarvin, Edmund Yates, Jonathan Yates, John Brock Yates, and their Successors, being duly qualified in manner directed by the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act, and also such of the Powers and Provisions of the said recited Acts of the Fourth and Seventh and Eighth Years of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.*

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at any Meetings from Time to Time to be held for that Purpose (of which Meeting and of the Purpose thereof Ten Days Notice shall be given as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees or Vacancies), to elect, nominate, and appoint any Number of fit Persons (not exceeding Five in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, as if they had been named and appointed in and by this Act.

Power to appoint additional Number of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Exchange* in the City of *Chester*, or at some convenient House in the City of *Chester* aforesaid, on the Fourth *Thursday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning, and Three in the Afternoon, and shall then and there proceed to put the said recited Acts of the Third, Fourth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

First Meeting of Trustees.

X. Provided always and be it further enacted, That the Clerks, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said former Acts hereby as aforesaid repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations,

Former Officers (except the Treasurer) to continue.



tions, Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Power to  
erect Toll  
Gates, Turn-  
pikes, Side  
Gates, and  
Weighing  
Machines.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, now standing and being in or upon or across the Roads, or on the Sides thereof, and also to cause to be erected, set up, and built, upon, in, or across the Roads hereby directed to be made and maintained, or upon the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each, as they shall think necessary, and from Time to Time to take down and remove or alter or discontinue the same, or any of them, as they the said Trustees shall think proper and direct or appoint.

Power to  
take Tolls.

XII. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions in this Act and in the said recited Acts made in the Third and Fourth Years of the Reign of His present Majesty contained) be demanded and taken at each and every such Turnpike, Toll Gate, and Side Gate, Chain or Chains, as is now set up and continued, or shall hereafter be set up, upon, across, and by the Side of the Roads by this Act directed to be made, widened, improved, and kept in repair, by each and every such Person and Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Landau, Chariot, Curricule, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Caravan, Chair, or other such like Carriage, with Springs of any Denomination, any Sum not exceeding Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, having the Wheels of the Breadth of Six Inches or more on the Bottom or Soles thereof, any Sum not exceeding Five-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not less than Four and a Half Inches, any Sum not exceeding Seven-pence Halfpenny; and in case the Fellies of the Wheels thereof are of less Breadth than Four and a Half Inches, any Sum not exceeding Nine-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling *per* Score, and so in proportion for any greater



greater or less Number ; and for every Drove of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any greater or less Number :

And for every Waggon, Wain, Cart, or other such Carriage, having the Nails of the Tire or Tires of the Wheels projecting more than One Quarter of an Inch from the Surface of such Tire or Tires, the Sum of Ten Shillings for each Time of passing through any of the Turnpike Gates on the said Roads ; such last-mentioned Toll or Sum to be in lieu of any Penalty or Forfeiture to which, by virtue of the said recited Act of the Fourth Year of the Reign of His present Majesty, the Owner or Driver of any such last-mentioned Waggon, Wain, Cart, or other Carriage would be subject or liable, by reason or on account of the Nails of the Tire or Tires of the Wheels thereof projecting more than One Quarter of an Inch above such Tire or Tires :

Which said several Tolls shall commence and be payable at such Time or respective Times as the said Trustees shall at their first or any subsequent Meeting or Meetings think proper and direct ; and in the meantime the same and the like Tolls shall be taken and continued at the several Gates, Bars, and Chains erected and set up in, upon, or across or on the Sides of the said Roads, or any Part or Parts thereof, as shall be taken at the Time of passing this Act.

XIII. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any Horse or Beast of Draught drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, or any Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes, or other Agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire or Tires of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire or Tires.

Exemptions not allowed to Carriages having the Nails of the Tires projecting more than One Quarter of an Inch.

XIV. And be it further enacted, That in case the Tolls hereby imposed shall have been paid for or in respect of any Horse, Beast, Cattle, or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected on the said Road, such Horse, Beast, Cattle, or Carriage shall, on a Ticket being produced denoting such Payment (which Ticket the Collector of such Tolls is hereby required to deliver *gratis* on the Payment of the Toll), be permitted to pass and repass Toll-free on the same Day before Twelve of the Clock at Night through the same or any other Turnpike or Toll Gate freed by such Payment ; provided that no Horse or other Beast of Draught for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, or Chains, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Payment, Hire, or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupois, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, Side Gates, or Chains in the same Day without again paying Toll, if in so repassing such Horse

Toll only once payable at any Gate on the same Day.

Proviso as to Horses drawing different Carts, &c.



Horse or other Beast of Draught shall go or travel upon the same Road for the Distance of Three Miles.

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

XV. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road.

Horses  
drawing Post  
Chaises to  
pay each  
Time of hir-  
ing.

XVI. And be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught for which the Post Horse Duty shall be payable, travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Roads on the same Day as often as a fresh Hiring thereof shall take place.

Limiting the  
Number of  
Tolls.

XVII. And be it further enacted, That it shall not be lawful to and for the said Trustees to take or demand more than Two full Tolls, except as hereinbefore provided to the contrary, for or in respect of any Horse, Beast, or Cattle passing and repassing on the same Day, to be computed as aforesaid, between *Flookersbrook* Bridge and the Town of *Frodsham*, nor more than the Amount of One full Toll between the said Town of *Frodsham* and *Ashton Lane End*.

Power to  
take Houses,  
&c. for  
widening  
Road.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, for the Purpose of widening or improving the said Roads, to take, use, and lay into the said Road the Houses, Outhouses, Buildings, Gardens, Orchards, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, first making Satisfaction to the Owners thereof and Persons interested therein, for the same, or for the Damage they may sustain thereby.

Limiting  
Period for  
purchasing  
Property.

XIX. Provided always, and be it further enacted, That if the said Trustees shall not within the Space of Five Years after the passing of this Act agree for or cause to be valued as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase, the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them thereby and hereby granted for such Purpose shall cease, determine, and be utterly void and of no Effect, save and except with the Consent of the Owners and Occupiers of such Lands, Tenements, and Hereditaments; any thing herein contained to the contrary thereof in anywise notwithstanding.

Application  
of Tolls and  
Money bor-  
rowed.

XX. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby as aforesaid repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed

upon



upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively, together with lawful Interest for the same; secondly, in respectively paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of any of the Tolls or Duties payable on the Roads by this Act directed to be widened, improved, and kept in repair; thirdly, in defraying the Expences of widening, improving, repairing, and preserving the Roads by this Act directed to be widened, improved, and kept in repair, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Roads, and otherwise in executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

XXI. Provided always, and be it further enacted, That no Part of the Money arising or to be received by virtue of the said recited Acts or any of them, or by virtue of this Act, shall be laid out in repairing or maintaining any Street, Highway, or Place in any Part of the said City of *Chester* or the Town of *Frodsham*; any thing herein contained to the contrary notwithstanding.

No Money to be expended in repairing Streets.

XXII. And be it further enacted, That the said Trustees shall and they are hereby required to continue or erect upon the said Branch Road from *Frodsham* to *Ashton Lane End* aforesaid One or more Toll Gate or Toll Gates, Toll Bar or Bars, Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty contained; provided also, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Bar continued under the Authority of the Trustees for carrying this Act into Execution; provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon the said Branch Road, or in the Payment of any Principal Money borrowed on the Credit only of the Tolls arising or payable upon such Branch Road, or the Interest thereof, than shall be actually raised or received upon or in respect of such Branch Road; any thing in this Act or the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Toll Gates to be erected on Branch Road.



No Priority  
of Mort-  
gagees.

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

Public Act.

XXIV. 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.

The Com-  
mencement  
and Conti-  
nuance of  
this Act.

XXV. And be it further enacted, That this Act shall commence upon the Fourth Thursday next after the passing thereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The



## The SCHEDULE referred to by this Act.

Townships.	Description of Premises.	Owners.	Occupiers.
Mickle Trafford.	Part of a Garden -	Earl of Shrewsbury	Elizabeth Briscoe.
	Part of the Pinfold.		
	Part of Garden and Fold, or Yard and Approach thereto.	Same - - -	Thomas Price.
	Part of a Barn and Garden.	Same - - -	Stephen Higginson.
	Part of Two Gardens -	Same - - -	Samuel Nield.
	Part of a Smith's Shop -	Same - - -	John Nield.
	Part of a Garden -	Same - - -	Edward Lewis.
Bridge Trafford.	Old Weighing Machine-house, now a Cobler's Shop.	Same, or Samuel Nield	William Hayes.
	Part of Croft and of a Stack-yard.	Roger Barnston, Esq. -	William Pritchard.
	Part of a Garden - -	Same - - -	Mrs. Hewitt.
Dunham on the Hill.	Part of a Garden - -	Earl of Shrewsbury -	Richard Littler.
	Part of a Garden - -	Thomas Turner, as Leaseholder under the Earl of Shrewsbury.	Thomas Turner.
	Part of a Garden - -	John Youde, as Leaseholder under the Earl of Shrewsbury.	John Youde.
Helsby.	Cottage and Garden -	Mary Haspell, and Thomas Owen.	Sarah Berry.
	Cottage and Garden -	Same - - -	Sarah Pover (otherwise Williams).
	Cottage and Garden -	Same - - -	Nancy Peacock.
	Part of a Garden, and Corner of a Barn.	The Marquis Cholmondeley.	Samuel Burgess.
	Barn and Shippon -	John Woodcock, as Leaseholder under the Marquis Cholmondeley.	John Hitchen.
	Part of a Barn -	Joseph Borrodale -	John Bate.
	Part of a Garden -	Anne Wilbraham, as Leaseholder under Marquis Cholmondeley.	Thomas Ley.
	Part of a Garden -	Thomas Bate, as Leaseholder under Marquis Cholmondeley	Adam Ellames.
Netherton.	Part of a Barn -	Richard Janion -	Henry Simcock.
	{ Three Cottages or Dwellings under One Roof - }	Ann Dugdale, and Thomas Savage -	{ Richard Wray. William Jones. Sarah Farrall.
	Garden - -	Samuel Yarwood -	Samuel Yarwood.



Township.	Description of Premises.	Owners.	Occupiers.
	Yard and Garden - Two small Gardens - Barn -	Thomas Ashton - Lord Henry Cholmondely - Same -	Jonathan Lightfoot. Mary Knowles. Same, as Under tenant to Joseph Robin- son.
	Rails and Steps of the Fish-bone Public House.	Thomas Bate -	Thomas Bate.
Frodsham Lordship.	Wall - Garden and Rails - Garden and Rails -	Marquis Cholmondely - W. Caldwell - W. Birchwood -	Dr. Bird. W. Caldwell. W. Birchwood.

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Jonathan Lightfoot

Mary Knowles

Same, as Under tenant

to Joseph Robin-

son.

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

Thomas Bate

52  
2  
77