



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 90.

An Act to continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers of Two Acts, passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, and in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*, and from thence to *Newport* in the County of *Salop*, and several other Roads therein mentioned, so far as the said Acts relate to the Road leading from *Whitchurch* aforesaid, through *Ternbill* to *Newport* aforesaid, being the Second District of Roads in the said Acts mentioned.

[20th June 1801.]

[*Loc. & Per.*]

18 N

WHEREAS

Preamble.

33 Geo. II, and

18 Geo. III,
recited.Acts further
continued.

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road from the Bars at Boughton, in the Liberties of the City of Chester, to Whitchurch, and from thence to Newport in the County of Salop to Ivetsey Bank in the County of Stafford, and from thence to Castle Bromwich and Stone Bridge, in the Parish of Hampton-on-Arden, in the County of Warwick, and from Castle Bromwich to Birmingham, in the same County, whereby the said Roads were divided into Four separate Districts, One of which, being the Road leading from Whitchurch aforesaid, through Ternhill to Newport, all in the said County of Salop, was called The Second District, and separate Trustees were appointed for each District: And whereas an Act was passed in the Eighteenth Year of the Reign of His present Majesty, to enlarge the Term and Powers of the said recited Act: And whereas the Trustees appointed in or by virtue of the said Acts, for the said Second District, have proceeded to put the same in Execution within that District, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls arising within the said Second District, the greatest Part of which is still due and owing, and cannot be paid off, and the said District of Road be effectually amended and kept in Repair, unless the Term granted by the said last-mentioned Act be continued, and the Powers and Provisions of the said respective Acts, so far as the same relate to the said Second District, be altered and enlarged in Manner herein-after mentioned; 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, Exemptions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties), so far as the same relate to the said Second District of Road, shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, (save only and so far as the same are respectively hereby altered or enlarged), and that the said Term shall commence and take Effect from the First Meeting of the Trustees to be held as herein-after mentioned, and that this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said former Acts, or either of them, with respect to the said Second District of Road, or which shall be borrowed on the Credit of the said Acts and this Act, for the Use of the said Second District of Road, and the Interest due and to grow due thereon, in the Proportions herein-after mentioned.*

Additional
Trustees.

II. And be it further enacted, That the Right Honourable *Robert* Lord Viscount *Killmorey*, in the Kingdom of Ireland, *John Kynaston Powell*, *Charles Shirreff*, *Thomas Lloyd*, *John Fellicorse*, *Humphrey Gregory*, *William Rose*, *William Rose the Younger*, *Joseph Scott Clerk*, *John Collier Clerk*, *Thomas Harper*, *William Briscoe*, *John Briscoe*, *Robert Outlaw Clerk*, *Ralph Leek*, *Sir John Chetwode* Baronet, *Thomas Hughes*, *James Joyce*, *John Harding*, *Thomas Beckett*, *Joseph Hassall*, *William Kent Clerk*, *George Morris*, *Anthony Horner*, *William Collier*, *Thomas Morris*, *Charles Morris*,
David

David Birds, Joseph Lee, Thomas Lovell, Samuel Morris, Cornelius Venables, Samuel Lowe, John Overton, Robert Dutton, Benjamin Davies, George Caink, James Bromfield, John Gregory, Thomas Clough, William Jones, John Clay, Charles Gibbons, John Hill the Younger, Charles Wicksteed Ethelstone Clerk, John Brookes, Thomas Pritchard, John Barrow, Joseph Bickerton, George Minor, Edward Jones Clerk, Thomas Weaver, Jenkin Thomas, Richard Hill Clerk, Robert Crockett Clerk, Richard Spearman Clerk, Richard Wingfield Clerk, Thomas Jukes Collier, John Bishton, John Bishton the Younger, William Bishton, Richard Rigby, John Spearman, Francis Wedge, Robert Dawes, Thomas Hatherton Dawes, Thomas Brown, William Masefield, John Masefield, William Higgins, and Moses Mitchell Sylvester shall be, and are hereby added to and joined with the Trustees of the said Second District of Road; and that the said Trustees hereby appointed, and their Successors being qualified according to the Directions of the said first-recited Act, together with the Trustees appointed by or in pursuance of the said former Acts for the said District, shall be and they are hereby authorized and empowered to put the said former Acts and this Act in Execution, with respect to the said District.

III. And whereas great Numbers of Horses, Cattle, and Carriages daily enter into and pass along the said Turnpike Road within the said District, on the Southerly Side of the present Turnpike Gate at *Hinstock*, and within the Distance of Six Miles of the Town of *Newport* aforesaid, whereby a very considerable Extent of the said Road is much worn and injured; but as no Turnpike Gate can under the said recited Acts be erected nearer than Six Miles to the said Town of *Newport*, and as such Horses, Cattle, and Carriages do not pass through any Turnpike Gate on the said District, they do not contribute any Thing towards the Repairs of the said Road; for Remedy whereof, be it enacted, That it shall be lawful for the Trustees for the said Second District, or any Five or more of them, to set up and erect, or cause to be set up and erected, One or more Turnpike or Turnpikes across the said Road, within the said District, at such Place or Places on the Southerly Side of the said Turnpike Gate at *Hinstock* aforesaid, but not nearer than Five Miles to the said Town of *Newport*, as the said Trustees, or any Five or more of them, shall think proper, or on the Side or Sides of the said Road, upon or across any Lane or Way leading into the said Road, not nearer than Five Miles to the said Town of *Newport*; and also to erect and provide a Toll House or Toll Houses, with other necessary Buildings and Conveniencies at or near to such Turnpike or Turnpikes as last aforesaid, and at such Turnpike or Turnpikes to cause to be demanded, collected, and received, such and the like Tolls, as by the said first-recited Act are authorized to be taken at any other Turnpike or Turnpikes on the said District (except as herein-after mentioned).

Gates may be erected on the Southerly Side of *Hinstock*, not nearer than Five Miles to the Town of *Newport*.

IV. Provided always, and be it further enacted, That no Person or Persons with any Horse, Cattle, or Beast as herein-after mentioned, that shall pass or repass on the *Audlem* and *Woore* Turnpike Road, through the Turnpike Gate thereon called *Woodseaves Gate*, and pay Toll thereat, and shall afterwards on the same Day pass or repass through any Turnpike Gate hereafter to be erected on the Southerly Side of the said Turnpike Gate at *Hinstock* aforesaid, shall upon Production of a Note or Ticket from the Gatekeeper of the said Turnpike Gate called *Woodseaves Gate*, denoting

Reduction of Toll on passing through *Woodseaves Gate*.

denoting such Payment, be subject or liable to pay any further or greater Toll than herein-after mentioned, (that is to say);

Tolls.

For every Horse or other Beast drawing any Carriage (except a Waggon, Cart, or Tumbrel), the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Cart, or Tumbrel, the Sum of One Penny Halfpenny:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, (except on *Wednesday* and *Saturday* in every Week), the Sum of One Penny:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, on *Wednesday* and *Saturday* in every Week, the Sum of One Halfpenny:

For every Drove of Oxen, Cows, or other Neat Cattle, (except on *Wednesday* and *Saturday* in every Week) the Sum of Ten-pence *per Score*, and so in Proportion for any greater or less Number:

For every Drove of Oxen, Cows, or other Neat Cattle, on *Wednesday* and *Saturday* in every Week, the Sum of Five-pence *per Score*, and so in Proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, (except on *Wednesday* and *Saturday* in every Week), the Sum of Five-pence *per Score*, and so in Proportion for any greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs on *Wednesday* and *Saturday* in every Week, the Sum of Two-pence Halfpenny *per Score*, and so in Proportion for any greater or less Number; any Thing herein-before contained to the contrary thereof notwithstanding.

For recovery of the Tolls hereby granted.

V. And be it further enacted, That the several Tolls hereby authorized to be taken, shall be, and the same are hereby vested in the said Trustees of the said District, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said former Acts, or either of them, respecting the Tolls thereby authorized to be taken on the same District, subject nevertheless to the Provisions of this Act.

Repeal of Clause preventing more than One Toll being taken through the whole District.

VI. And whereas by a Clause in the said first recited Act, it is provided and enacted, That no Person or Persons shall be liable to pay Toll more than Once, for passing or repassing at any Time or Times in any One Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Turnpikes to be erected by virtue of the said Act, upon the Road, and on the Sides thereof, in each respective District, and across any Lane or Way leading into the same respectively; and that all and every Person or Persons, after having paid Toll Once, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages, Toll free during such Day, through all the Turnpikes in and belonging to the respective District wherein, or in relation whereto such Tolls are paid: And whereas the Tolls now collected on the said District are insufficient for the proper Repair and Improvement thereof, be

be it therefore enacted, That the said Clause, so far as the same relates to the said Second District, shall be, and the same is hereby repealed.

VII. Provided nevertheless, and be it further enacted, That all and every Person and Persons, after having paid Toll Once at any Turnpike erected or to be erected upon the *Newport* Division of the said Second District herein-after mentioned, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment thereof, shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll free during such Day, through any other Turnpike or Turnpikes erected, or to be erected upon the said *Newport* Division; and that in like Manner all and every Person and Persons, after having paid Toll Once at any Turnpike erected or to be erected upon the *Whitchurch* Division of the said District herein-after mentioned, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment thereof, shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll free during such Day, through any other Turnpike or Turnpikes erected or to be erected upon the said *Whitchurch* Division.

Only One Toll to be taken on One Day on the *Newport* Division after mentioned.

The like on the *Whitchurch* Division after mentioned.

VIII. And for the better and more convenient Management of the Road comprized in the said Second District, and the Application of the Tolls thereof, be it further enacted, That the said Second District of Road shall be, and the same is hereby declared to be divided into Two distinct and separate Divisions, the first of which Divisions shall extend from the Town of *Whitchurch* aforesaid, to a certain Inn or publick House, situate at *Ternhill* aforesaid, known by the Sign of *The Queen's Head*, now in the Occupation of *John Swinchatt*, and shall be called *The Whitchurch Division* of the said District of Road; and the Second Division of the said District of Road, shall extend from the said Inn or publick House at *Ternhill* aforesaid, to the Town of *Newport* aforesaid, and shall be called *The Newport Division* of the said District of Road; and the said Acts and this Act, and all the Powers, Provisions, Authorities, Matters, and Things therein and herein contained, as relating to the said District of Road generally, shall extend and apply and be applied to, and be put in Execution within each separate Division, in such and the same Manner, to all Intents and Purposes, as if the said Acts, Powers, Provisions, Authorities, Matters, and Things were herein repeated and re-enacted with respect to each Division, separately and distinctly, subject nevertheless to the particular Provisions and Directions herein contained.

For making Two Divisions of the Road, to be called the *Whitchurch* and *Newport* Divisions.

IX. And be it further enacted, That all and every the Sum and Sums of Money heretofore borrowed on the Credit of the Tolls of the said Second District, and which remain now due and owing, shall at the First Meeting of the said Trustees, to be held as herein-after is mentioned, be equally divided between the said Two Divisions of the said District, and thereupon and upon cancelling the former Securities for the same, the said Trustees, or any Five or more of them, shall give such Security upon the Tolls arising within the said *Whitchurch* Division of the said District of Road, for One Moiety or Half Part of the said Sum and Sums of Money, and shall give such Security upon the Tolls arising within the said *Newport* Division of the said Road, for the other Moiety or Half Part of the said Sum and Sums of Money, as they were authorized and empowered to

For apportioning the Debt.

do by the said former Acts, upon the Tolls arising within the said Second District of Road.

The Money borrowed and Tolls collected on each Division, to be applied to that Division only.

For paying the Expenses of the Act.

X. And be it further enacted, That all and every Sum and Sums of Money which shall hereafter be borrowed under the Authority of the said Acts and this Act, on Account of the said respective Divisions of the said District, shall be secured upon the Tolls to arise within that Division of the District, for which such Sum or Sums of Money shall be respectively borrowed, and that the Tolls to be collected within each Division of the said District, and the Money to be borrowed on the Credit thereof, shall be applied and disposed of for the Service of, and in carrying into Execution the said Acts and this Act, with respect to such Division only; and that all Costs, Charges, and Expenses of obtaining and passing this Act, shall be paid by the said Trustees, or any Five or more of them, out of the first Monies which shall come to their Hands by virtue of the said Acts and this Act, on Account of the said respective Divisions of Road, in equal Shares, (that is to say), One Half thereof out of the Monies to arise from or to be borrowed on the Tolls of the said *Whitchurch* Division, and the Remainder thereof out of the Monies to arise from or be borrowed on the Tolls of the said *Newport* Division, and in Preference to all other Payments whatsoever.

First Meeting.

All Meetings of Trustees for *Whitchurch* Division, to be holden at *Whitchurch*.

All Meetings of Trustees for *Newport* Division to be holden at *Newport*.

XI. And be it further enacted, That the First Meeting of the said Trustees next after the passing of this Act, shall be held at *Ternhill* aforesaid, on *Tuesday* the Seventh Day of *July* One thousand eight hundred and One, for the Purpose of dividing the Debt which shall be then due and owing on the Credit of the Tolls of the said Second District, and for giving Security for the Payment of the respective Parts thereof, on the Credit of the Tolls arising within the said respective Divisions of the said District; and that all Meetings for executing the said Acts and this Act, within the said *Whitchurch* Division, shall be held at *Whitchurch* aforesaid, and that the First of such Meetings shall be held on *Monday* the Twentieth Day of *July* next after the passing of this Act; and that all Meetings for executing the said Acts and this Act, within the said *Newport* Division, shall be held at *Newport* aforesaid, and that the First of such last-mentioned Meetings shall be held on *Wednesday* the Twenty-second Day of *July* next after the passing of this Act; and that at every such Meeting for each respective Division, it shall be lawful for the said Trustees, or any Five or more of them, to make and execute, or cause to be made and executed, all such Orders, Directions, Regulations, and Resolutions concerning such Division, and the Repair of the Road within the same, and the Management and Application of the Monies to arise from or be borrowed on the Credit of the Tolls thereof respectively, and every other Matter and Thing relating to such respective Division, as fully and effectually, to all Intents and Purposes, as the Trustees appointed by the said former Acts could or might do under or by virtue of the said former Acts, in relation to the said Second District of Road.

Application of Compensation where exceeding 200^l.

XII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said first-recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability
or

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

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five

Application where the Compensation does not exceed 200 *l.* nor less than 20 *l.*

OR

or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20/.

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

Publick Act.

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

Fixing the Term of the Act.

XVI. And be it further enacted, That the Term granted and continued by the said recited Acts, shall upon the First Meeting of the Trustees to be held at *Ternbill*, as herein-before mentioned, cease and determine, and that the said Acts, so far as the same are not hereby altered, varied, or repealed, and this Act, shall from thenceforth continue and be in Force and be executed, for the Purpose of amending, widening, and keeping in Repair the said Road leading from *Whitchurch* in the said County of *Salop*, through *Ternbill* to *Newport*, in the same County, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1801.