



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 61.

An Act to continue 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 the Bars at *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch* aforesaid, being the First District of Roads in the said Acts mentioned.

[24th May 1802.]

[*Loc. & Per.*]

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WHEREAS

33 Geo. 2.

18 Geo. 3.

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 the Bars at Boughton, within the Liberties of the City of Chester, to Whitchurch aforesaid, was called The First 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 First 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 First District, the greatest Part of which is still due and owing, and cannot be paid off, nor the said District of Road be effectually amended and kept in Repair, unless the Term granted by the said last recited Act be continued, and some of the Powers and Provisions of the said respective Acts, so far as the same relate to the said First 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 First District of Road, shall be and continue in full Force, and be executed, for and during the Term herein-after mentioned, in as full and ample a Manner, and as 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 Amendments and Alterations herein contained; and which shall commence and take Effect upon the passing of this Act; and that this Act, and the additional Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all the Money now due and owing upon the Credit or on the Account of the said recited Acts, or either of them, with respect to the said First District of Road, or which shall be borrowed on the Credit of the said Acts and this Act, for the Use of the said First District of Road, and the Interest due and to grow due thereon.*

Additional  
Trustees.

II. And be it further enacted, That *Robert Aldersey, George Allanson Clerk, James Bromfield, Samuel Yate Benyon, Ambrose Brooke, Samuel Broadhurst, Charles Clarke, William Congrave, John Capper, Thomas Crewe*  
Dod,



*Dod, John Drake, Thomas Dixon, Richard Dutton, Francis Egerton Clerk, John Egerton, Charles Ethelstone Clerk, Wickstead Clerk, Philip Egerton Clerk, Charles Gibbons, William Garnet Clerk, Reginald Haber Clerk, Sir Thomas Hanmer Baronet, John Hignett, Townsend Ince, Bell Ince, David Jenks Clerk, Thomas Jenkins, the Right Honourable Lord Kilmory, John Knight, William Kent Clerk, Thomas Leigh of Handley, John Leche, John Larden Doctor of Physic, Joseph Lee, Sir Oswald Mosley Baronet, Thomas Massie, Richard Massie Clerk, Jonathan Nickson, William Nicholls, John Overton, Thomas Orton, Joseph Pearse, Thomas Tarleton, Thomas Trever Clerk, Thomas Taylor, John Barnes Watson, and Thomas Ward Clerk,* shall be and are hereby added to and joined with the Trustees appointed in and by the said recited Acts, with respect to the said First 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, are hereby empowered to act in the Execution of the said recited Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts, or either of them, with respect to the said First District.

III. And whereas in and by 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 and Persons, after having paid Toll Once, and producing a Ticket or Tickets, Note or Notes, denoting the Payment of such Tolls, should 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 same is found to be prejudicial to the effectually improving and keeping in Repair such Parts of the said Roads as is comprized in the said First District; be it therefore enacted, That the same shall be and is hereby declared to be repealed, so far as the same relate to the said First District.

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

IV. 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 First District between the said City of *Chester*, and a certain publick House situate at *Barnbill*, in the Township of *Broxton*, in the County of *Chester*, known by the Sign of *The Feathers*, and now in the Occupation of *Daniel Urmson*, 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 Road from *Chester* to *Barnbill*; and and that in like Manner all and every Person and Persons, after having paid

Only One Toll to be taken on One Day on the *Chester* Division after mentioned. The like on the *Whit-church* Division after mentioned.

Toll



Toll Once at any Turnpike erected or to be erected upon the said First District, between *Barnhill* aforesaid and the Town of *Whitchurch* aforesaid, 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 last mentioned Part of the said Road.

Application  
of Compen-  
sation Money  
where  
amounting to  
200/.

V. 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, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as in the said 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 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 or Profits of the Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VI. Provided



VI. 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 any 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 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 Compensation does not amount to 200 l. and shall exceed 20 l.

VII. 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.

Application where the Money is less than 20 l.

VIII. 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.

Publick Act.

IX. And be it further enacted, That the Terms granted and continued by the said recited Acts shall, upon the passing hereof, cease and determine, and that the said Acts, so far as the same are not hereby altered, varied, or repealed, 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 the Bars at *Boughton*, within the

Fixing the Term of the Act.

[*Loc. & Per.*]

11 P

Liberties

Liberties of the City of *Chester* to *Whitchurch*, in the said County of *Salop*, being the First District of Road as comprised in the said first recited Act, 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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