ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxxxviii.

An Act for improving and keeping in repair certain Roads in the Counties of *Flint* and *Chester*, and for better maintaining the Ferry over the River *Dee* called the *Lower King's Ferry*, in the said County of *Flint*. [21st *July* 1835.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from* Flint *to the* Lower King's Ferry, *and for making and maintaining Two new Branches of Road from the* Lower King's Ferry *aforesaid to or near to the Town of* Mold, *all in the County of* Flint: And whereas another Act was passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act for making a Turnpike Road to communicate with the* Lower King's Ferry *over the River* Dee, *from the Township of* Great Saughall *in the County of* Chester, *and from the Village of* Northop *in the County of* Flint: And whereas it is expedient that the Terms and Powers of the said Acts should be extended and enlarged, and that the Tolls granted by such Acts should be increased or altered: And whereas it would be of public Advantage if Power were granted to make and maintain the new Branch of Road herein-after mentioned, and to place such Branch Road, and also the Roads comprised in the recited Acts of the Seventh and Tenth Years of the Reign of King *George* the Fourth, under the Care of One Board of Trustees: And whereas, for facilitating the Execution of the several Purposes herein-before mentioned, it is expedient to repeal the said recited Acts of the Seventh and Tenth Years of the Reign of His late

7 G. 4. c. 86.

10 G. 4. c. 86.

late Majesty King *George* the Fourth, and to grant other Powers and Provisions in lieu thereof: And whereas the improving and better maintaining the Ferry or Passage over the River *Dee* called the *Lower King's Ferry*, within the Parish of *Hawarden* in the County of *Flint*, would be of great Advantage to the several Persons residing in the Neighbourhood of the said Ferry, and to the Public in general: And whereas in order thereto it is expedient to alter, amend, and enlarge the Powers and Provisions of the several Acts hereafter mentioned; that is to say, an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Second, intituled *An Act to recover and preserve the Navigation of the River* Dee *in the County Palatine of* Chester; an Act passed in the Fourteenth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act for incorporating the Undertakers of the Navigation of the River* Dee; an Act passed in the Seventeenth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act for explaining and amending an Act passed in the Sixth Year of His present Majesty's Reign, intituled 'An Act to recover and preserve the Navigation of the River* Dee *in the County Palatine of* Chester;' *and another Act passed in the Fourteenth Year of His present Majesty's Reign, intituled 'An Act for incorporating the Undertakers of the Navigation of the River* Dee,' *and for repealing the Tonnage Rates payable to the said Undertakers, and for granting to them other Tonnage or Keelage Rates in lieu thereof, and for other Purposes therein mentioned;* an Act passed in the Twenty-sixth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act for confirming an Agreement entered into between the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River* Dee, *and Sir* John Glynne *Baronet, Lord of the Manor of* Hawarden, *and several Freeholders and Occupiers of Land within the said Manor; and for explaining and amending Three several Acts of Parliament, of the Sixth, Fourteenth, and Seventeenth Years of His present Majesty's Reign, for recovering and preserving the Navigation of the said River* Dee; and an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for confirming an Agreement entered into between the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River* Dee *and certain Lords of Manors and other Persons entitled to Right of Common upon the Wastes and Commons and the old Common Salt Marshes lying on the South Side of the said River below or to the North-east of* Greenfield Gate *in the County of* Flint, *and an Award made in consequence thereof*, so far as is herein-after provided: And whereas the beneficial Objects herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same,

6 G. 2. c. 30.

14 G. 2. c. 8.

17 G. 2. c. 28.

26 G. 2. c. 35.

31 G. 3. c. 88.

First Two recited Acts repealed.

That from and after the Third *Monday* next after the passing of this Act the said recited Acts of the Seventh and Tenth Years of the Reign of His late Majesty King *George* the Fourth shall be and the same are hereby declared to be repealed.

The Object and Powers of this Act defined.

II. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned for the Purpose of improving, repairing, and maintaining in repair the several Roads herein-after

after mentioned; (that is to say,) the Road leading from the Town of *Flint* to the *Lower King's Ferry* in the Parish of *Hawarden* in the County of *Flint*; the Road leading from the *Lower King's Ferry* aforesaid to or near the Town of *Mold* by the *Boar's Head* situate on the Turnpike Road between *Northop* and *Hawarden*, and from thence over *Ewloe Green* and *Buckley Mountain* to the Turnpike Road between *Mold* and *Chester* at or near *Pentre Bridge* near *Mold* aforesaid in the said County of *Flint*; the Road leading from *Ewloe Green* aforesaid, through or near a certain Farm called *Ewloe Barn*, thence through or near another Farm called *All't Amy*, thence between *Mynydd-bychan* and *Bryn-y-bal* Farms, thence to the Turnpike Road leading from *Mold* to *Northop* by or near a Farm called *Rhydgaled* in the said County of *Flint*; the Road leading from *Woodbank Lane* in the Township of *Woodbank* in the County Palatine of *Chester* to the North-east Side of the *Lower King's Ferry* aforesaid, and from the other Side of the said Ferry at or near the *Old Caston House* in the Township of *Wepre* in the Parish of *Northop* to the North-west End of *Northop* Churchyard in the Village of *Northop* in the said County of *Flint*; and also for the Purpose of making and maintaining a new Road to commence at or near a Place called *Abermorddu*, in the Parish of *Hope*, through the several Parishes, Townships, Hamlets, or Places of *Cymmau*, *Caergwrle Hope*, *Hope Owen*, *Bannel*, *Pentrobin*, *Ewloe Town*, *Hawarden*, *Mancott*, and *Aston*, and to terminate at or near the *Lower King's Ferry* aforesaid, all in the said County of *Flint*; and the several Roads hereinbefore mentioned and by this Act placed under the Control of the Trustees appointed for carrying this Act into execution shall hereafter be called "The *Lower King's Ferry* Roads."

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County Palatine of *Chester* and for the County of *Flint* respectively, together with *Richard Addison*, *William John Bankes*, *James Boydell*, *James Boydell* the younger, *Edward Bate*, *Philip Davies Cooke*, *Robert Bryan Cooke*, *Richard Congreve*, *William Walter Congreve*, *Richard Jones Congreve*, *George Congreve*, *William Wilson Currie*, *Benjamin Conway Conway* Clerk, *William Currie* Clerk, *Samuel Gilbert Crompton* Clerk, *James Deans Dundas*, *John Hargreave Douglas*, *Robert Davies*, *John Dawson*, *William Thomas Ellis*, *John Pryce Eyton*, *Edward Eyton*, *Robert Eyton*, *Edward Jones Edwards*, *Henry Glynne* Clerk, *David Hughes*, *Edward Hughes* Doctor of Medicine, *William Hancock*, *Samuel Hancock*, *Jonathan Hancock*, *John Husband* Clerk, *Henry Jones* Clerk, *Joshua King* Clerk, *George King*, *Llewelyn Lloyd*, *Joseph Hayes Lyon*, *Joseph Lyon*, *Edmund Lyon*, *Thomas Lewis*, *Thomas Mather*, *Richard Richardson*, *Ralph Richardson*, *Charles James Roper*, *William Rigby*, *John Rigby*, *Honoratus Leigh Rigby*, *Hugh Roberts*, *Arthur Troughton Roberts*, *George Roskell*, *George Potts Roskell*, *William Thomas Stanley*, *Massey Stanley*, *Charles Stanley*, *John Stanley*, *Richard Sankey*, *John Smalley*, *William Smalley*, *Maurice Seary*, *Joseph White*, *Joseph White* the younger, *Samuel Wolstenholme*, *James Wills*, *John Williams* of *Galchog*, *William Williams*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby declared to be Trustees for carrying this Act into execution.

IV. And

Power to elect additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held for the Purposes of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected, and being duly qualified, shall have the same Powers and Authorities for carrying this Act into execution as if they had been herein named.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for carrying this Act into execution shall hold their First Meeting at the *Hawarden Castle* Inn situate at the *Lower King's Ferry*, or at some other convenient Place on the Lines or in the Neighbourhood of the said Roads or any of them, as the said Trustees shall think proper, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Places on the said Roads, or in the Neighbourhood of the said Roads or any of them, as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

New Branch may be made.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the new Road herein-before mentioned of such Width as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Embankments, Foundations, Piers, Abutments, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other Works on the Line of the said Road as they shall think expedient, and for the Purposes aforesaid (subject nevertheless to the several Provisions and Restrictions in this Act and in the various Acts for regulating Turnpike Roads in *England* contained) to take and use any Lands, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which such Road, and the several Works connected therewith, herein-before mentioned, or any of them, are intended to be made or to pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any of such Stakes or other Marks used for the Purposes aforesaid every Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

The Plan of the Road deposited with the Clerk of the Peace to remain there, and be open to Inspection.

VII. And whereas a Map or Plan describing the said intended new Road, and the Lands upon, in, over, or through which the same is intended to be carried, together with a Book of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Flint*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect

inspect the same, and to take or have Copies thereof or Extracts therefrom, paying to the said Clerk 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; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

The Plan or a certified Copy thereof to be Evidence.

VIII. And be it further enacted, That the said Trustees in making the said new Road shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited with the Clerk of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be proposed to be made.

Trustees empowered to deviate from Plan to an Extent not exceeding 100 Yards.

IX. Provided always, and be it further enacted, That the Powers and Authorities by this Act granted for making the said new Road shall not authorize the said Trustees to pull down, or to take, use, or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof, (except such as are mentioned in the Schedule to this Act annexed,) without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first obtained.

Dwelling Houses, &c. not to be taken without Consent, except those mentioned in the Schedule.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road and other Works aforesaid in the Line or Course, and upon, in, over, or through the Lands, delineated upon such Map or Plan, although such Line or Course, or such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the Book of Reference thereto, provided it shall appear to any Two or more Justices of the Peace for the said County of *Flint*, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Unintentional Errors not to prevent the Execution of the Act.

XI. And be it further enacted, That if the said Trustees shall not within the Space of Three Years after the Commencement of this Act agree for, or cause to be valued and paid for, the Lands which they are by this Act authorized to take, then and from thenceforth the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers

Limiting the Time for purchasing the Property.

piers of such Lands respectively; any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

Power to Trustees to make Ditches, Drains, &c.

XII. And be it further enacted, That (except in so far as herein-after is provided with respect to the said River *Dee* and the Navigation thereof) it shall be lawful for the said Trustees and their Surveyors, and for any other Persons appointed by them, and they are hereby empowered, to make such Ditches, Drains, and Watercourses of such Depth and Breadth as they shall consider necessary for keeping the said Roads dry, and for conveying the Water from the same, on the Side of the said Roads, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads (not being a Yard, Garden, Orchard, Park, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, and also such Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as they shall think necessary, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Lands; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads shall be scoured, cleansed, and kept open, repaired, and maintained by the said Trustees, subject to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*.

Trustees not to erect Bridges, &c. across the River Dee.

XIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Trustees to make any new Bridge, Arch, Culvert, Trunk, Tunnel, or Plat through, in, over, across, upon, or under the said River or the Channel thereof, or between, through, over, in, upon, or under the Sides or Banks thereof, or the Works or any of them placed, erected, made, or kept up with the View or for the Purpose of recovering or preserving the Navigation thereof, except under such Restrictions as herein-after are contained for preventing Obstructions to the Navigation of the said River.

Entrances to Fields, &c. to be made with hard Materials.

XIV. And be it further enacted, That in all Cases in which any Entrance shall be made from any of the said Roads to any Land, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Owner or Occupier of such Land, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of Ten Days after Notice in Writing given to such Owner or Occupier, or left at his usual or last known Place of Abode, by the Surveyor to the said Trustees, requiring such Owner or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or for their Surveyor or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be), and the

Expences thereof shall be paid to the said Trustees by such Owner or Occupier (as the Case may be); and in Cases of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the said Counties of *Flint* or *Chester*, and which Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath of such Expences having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

Power to continue Toll Gates, &c.

XV. And be it further enacted, That (except as herein-after mentioned) it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto, upon the said Roads, or upon the new Road, or upon any Part or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge necessary, and also from Time to Time to alter or to take down, or to re-erect and re-construct, or to discontinue and remove such Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Tolls.

XVI. And be it further enacted, That the Tolls to be taken by virtue of this Act upon the Road from the *Lower King's Ferry* and *Flint*, and upon the Road from the *Lower King's Ferry* and *Mold* by the *Boar's Head* to *Rhydgaled*, and upon the Road from the *Lower King's Ferry* by the *Boar's Head*, and thence over *Ewloe Green* and *Buckley Mountain*, to *Pentre Bridge* near *Mold*, and upon the Road from *Abermorddu* to the *Lower King's Ferry*, shall not exceed the following; (that is to say,)

For every Horse, Beast, or Cattle drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricle, Gig, or other such like Carriage, the Sum of One Shilling:

For every Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Nine-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not of less Breadth than Four Inches and a Half, the Sum of One Shilling; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four Inches and a Half, the Sum of One Shilling and Sixpence:

For every Horse, Beast, or Cattle, laden or unladen, and not drawing, the Sum of Three-pence:

For every Score of Oxen, Cows, or Neat Cattle (Calves excepted), the Sum of One Shilling and Sixpence, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling, and so in proportion for any less Number than a Score:

For

For every Carriage moved or propelled or set or kept in motion by Steam or Machinery, or by any other Agency than animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof:

And that the Tolls to be taken by virtue of this Act upon the Road from the *Lower King's Ferry* to *Woodbank* shall not exceed the following; (that is to say,)

For every Horse, Beast, or Cattle drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricle, Gig, or other such like Carriage, the Sum of Nine-pence:

For every Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Sixpence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not of less Breadth than Four Inches and a Half, the Sum of Nine-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four Inches and a Half, the Sum of One Shilling:

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

For every Score of Oxen, Cows, or Neat Cattle (Calves excepted), the Sum of One Shilling, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence, and so in proportion for any less Number than a Score:

For every Carriage moved or propelled or set or kept in motion by Steam or Machinery, or by any other Agency than animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof:

And for every Waggon, Wain, Cart, or other such like Carriage passing upon any of the said Roads comprised in this Act having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings:

Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, 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, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

4 G. 4. c. 95.

Fractional Part of a Halfpenny in Tolls.

XVII. And be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be taken the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limitation of Tolls.

XVIII. And be it further enacted, That no more than One full Toll shall be taken for or in respect of the same Horse, Beast, Cattle, or Carriage for passing and repassing once in the Course of the same Day through all or any of the Toll Gates or Toll Bars upon the said Roads between

between *Woodbank* and the *Lower King's Ferry*, or between the *Lower King's Ferry* and *Flint*, or between the *Lower King's Ferry* and *Mold* by the *Boar's Head* and *Rhydgaled*, or between the *Lower King's Ferry* by the *Boar's Head*, and thence over *Ewloe Green* and *Buckley Mountain*, to *Pentre Bridge* near *Mold*, or between *Abermorddu* (new Branch) and the *Lower King's Ferry*, except as herein-after mentioned.

Tolls to be paid on repassing in certain Cases.

XIX. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle for which Toll shall have been paid for passing through any of the said Toll Gates or Toll Bars shall return drawing another or a different Waggon, Wain, Cart, or other such Carriage, such Horse, Beast, or Cattle shall not be permitted to repass through such Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle, if in so repassing such Horse, Beast, or Cattle shall travel upon the said Road for the Distance of Two Miles or more.

Horses drawing Stage Carriages to be subject to Toll each Time of passing;

XX. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriages along the said Roads: Provided nevertheless, that no further or additional Tolls shall be payable in respect of such Carriages by reason only of the Horses, Beasts, or Cattle drawing the same having been changed.

Horses let to Hire on every distinct Hiring.

XXI. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding, or for drawing Post Chaises or other Carriages, and passing upon the said Roads, upon every Occasion of a distinct or new Hiring of such Horses, Beasts, or Cattle.

Carriages propelled by Steam, &c. to pay each Time.

XXII. And be it further enacted, That the Tolls hereby made payable for and in respect of any Carriage propelled, drawn, or moved by Steam, Machinery, or any other like Means, shall be paid each Time of the passing and each Time of the repassing of such Carriage along the said Roads or any of them.

Weight of One-horse Carts limited.

XXIII. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Fifteen Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts may be weighed.

XXIV. And be it further enacted, That all Carts and other such like Carriages drawn by only One Horse, Beast, or Cattle upon the said Roads shall and may be weighed at any Weighing Machine upon the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight

of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

Penalty on Lessees compounding for Overweight.

XXV. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition, by the Year or otherwise, with any Person whomsoever, for or in lieu of the Tolls of any Carriage, of whatever Description, liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof, by Confession or upon the Oath of any Witness before any of His Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and shall also forfeit his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and One Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied to the Purposes of this Act.

Trustees, &c. declared competent Witnesses in Actions brought by or against them, under Powers of 3 G. 4. c. 126.

XXVI. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is enacted, that Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in Actions or Suits in which they may be Plaintiffs or Defendants; be it therefore enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action or Suit, by reason of his being Plaintiff or Defendant in such Action or Suit.

Power to Trustees to vacate existing Leases.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months next after the passing of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said recited Acts of the Seventh and Tenth Years of the Reign of His late Majesty King *George* the Fourth, hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after the Day on which such Meeting shall be held; and from and after the Time mentioned in the said Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said

Trustees

Trustees (which Right is hereby reserved) to receive and to recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon.

General Application of Tolls to the Repair of the Roads.

XXVIII. And whereas the several Roads comprised in the said recited Act of the Seventh Year of the Reign of King *George* the Fourth, hereby repealed, are principally used by Persons travelling to and from *Liverpool* across the said River *Dee*, and the Road by this Act authorized to be made will also be chiefly used by Persons so travelling; and the proper and sufficient Maintenance of the Road comprised in the said recited Act of the Tenth Year of the Reign of King *George* the Fourth, hereby repealed, (which Road is in the direct Line between the said first-mentioned Roads and *Liverpool*,) is essential to the Support and Continuance of such first-mentioned Roads: And whereas the estimated Cost of keeping in repair and of Traffic upon the several first-mentioned Roads is nearly equal, and it would be of great Advantage to Persons travelling upon the several Roads comprised in this Act, by reducing the Number and Amount of the Tolls to which they would be liable, and it would also have the Effect of reducing the Expence and facilitating the Improvement and Maintenance of the said several Roads, if the said Trustees were enabled to apply the Tolls received and collected upon the whole of such Roads to the general Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby required to erect, and at all Times hereafter during the Continuance of this Act to continue, a Toll Gate or Toll Bar on that Part of the Roads comprised in this Act which lies between the said Ferry on the *Flintshire* Side thereof and the Point of Divergence of the several Roads on that Side of the said Ferry, and to apply all the Tolls received at such Toll Gate or Toll Bar, and also at the several other Toll Gates or Toll Bars erected or to be erected on the several Roads comprised in this Act, to the general Purposes of this Act, without being required to expend so much Money only as shall be collected upon each of such Roads in the exclusive Repair of such Road: Provided always, that if the full Amount of Toll by this Act granted shall have been paid in respect of any Horse, Beast, or Carriage passing through the Toll Gate or Toll Bar hereby required to be erected between the said Ferry and the said Point of Divergence, no further or additional Toll shall be demanded or received in respect of the same Horse, Beast, or Carriage for passing during the same Day through any of the other Toll Gates or Toll Bars on any One of the several Roads on the same Side of the said Ferry; and if the full Amount of Toll by this Act granted shall have been paid in respect of any Horse, Beast, or Carriage for passing through any of the Toll Gates or Toll Bars on such last-mentioned Roads, no further or additional Toll shall be demanded or received in respect of the same Horse, Beast, or Carriage for passing during the same Day through the Toll Gate or Toll Bar hereby required to be erected between the said Ferry and the said Point of Divergence.

Trustees may call in and cancel existing Mortgages, and grant others in lieu thereof.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, with the Consent of the Persons entitled to the several Principal Sums borrowed under the Authority of the said recited Acts of the Seventh and Tenth Years of the Reign of King *George* the Fourth, hereby repealed, and now due and owing, to call in and cancel the several

several Mortgages or other Securities granted for securing the same, and to grant others in lieu thereof, upon the Whole or upon such Portions of the Roads comprised in this Act as they shall think proper.

Toll Gate not to be erected on a certain Part of the Road.

XXX. And whereas by the said Act of the Seventeenth Year of King *George* the Second the Commissioners therein named were empowered to set out certain Roads over the Sand, Soil, and Ground vested in the said Company, which Roads, when so set out, were for ever thereafter to be maintained and repaired by the said Company at their own proper Costs and Charges: And whereas by the said recited Act of the Tenth Year of King *George* the Fourth that Part of the Road set out by the said Commissioners under the Authority aforesaid which lies between the North-east Side of the said *Lower King's Ferry* and the Point where the Roads leading therefrom to *Chester* and to *Woodbank Lane* diverge was vested in the Trustees acting in the Execution of the said Act, who were empowered to maintain the same: And whereas the said Trustees have erected upon or across the said Piece of Road so vested in them as aforesaid a Toll Gate and Toll House, and have demanded and taken Tolls thereat: And whereas it is desirable that such Part of the said Road should remain under the Control and Management of the said Trustees, but that no Toll should be taken thereon, inasmuch as the same forms Part of a Road which, having been set out by the said Commissioners under the Authority of the said recited Act of the Seventeenth Year of King *George* the Second, was under the Provisions of such Act to be free from Toll; and inasmuch, also, as the said Company have agreed that Part of the said yearly Sum herein-after mentioned should be applied towards the Repairs thereof; be it therefore further enacted, That from and after the Commencement of this Act it shall not be lawful for the said Trustees, or any Person or Persons whomsoever, to demand or take any Toll whatsoever, or to sue for or claim any Penalty for Overweight, upon, across, or on the Side of or in respect of that Part of the said Road which lies between the said Point of Divergence and the said *Lower King's Ferry;* and the said Trustees shall within One Calendar Month from the Commencement of this Act take down and remove the Toll House and Toll Gate so erected upon or across or on the Side of such Part of the said Road, and that during the Continuance of this Act no Toll Gate, Toll Bar, or Toll House, or Weighing Machine, shall be erected or built, nor shall any Toll or Penalty whatsoever be demanded or taken, upon or across or on the Side or in respect of such Part of the said Road.

Management of the Ferry vested in the Trustees for executing this Act.

XXXI. And whereas by the said recited Acts of the Sixth, Fourteenth, Seventeenth, and Twenty-sixth Years of the Reign of King *George* the Second, and of the Thirty-first Year of the Reign of King *George* the Third, or some of them, the said Company are directed and required to provide and keep, at their own proper Costs and Charges, Two Ferry Boats, with sufficient Attendants, and all Necessaries proper thereunto, for the public Use and Benefit of all His Majesty's Subjects, to pass and repass without paying any thing for the same, in Two convenient Places upon the said River, to be appointed for that Purpose as therein mentioned: And whereas the said *Lower King's Ferry* is One of the said Two Places, and the Means of Passage hitherto provided at such Ferry have been found insufficient, and it is expedient that further Provision should

be made for the public Accommodation, and that the said Ferry should be placed under the Control of the Trustees for carrying this Act into execution; be it therefore enacted, That from and after the Commencement of this Act the said Company shall, except as herein-after is provided, abandon and cease to exercise a Control over, and shall during the Continuance of this Act be fully discharged, except only as herein-after mentioned, from the Maintenance and Support of the said Ferry called the *Lower King's Ferry;* and it shall be lawful for the Trustees acting in the Execution of this Act, and they are hereby required, to provide, and at all Times during the Continuance of this Act constantly to keep, at the said *Lower King's Ferry,* such and so many Boats, Barges, Floats, Rafts, and other Vessels as they shall think proper, with sufficient Attendance, and all Necessaries proper thereunto, for the Conveyance and Passage across the said River *Dee* of Passengers, and Horses, Cattle, Carriages, Articles, Matters, and Things; and the said Trustees shall and they are hereby required at all Times to carry and convey across the said River, by means of the said Ferry, all Persons, and all Horses, Cattle, Carriages, Articles, Matters, and Things whenever they shall be required so to do, without being paid any thing for the same.

Boats, Tackle, &c. belonging to the Company to be given up to the said Trustees.

XXXII. And be it further enacted, That upon the Morning of the Day on which the Duty of the said Trustees to maintain the said *Lower King's Ferry* shall commence the said Company shall deliver up Cost-free, and in good Plight and Condition, unto the said Trustees, or unto such Person as they shall authorize to receive the same, all and every the Boats and Vessels now used in or about the said *Lower King's Ferry,* together with all Gear, Ropes, Tackle, and Necessaries in, about, or belonging to the same respectively; and that upon the Morning of the Day on which the Duty of the said Trustees to maintain the said Ferry shall cease the said Trustees shall in like Manner deliver up Cost-free, and in good Plight and Condition, unto the said Company, or to such Person as they shall authorize to receive the same, all and every the Boats and Vessels then used in or about the said Ferry, together with all the Gear, Ropes, Tackle, and Necessaries in, about, or belonging to the same respectively.

Trustees empowered to improve and maintain the Ferry.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to stretch, throw, fix, or cast an endless Chain or Rope over and across the said River, and to erect and build a Ferry House, with proper Offices, on each Side of the said River, for the Habitation and Use of the Ferrymen having the Care and Management of the said Ferry, and for the Convenience of Persons using the same, making or tendering to the Owners and Persons interested in the Lands which may be taken or used for the Purpose Satisfaction for the same or for the Damage they may sustain; and that it shall be lawful for the said Trustees to make and keep in repair proper Causeways at the Landing Places of the said Ferry on each Side of the said River, and from Time to Time to erect, build, construct, lay down, and make, but subject to the Provisions herein-after contained for preventing Obstruction to the Navigation of the said River, all such Embankments, Piers, Quays, Wharfs, Landing Places, and other Works, and to do all such Matters and Things as may be necessary or convenient for improving, maintaining, regulating, and

managing the said Ferry, and making the same as useful and advantageous as may be.

Trustees not to construct Works below High-water Mark.

XXXIV, Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Trustees, for the Purpose of improving, keeping, and maintaining the said Ferry, or of making and keeping in repair the Causeway at the Landing Places of the same, to erect, build, construct, lay down, or make, under the Authority of this Act, on either Side of the said River, any Embankment, Pier, Wharf, Quay, Landing Place, or other Work below High-water Mark, or to make any Alteration therein, or to do any Matter or Thing whereby the Navigation of the said River, or the Recovery or Preservation thereof, or the flowing or reflowing of the Waters therein, may be impeded or obstructed, except under such Restrictions as herein-after are contained.

If Trustees desirous of constructing Works below High-water Mark, a Plan of such Works to be submitted to the River Dee Company.

XXXV. And be it further enacted, That in case the said Trustees shall at any Time be desirous to erect, build, construct, lay down, make, or alter any Embankment, Pier, Quay, Wharf, Landing Place, or other Work, or to do any thing on either Side of the said River below High-water Mark (other than and except throwing over or across the said River an endless Chain or Rope), the said Trustees shall and they are hereby required to give to the said Company Notice in Writing of their Intention so to do, and shall specify in such Notice the Embankment, Pier, Quay, Wharf, Landing Place, or other Work or Thing proposed to be made or done, and the Nature and Extent of the proposed Alteration, and shall deliver with such Notice full and complete Plans, Drawings, and Specifications of the proposed Works or Alterations; and in case the said Company shall not within the Space of Fourteen Days after the Delivery of such Notice, Plans, Drawings, and Specifications as aforesaid give unto the said Trustees Notice in Writing requiring that the proposed Works or Alterations should be referred to Two Engineers for their Opinions thereon, in the Manner herein-after provided, it shall be lawful for the said Trustees to erect, build, construct, lay down, or make such Embankment, Pier, Quay, Wharf, Landing Place, or other Work, or to make such Alteration therein, according to the Plan, Drawing, or Specification so delivered in by them as aforesaid to the said Company; but in case the said Company shall, within the Space of Fourteen Days after the Delivery of such Notice, Plans, Drawings, and Specifications as aforesaid, give unto the said Trustees Notice in Writing requiring that the proposed Works or Alterations shall be referred to Two Engineers for their Opinions thereon, it shall not be lawful for the said Trustees to erect, build, construct, lay down, or make any such Embankment, Pier, Quay, Wharf, Landing Place, or other Work, or to make any Alteration therein, until such Engineers or their Umpire shall have reported and certified their or his Opinion thereon.

Referees to be appointed.

XXXVI. And be it further enacted, That whenever the said Company shall in the Manner herein-before directed have required that the proposed Works or Alterations shall be referred to Two Engineers for their Opinions thereon, the Trustees acting in the Execution of this Act on the one Hand, and the said Company on the other Hand, shall respectively, within Seven Days next after such Requisition shall have been so given by the said Company to the said Trustees as aforesaid, nominate

and appoint each of them One professed Engineer to be Referees for considering and reporting on such proposed Works and Alterations; and that before proceeding upon the Matter referred to them such Two Referees shall nominate, by Writing under their Hands, a Third professed Engineer to act as Umpire in case of any Difference of Opinion arising between them; and the Notice so given by the said Trustees to the said Company, together with the several Plans, Drawings, and Specifications accompanying the same, shall be submitted to such Two Referees, in order that they may examine and inquire into the same, and report thereon, and certify whether in their Opinion there does or does not exist any reasonable Probability that the Works or Alterations proposed to be made will, if carried into execution, cause or give rise to any Obstruction or Impediment to the Navigation of the said River, or prevent or impede the said Company from recovering or preserving the said River and the Navigation thereof in such State and Condition as the said Company are compellable or liable to do; and in case the said Two Referees shall not agree in Opinion upon the Matter submitted to them, or upon any Point arising thereon, such Matter or Point, as the Case may be, shall be submitted by the said Referees to the Umpire appointed as aforesaid, for him to decide thereon; and in case such Referees or Umpire shall report or certify that in their or his Opinion there does not exist any reasonable Probability that such proposed Works or Alterations will, if carried into effect according to the Plan, Drawing, and Specification delivered in, cause any such Obstruction or Impediment as aforesaid, or if such Referees or Umpire shall suggest or advise any Alteration, Addition, or Deviation to be made in, to, or from the said Plan, then it shall and may be lawful for the said Trustees forthwith to execute and carry into effect such proposed Works or Alterations according to the Plan, Drawing, or Specification so delivered in by them as aforesaid to the said Company, and submitted to such Referees or Umpire, and approved of by them or him, or, as the Case may be, with such Alterations, Additions, or Deviations in, to, or from the same as may be so suggested or advised as aforesaid; and in case the said Umpire shall refuse or decline to make or give any Report or Opinion on the Matter referred to him, or in case the said Referees or Umpire shall report or certify that in their or his Opinion there does exist a reasonable Probability that such proposed Works or Alterations or any of them will, if carried into effect, cause an Obstruction or Impediment to the said River, or prevent or impede the said Company from preserving the said River in such State and Condition as they are compellable to do, it shall not be lawful for the said Trustees to carry into execution such proposed Works or Alterations.

Trustees to remove Obstructions in the Navigation occasioned by their Works.

XXXVII. And be it further enacted, That if at any Time during the Continuance of this Act the said Company shall deliver to the said Trustees a Certificate under the Hand of any Engineer certifying that in his Opinion any Embankment, Pier, Quay, Wharf, Landing Place, or other Work which shall have been fixed, erected, built, constructed, laid down, or made by the said Trustees under the Authority of this Act, or any Alteration which shall have been made therein, (notwithstanding such Works or Alterations may have been constructed or made with the Sanction or express Permission of the said Company, or of such Referees or Umpire as aforesaid,) or that any Chain or Rope thrown over or

across

across the said River, or any thing done by the said Trustees, has caused or occasioned any Obstruction or Impediment to the Navigation of the said River, or the recovering or preserving the same in the State and Condition aforesaid, the said Trustees shall forthwith remove such Obstruction or Impediment; or they shall be at liberty, if they think fit so to do, to require that the Matter or Thing complained of shall be referred to Two Engineers for their Opinions thereon; and if the said Trustees shall, within the Space of Fourteen Days next after the Delivery of such Certificate as aforesaid, give unto the said Company Notice in Writing requiring that the Matters or Things complained of shall be referred to Two Engineers for their Opinions thereon, such and the same Course and Method of proceeding shall, so far as Circumstances will admit, be adopted and pursued by the said Company and Trustees for appointing Referees and an Umpire as are herein-before directed with regard to new Works; and such Referees or their Umpire shall examine and inquire into the Matter or Thing complained of, and shall report thereon, and certify whether in their or his Opinion the Works, Matters, and Things complained of or objected to, or any of them, have or has caused, produced, or given rise to such Obstruction or Impediment as aforesaid; and in case the said Trustees shall not within the Space of Fourteen Days after the Delivery of such Certificate give unto the said Company Notice in Writing requiring that the Matter or Thing complained of shall be referred to Two Engineers for their Opinions thereon, or in case such Notice shall be given and such Reference shall be made, and the said Referees or their Umpire, as the Case may be, shall report and certify against the said Trustees, or in favour of the said Company, or in accordance with the Certificate delivered by the said Company, or shall direct any Alteration to be made in the then existing Works or any of them so fixed, erected, built, constructed, laid down, or made, then and in every such Case, and when and so often as the same shall happen, the said Trustees shall and they are hereby required, without Delay, and in case of any Report being made as aforesaid then within such Time as by the said Referees or Umpire shall be appointed for the Purpose, (and which Time they and he are and is hereby respectively authorized and required to appoint,) make, do, and execute, at the Costs, Charges, and Expences of the said Trust, all such Works, Matters, and Things whatsoever as by the said Engineer signing such Certificate, or by such Referees or Umpire, shall be directed, for the Purpose of removing such Obstruction or Impediment, and restoring the said River and Navigation to the proper State and Condition; and in case the said Trustees shall neglect or refuse to make, do, and execute, with all reasonable Diligence, all such Works, Matters, and Things as by the said Engineer signing such Certificate, or by such Referees or Umpire, shall be directed, it shall be lawful for the said Company, but at the Costs, Charges, and Expences of the said Trust, to make, do, and execute all such Works, Matters, and Things whatsoever as shall be directed to be done and shall have not been done by the said Trustees; and the said Trustees shall, within Sixty Days next after Demand thereof in Writing shall have been made by or on the Behalf of the said Company, pay and satisfy unto the said Company all such reasonable Costs, Charges, and Expences as the said Company shall have incurred or been put unto in making, doing, or executing such Works, Matters, and Things aforesaid; and it shall be lawful for the said Company,

by

by and out of any Monies then due or thereafter to become due or payable by them to the said Trustees under the Provisions herein-after contained, to retain to and reimburse to themselves all such Costs, Charges, and Expences as aforesaid which from Time to Time shall remain unpaid or unsatisfied, any thing herein contained to the contrary notwithstanding.

If Company or Trustees refuse to appoint a Referee, the Referee appointed by the other Party may act.

XXXVIII. And be it further enacted, That in case either of them the said Company or the said Trustees shall neglect or refuse, for the Space of Seven Days after Notice in Writing requiring any Matter or Thing whatsoever to be referred to Two Engineers shall have been given by either Party to the other of them, to nominate and appoint an Engineer as Referee on their Part, it shall be lawful for the Referee to be nominated or appointed by the other Party to examine into the Matter or Thing required to be referred, and to report thereon, which Report shall be obeyed and submitted to, and be binding on all Parties, in the same Manner as if a Referee had been nominated by each Party, and such Two Referees or their Umpire had concurred therein or had signed the same.

Costs of Reference.

XXXIX. And be it further enacted, That the Costs and Expences attending any Reference shall, unless otherwise directed by the Referees or their Umpire, be borne and defrayed by the said Company and the said Trustees in equal Proportions.

River Dee Company to pay 250*l.* per Annum towards Maintenance of Ferry and Road.

XL. And whereas it is expedient, in consideration of the said Trustees taking upon themselves the Maintenance and Repair of the said Road and Ferry, that the said Company should contribute towards the Expences of keeping up and maintaining the said Ferry, and of repairing that Part of the Road leading from the said Ferry to *Woodbank Lane* which lies between the said Ferry and the Point where the Roads to *Chester* and *Woodbank Lane* diverge, and they have agreed for such Purpose to pay the annual Sum of Two hundred and fifty Pounds, but subject to the Provisions herein-after contained; be it therefore further enacted, That the said Company shall during the Continuance of this Act pay unto the said Trustees the clear yearly Sum of Two hundred and fifty Pounds, by Two equal half-yearly Payments on the Twenty-fifth Day of *December* and the Twenty-fourth Day of *June* in every Year, the first half-yearly Payment of the said yearly Sum to be made on the Twenty-fifth Day of *December* next after the passing of this Act.

For recovering Composition from River Dee Company.

XLI. And be it further enacted, That in case any half-yearly Payment of the said yearly Sum shall happen to be in arrear and unpaid for the Space of Thirty Days next after the Day hereby appointed for Payment thereof, it shall be lawful for the said Trustees, or any Person authorized by them, to enter into and distrain for the same, and the Costs and Charges occasioned by the Nonpayment thereof, upon all or any of the Lands vested in the said Company under or by virtue of the said Acts of the Sixth, Fourteenth, Seventeenth, and Twenty-sixth Years of the Reign of King *George* the Second, and of the Thirty-first Year of the Reign of King *George* the Third, and into and upon any Messuages or other Buildings erected thereon, and to dispose of the Distress there found according to Law; in the same Manner in all respects as Landlords may distrain for Rent reserved upon Leases for Years; and in case any half-yearly Payment

ment of the said yearly Sum of Two hundred and fifty Pounds shall happen to be in arrear and unpaid for the Space of Sixty Days next after the Day appointed for Payment thereof, it shall be lawful for the said Trustees, or any Person authorized by them, into and upon the said Lands so vested in the said Company as aforesaid, or into and upon any Part thereof in the Name of the whole, to enter, and the same to have, hold, and enjoy, and the Rents, Issues, and Profits thereof to receive and take, until the said yearly Sum of Two hundred and fifty Pounds, and all Arrears thereof, and also so much of the same yearly Sum as may accrue or grow due during the Time of such Possession, and also all such Loss, Costs, Charges, Damages, and Expences as shall be sustained or occasioned by reason or in consequence of the Nonpayment of the said yearly Sum, shall be fully paid and satisfied; and it shall not be necessary for the said Trustees previously to making any such Distress or Entry to make any formal or other Demand of the Money then due.

Treasurer of Trustees to give Receipt.

XLII. And be it further enacted, That any Receipt in Writing appearing on the Face of it to have been signed by the Treasurer for the Time being of the said Trustees, or of the Person acting as such Treasurer, shall be an effectual Discharge to the said Company for the Money expressed to be received in any such Receipt, and shall exonerate the said Company from seeing to the Application thereof; and it shall not be necessary for the said Company to require Proof, nor in any Action or Suit relating to the said yearly Sum to produce Proof, of the Appointment of such Person to be Treasurer.

Composition Money may be recovered by Action at Law.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think it expedient so to do, at any Time to sue for the said yearly Sum of Two hundred and fifty Pounds, or so much thereof as may at any Time be due and in arrear, in the Name of any One of such Trustees, or of their Treasurer or Clerk, against the said Company, and to recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

River Dee Company released from Liability to maintain Ferry and Road.

XLIV. And be it further enacted, That during the Continuance of this Act the said Company shall be and they are hereby released, exonerated, and discharged, as against all Persons other than and except the Commissioners acting under the said recited Acts of the Sixth, Fourteenth, Seventeenth, and Twenty-sixth Years of King *George* the Second, and of the Thirty-first Year of King *George* the Third, or any of them, of and from all Liability to provide or maintain the said Ferry called the *Lower King's Ferry*, or to maintain or repair that Part of the said Road which lies between the said Ferry and the Point of Divergence herein-before mentioned.

Directing how Notices shall be given.

XLV. And be it further enacted, That in all Cases where by this Act it is required that any Notice should be given by the said Company to the said Trustees, it shall be deemed good and sufficient if the same be under the Hand of the Clerk of the said Company, and be delivered to or left at the Residence of any One of the Trustees, or of the Clerk or Treasurer of the said Trustees; and that in all Cases where by this Act

it is required that any Notice should be given by the said Trustees to the said Company it shall be deemed good and sufficient if the same shall on the Face of it appear to be under the Hand of the Clerk or Treasurer of the said Trustees, and be delivered to or left at the Residence of the Clerk of the said Company, or be left at the principal Office for the Time being in *London* of the said Company.

Penalty for destroying the Works.

XLVI. And be it further enacted, That if any Person shall wilfully injure, destroy, steal, or take away any Boat, Barge, Float, Raft, or other Vessel, or any Property connected with the said Ferry, and belonging to the said Trustees, every Person, being lawfully convicted of such Offence, shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Felony.

Penalty on obstructing Passage across the Ferry.

XLVII. And be it further enacted, That if any Person shall wilfully and maliciously do any Act, Matter, or Thing whatsoever whereby the Passage across the said Ferry shall be interrupted or prevented, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For securing Offenders whose Names and Residences are unknown.

XLVIII. And be it further enacted, That it shall be lawful for any of the said Trustees, or for any Officer or Servant of the said Trustees, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Trustee, Officer, or Servant, who shall commit any Offence against this Act so far as the same relates to the said Ferry, and to convey him before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the said Complaint.

General Clause as to Penalties.

XLIX. And be it further enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered, levied, and applied in such and the same Manner as any Penalty or Forfeiture for any Offence on any Turnpike Road may, by any Law or Statute relating to Turnpike Roads, be recovered, levied, and applied.

No Priority of Mortgages.

L. And be it further enacted, That no Preference (except such Preference as any Person may now have and enjoy by virtue of the Mortgage or Assignment which may have been granted to him for securing the Repayment of any Money which he may have advanced on the Credit of the Tolls granted by the said recited Acts of the Seventh and Tenth Years of the Reign of His late Majesty King *George* the Fourth, hereby repealed,) shall be given to any Person, or to any Assignee of any Person, who has heretofore advanced any Money on the Credit of the Tolls granted by the said recited Acts, over any of the other Persons who may have advanced Money on the Credit of such Tolls; and no Preference shall be given to any Person, or to any Assignee of any Person, who shall hereafter advance any Money on the Credit of the Tolls granted by this Act upon any of the Roads comprised in this Act, over any of the other Persons who may advance any Money on the Credit of such last-mentioned Tolls, by reason of the Priority of Date of the Mortgage or Assignment or other Security for the same, but such Persons respectively,

and

and their respective Assignees, shall (in proportion to the Sums in such Mortgages or Assignments mentioned) be Creditors under this Act upon several Roads in respect of which such Mortgages or Assignments shall have been granted, in equal Degree one with another, and without any Preference.

Application of Monies.

LI. And be it further enacted, That all the Money which may be in the Hands of the said Trustees or of their Treasurer at the Time of the passing of this Act, and also all the Money which shall be received under or by virtue of this Act, shall be applied in manner following; (that is to say,) in the first place, and in preference to all other Disbursements whatever, in paying and discharging the Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for the Payment of such Costs, Charges, and Expences, from the Time of the same being advanced to the Time of the same being repaid; in the next place, in paying and discharging the Interest which is now due or which may from Time to Time become due on the Credit of the said recited Acts of the Seventh and Tenth Years of the Reign of King *George* the Fourth, upon the several Roads comprised in such Acts; in the next place, in paying and discharging the Interest of any Money which may hereafter be borrowed on the Credit of the Tolls by this Act granted upon the several Roads, but so nevertheless that the whole of such Payments in respect of Interest having Priority over the Costs, Charges, and Expences herein-after mentioned shall not exceed Seven hundred and fifty Pounds *per Annum;* and in the next place, in repaying and reimbursing to the said Company and indemnifying them from all such Monies, Costs, Damages, Charges, and Expences as the said Company shall incur, sustain, or be put unto, and as are hereby directed to be made good and repaid to them by the said Trustees; and in the next place, in paying and discharging all Interest which may from Time to Time become due on the Credit of the said recited Acts of the Seventh and Tenth Years of the Reign of King *George* the Fourth or of this Act, over and above the said annual Sum of Seven hundred and fifty Pounds; in the next place, in defraying the Expences of maintaining in repair the said Roads and Ferry, with the Appurtenances, and of making and maintaining in repair the said Branch Road by this Act authorized to be made; in the next place, in reducing or repaying the Principal Sums secured on the Credit of the Tolls granted by the said recited Acts of the Seventh and Tenth Years of the Reign of King *George* the Fourth; and lastly, in reducing or repaying any Principal Sums which may be borrowed on the Credit of the Tolls by this Act granted.

Saving the Rights of the Commissioners of the River Dee.

LII. Provided always, and be it further enacted, That this Act shall not, nor shall any Clause or Provision herein contained, be construed, deemed, or taken to extend, or to suspend, diminish, affect, or prejudice, or in any Manner interfere with, the Rights, Powers, Privileges, or Jurisdictions of the Commissioners acting under or by virtue of the said recited Acts of the Sixth, Fourteenth, Seventeenth, and Twenty-sixth Years of King *George* the Second, and the Thirty-first Year of King *George* the Third, or any of them, but all such Rights, Powers, Privileges, and Jurisdictions shall be and the same are hereby saved and preserved in full Force and Effect.

LIII. And

River Dee Company to recover from Trustees Money paid for their Neglect or Default.

LIII. And be it further enacted, That if at any Time during the Continuance of this Act any Fine or Penalty shall be imposed upon the said Company by the said Commissioners, or any Distress or Seizure shall be levied or made upon the Lands, Goods, Chattels, or Effects of the said Company, or any Loss shall accrue to or be sustained by the said Company in any Manner, by reason or on account or in consequence of any Act, Deed, Neglect, Default, Matter, or Thing whatsoever by the said Trustees, or by any of their Surveyors, Agents, Servants, or Workmen, made, done, committed, suffered, permitted, or omitted in or about the said Ferry or Piece of Road so to be maintained and repaired by them as aforesaid, or any Work, Matter, or Thing relating thereto respectively, then and in every such Case, and when and so often as the same shall happen, the said Trustees shall and they are hereby required to repay, reimburse, and make good unto the said Company all such Fines and Penalties as shall have been so imposed or levied upon them, and all Losses, Costs, Charges, Damages, and Expences which they shall or may so sustain or incur, within the Space of Sixty Days next after Notice thereof shall have been given to the said Trustees by or on the Behalf of the said Company; and as and by way of further Security for the Payment of the same it shall be lawful for the said Company and they are hereby authorized and empowered to retain to and reimburse and repay themselves all such Fines, Penalties, Losses, Costs, Charges, Damages, and Expences, by and out of any Monies then due or which thereafter may become due in respect of the said yearly Sum of Two hundred and fifty Pounds; any thing herein contained to the contrary notwithstanding.

Control of Ferry to revert to the River Dee Company in certain Events.

LIV. And be it further enacted, That in case the said Trustees shall not within the Time herein-before limited pay and satisfy unto the said Company all such Fines, Penalties, Losses, Costs, Charges, Damages, and Expences, then and in every such Case, when and so often as the same shall happen, the said Trustees shall, within the Space of Twenty-one Days next after Demand thereof shall have been made by the said Company, peaceably and quietly deliver up to the said Company, or unto such Person as shall be authorized by them to receive the same, to be by such Person in the meantime, and until all such Fines, Penalties, Losses, Costs, Charges, Damages, and Expences shall have been fully repaid and satisfied, held and retained, to and for the Use of the said Company, all and every the Boats and Vessels then used in or about the said Ferry, together with all the Gear, Ropes, Tackle, and Necessaries in, about, or belonging to the same respectively, and all Approaches, whether Piers, Slips, Hards, Landing Places, or otherwise; and the said Trustees shall from thenceforth, until all such Fines, Penalties, Losses, Costs, Charges, Damages, and Expences shall have been fully repaid and satisfied, cease to have any Control over the providing, maintaining, managing, or working the said Ferry, and to be entitled to receive the said yearly Sum, or any Monies then due or to become due in respect thereof.

Trustees to remain liable to support the Ferry.

LV. Provided nevertheless, and be it further enacted, That if the said Company shall under the Power herein-before contained take Possession of the said Boats and Vessels belonging to the said Ferry, the said Trustees shall not be relieved from, but shall at all Times during the Continuance of this Act be and remain liable and bound to pay and defray, and repay and reimburse to the said Company, all the Costs, Charges,

and Expences which shall or may be incurred or sustained in, about, or in relation to the said Ferry, Gear, Approaches, and other Matters and Things, and the providing, maintaining, and supporting the same in a good and sufficient State and Condition, any thing herein contained to the contrary notwithstanding; and that when and so soon as all such Penalties, Costs, Charges, and Expences shall have been fully repaid and satisfied, together with the Costs, Charges, and Expences incurred by the said Company in maintaining, repairing, and providing the said Ferry, Gear, Approaches, and other Matters and Things incident thereto respectively, then and thenceforth, and until some fresh Neglect and Default shall have been made, the said Trustees shall be at liberty to enter into and resume the Possession of the said Boats, Gear, Approaches, and other Matters and Things, and their Control, Rights, and Privileges, in such and the same Manner as they held and enjoyed or were entitled to hold and enjoy the same prior to such Default.

No Money to be laid out in paving any Town.

LVI. And be it further enacted, That no Money received by virtue of this Act shall be laid out in paving, repairing, or cleansing any Town or Street through which any of the said Roads may pass.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

LVII. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands and Hereditaments so purchased in case the same shall be of Freehold Tenure, and in case such Lands and Hereditaments shall be of any other Tenure the Estate and Interest in such Lands and Hereditaments, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

LVIII. Provided always, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of the Roads mentioned in this Act or any of them shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands and Hereditaments in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands or Hereditaments in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting

LIX. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands and Hereditaments taken by them for the Purposes of

of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest of the said Lands and Hereditaments. as if they had purchased the Fee Simple of the Lands.

LX. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Person" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; and that High-water Mark shall be understood to be the Point attained by the Water of the said River in an Eighteen Feet Tide as ascertained by the Standard on the Old Dock Gate at *Liverpool*; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction. Construction of certain Terms employed in this Act.

LXI. And be it further enacted, That this Act shall commence on the Third *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow. Term of Act.

LXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

The

The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Name of Owner.	Name of Occupier.	Description of Property.
		Parish of Hope, Township of Cymau.	
2	William Shipley Conway, Esquire	Robert Jones - - -	Garden.
		Parish of Hope, Township of Caergwrle.	
3	William Shipley Conway, Esquire	- - - -	Smithy, Cottages, and Gardens.
4	Ditto - -	- - - -	Gardens.
5	Ditto - - -	David Humphreys - -	Timber Yard.
9	Ditto - -	William Hughes - -	House and Garden.
15	Thomas Hughes - -	Thomas Hughes - -	Ditto.
		Parish of Hope, Township of Hope.	
19	John Price, Esquire - -	Robert Davies - -	Cottage and Garden.
21	William Lloyd Wilbraham, Esquire.	Edward Jenkins - -	Mill and Stable.
32	John Price, Esquire - -	William Rowland - -	Swan Public House.
33	Ditto - - -	John Jones - -	House, Fold, &c.
34	Reverend Edward South Thurlow.	Elizabeth Jones - -	White Lion Public House, Building, Garden, &c.
		Parish of Hope, Township of Hope Owen.	
48	John Foulkes, Esquire - -	Martha Parsonage - -	Garden.
86	Right Honourable Earl Derby	Joseph Homesley - -	Cottage, Smithy, Garden.
88	Mrs. Mary Griffiths - -	William Connah - -	House and Garden.
91	Right Honourable Earl Derby	Thomas Lewis - -	Ditto.
92	Ditto - - -	Thomas Griffiths - -	Ditto.
		Parish of Hawarden, Township of Bannel.	
107	Sir Stephen Richard Glynne, Baronet.	Thomas Tudor - -	Cottage, Garden, and Croft.
109	Ditto - - -	John Piercy - - -	Ditto.
		Parish of Hawarden, Township of Pentrobin.	
121	Sir Stephen Richard Glynne, Baronet.	Thomas Jones - -	Cottage, Garden, and Croft.
128	Ditto - - -	Thomas Piercy - -	House, Fold, &c.
130	Ditto - - -	Ditto - - -	Cottage and Garden.
134	Ditto - - -	Sir S. R. Glynne, Baronet -	Plantation.
137	Ditto - - -	Ditto - - -	Ditto.
138	Ditto - - -	Ditto - - -	Ditto.
		Parish of Hawarden, Township of Hawarden.	
141	Sir Stephen Richard Glynne, Baronet.	- - - -	Houses and Gardens.
143	Reverend Henry Glynne -	Mary Rigby - -	Garden.
144	Sir Stephen Richard Glynne, Baronet.	Sir S. R. Glynne, Baronet -	Part of Park.
146	Ditto - - -	Edward Davies - -	Garden.
147	Ditto - - -	Fanny Astbury - -	Ditto.
155	Ditto - - -	Samuel Hughes - -	Gardens.

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