ANNO VICESIMO TERTIO

# VICTORIÆ REGINÆ.

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## *Cap.* xxxii.

## An Act for the further Continuance of the *Lower King's Ferry* Roads Turnpike Trust, and for other Purposes. [15th *May* 1860.]

WHEREAS by the Local and Personal Act 5 and 6 *William* 4, Chapter 88, 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*, (and which Act is herein-after referred to as the Act of 1835,) after reciting and repealing Two previous Acts, passed respectively in the Seventh and Tenth Years of King *George* the Fourth, relating to the said Roads, but not relating to the said Ferry, the Trustees appointed by the Act now in recital were authorized to maintain the Road leading from the Town of *Flint* to the *Lower King's Ferry* in the Parish of *Hawarden* in the County of *Flint*, and other Roads therein described, and also to make and maintain a new Road (which has since been constructed, and is herein-after called the *Abermorddu* Branch), and to take thereon the Tolls in that Act mentioned, and it was thereby (Section 61) provided that that Act should commence on the Third *Monday* next after the passing thereof, and should continue in force for the Term (still unexpired) of Thirty-one Years, and from thence to the End of the Session of Parliament which should then next follow: And whereas by the Act of 1835 the Mainte- 5 & 6 W. 4. c. lxxxviii.

nance and Management of the *Lower King's Ferry* were, during the Continuance of that Act, vested in the said Trustees in substitution for and exoneration of the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, and that Company were, during the Continuance of that Act, required to pay unto the said Trustees the clear yearly Sum of Two hundred and fifty Pounds towards the Maintenance of the Ferry and the Piece of Road leading from the said Ferry to the Point where the Roads to *Chester* and *Woodbank Lane* diverge: And whereas by the same Act a Priority or Preference was given to Monies secured on the Credit of the Tolls granted by the said repealed Acts over the Monies to be borrowed under the Powers of that Act: And whereas by the Local and Personal Act 1 *Victoria*, Chapter 19, (and which Act is herein-after referred to as the Act of 1838,) the said Trustees were authorized to make a new Line of Road (since constructed, and herein-after called the *Eastham* Branch) from the *Woodbank* Road to join the *Chester and Liverpool* Turnpike Road in the Township of *Eastham*, and to abandon a certain Portion of the *Woodbank* Road therein particularly described; and the Provisions of the Act of 1835 were extended to the Act now in recital; and it was provided that the Act now in recital should continue in force for and during the Term and Continuance of the Act of 1835: And whereas the several Principal Sums mentioned in the First Schedule to this Act were borrowed by the Trust for the Purposes thereof, and are now due, or reputed to be due, to the several Persons named in that Schedule, and a large Arrear of Interest is due upon the Principal Sums specified in the Third Part of that Schedule: And whereas, by way of collateral Security for the Repayment of the Two Principal Sums specified in the First Part of the First Schedule to this Act, with Interest at Five *per Centum per Annum*, the Trustees being unable to raise the Money upon the Security of the Tolls alone, certain of the Trustees of the said Roads gave their Bonds, on which they are or may be alleged to be personally liable, and it is expedient that they and their Representatives be indemnified therefrom, and that those Principal Sums, and the Interest thereof, be charged upon the Revenue of the Trust in the Manner and with the Priority herein-after provided: And whereas the Principal Sum of One thousand five hundred Pounds, mentioned in the Second Part of the First Schedule to this Act, was advanced in the Year One thousand eight hundred and thirty-six by *Matthew Gosling* deceased to *Edward Pryce*, Lord *Mostyn*, deceased, *Edward Mostyn Lloyd*, now Lord *Mostyn*, Sir *Edward Mostyn* deceased, Sir *Stephen Richard Glynne* Baronet, *George Roskell*, and *Edward Eyton*, being Six of the Trustees of the said Roads, upon the Security of their joint and several personal Bond, and such Sum was, by Arrangement, paid over by them to the Treasurer of the Trust for the Purposes thereof, upon the Faith of a Resolution of the Trustees that the Interest on such Bonds should be paid out of the Funds of the Trust, and that a Mortgage of the Tolls should

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should be given by the Trust to the several Parties aforesaid who executed the said Bond, and Interest at the Rate of Five Pounds *per Centum* has been regularly paid thereon out of such Funds: And whereas the said Sir *Stephen Richard Glynne* was called upon to pay off, and did accordingly pay off, the said Principal Sum secured by that Bond, and in order to reimburse him it is expedient that the Principal Sum so paid by him, and the Interest thereof, be charged upon the Revenues of the Trust in the Manner and with the Priority herein-after provided: And whereas the Principal Sums specified in the Second Schedule to this Act appear to have been advanced for the Purposes of the *Eastham* Road, authorized by the Act of 1838, and for the most part upwards of Twenty Years ago; but no Interest has ever been paid thereon, nor (except as regards the Sum of One thousand five hundred Pounds due, or reputed to be due, to the Representatives of Sir *Thomas Stanley Massey Stanley*, Baronet, for which a Mortgage, dated in *April* One thousand eight hundred and forty, appears to have been given,) has any Mortgage Bond or Security been given for any of those Sums: And whereas since the opening of the *Chester and Holyhead* and the *Mold* Railways the Income of the said Trust has greatly diminished, and the Debt of the said Trust cannot be discharged unless further Provision be made for that Purpose, and a further Term be granted: And whereas the Provisions relative to the said Ferry, of the Act of 1835, have proved prejudicial to the said Trustees, and it is not expedient to extend the same beyond the Expiration of the Term of that Act: And whereas it is expedient that the Act of 1835 (except the Clauses and Provisions of that Act relating to the said Ferry, the said Company, or the Commissioners of the River *Dee*) and the Act of 1838 be repealed, and that further and more effectual Powers be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Recited Acts repealed, except Provisions herein stated.

I. Upon the Second *Monday* next after the passing of this Act, but subject to the Provisions of this Act, the Act of 1835 (except the Sections of that Act herein-after specified) and the Act of 1838 are hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned: Provided always, that Sections 31 to 49 (both inclusive), and Sections 52 to 55 (both inclusive), of the Act of 1835, relating to the said Ferry, the said Company, or the Commissioners of the River *Dee*, and Section 60 of that Act relating to the Construction of Terms employed therein, are not hereby repealed, but shall continue in force during the Period limited for the Continuance of that Act by the 61st Section thereof, and no longer; and in those Sections while in force the Expressions "the Trustees" and "the said Trustees" shall

shall mean the Trustees for the Time being acting in execution of this Act.

Short Title.

II. This Act may be cited for any Purpose whatsoever as "The *Lower King's Ferry* Turnpike Roads Act, 1860."

Interpretation of Terms.

III. In this Act the following Words and Expressions have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" includes a Corporation:

The Expression "the Trustees" or "the said Trustees" means the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Roads" means the Roads herein-after described:

The Words "Toll Gates" or "Toll Gate" include Turnpikes, Bars, Chains, and Side Gates:

The Term "flat Wheel" means a Wheel with a Tire, and which Wheel shall have no Tire Nail Head projecting more than a Quarter of an Inch from the Face of the Tire, and when rolling on a flat Surface shall bear equally thereon throughout the whole Breadth of the Tire:

And this Act shall be deemed an Act for repairing or maintaining a Turnpike Road within the Meaning of the Public General Acts for the Time being in force relating to Turnpike Roads in *England*.

Saving Rights of Trustees acquired under Acts hereby repealed.

IV. Notwithstanding the partial Repeal of the Act of 1835 and the Repeal of the Act of 1838, the Trustees shall be and continue entitled to a perpetual Right of Way in, over, or upon the Lands purchased by them for the Purposes of those Acts respectively, so long as such Right of Way shall be wanted for the Purposes of the Roads constructed under those Acts, or either of them, and shall not be entitled to any greater or other Estate or Interest in those Lands: Provided always, that the Trustees shall have the same Power of cutting and digging those Lands, and also of erecting and building Bridges, Toll Houses, and other Buildings thereon, as if they were the absolute Owners thereof in Fee Simple in Possession.

Moneys and Property to vest in the new Trustees.

V. Subject to the Provisions of this Act, all Monies due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Actions and Rights vested in or belonging to the Trustees under the Act of 1835 and the Act of 1838, or either of those Acts, shall, immediately on the Commencement of this Act, be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in and belonged to them under the Act of 1835 and the Act of 1838, and they shall be liable to all the Debts and Engagements to which the Trustees under those Acts were liable

liable at the Repeal thereof, except in so far as those Debts and Engagements are by this Act extinguished, varied, or reduced.

Appointment of new Trustees.

VI. All Her Majesty's Justices of the Peace for the Time being acting respectively for the County Palatine of *Chester* and the County of *Flint*, together with *Edward Bate*, *Henry Glynne*, *William Hancock*, *William Hancock* the younger, *Arthur Troughton Roberts*, *Joel Williams*, *James Williams*, *Richard Trevor Roper*, *Edward Thompson*, *William Reynolds*, *Charles Davison*, *James Davison*, *Edward Arthur Lewis*, and *Edward Waln*, and their Successors, being duly qualified according to the Provisions of the Public General Acts relating to Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VII. It shall be lawful for the Trustees, from Time to Time, at any Meeting under this Act, to elect any Number of Persons, duly qualified as aforesaid, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, and of the unrepealed Sections of the Act of 1835, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VIII. The Trustees shall hold their First Meeting at the *Hawarden Castle* Inn at the *Lower King's Ferry*, or at some other convenient Place on the Line, or in the Neighbourhood of the Roads, on the First *Monday* next after the Commencement of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places as they shall think proper.

Roads to which this Act applies.

IX. This Act shall be put into execution for the Purpose of managing and maintaining the Roads herein-after described; to wit,

First, the present Turnpike Road leading from the Town of *Flint* to the *Lower King's Ferry* in the Parish of *Hawarden* in the County of *Flint*:

Secondly, the present Turnpike Road leading from the *Lower King's Ferry* aforesaid to the *Boar's Head*, situate on the Turnpike Road between *Northop* and *Hawarden*, and 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*:

Thirdly, the present Turnpike 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*:

Fourthly, the present Turnpike Road (herein called the *Eastham* Road) leading from the North-east Side of the *Lower King's Ferry* aforesaid to the Turnpike Road from *Chester* to *Liverpool*, at or near the *Hooton* Turnpike Gate on that Road, in the Township of *Eastham* in the County of *Chester*:

Fifthly, the present Turnpike Road (herein called the *Northop* Branch Road) leading from the other Side of the said Ferry at or near the old Custom House in the Township of *Wepre* in the Parish of *Northop* to the North-west of *Northop* Churchyard in the Village of *Northop* in the County of *Flint*:

Sixthly, the present Turnpike Road (herein called the *Abermorddu* Branch) from the *King's Ferry* Toll House on the South Side of the *Lower King's Ferry* aforesaid to *Abermorddu* in the Parish of *Hope*, all in the County of *Flint*:

And which said several Roads herein-before described now are and shall continue to be called "The *Lower King's Ferry* Roads:" Provided always, that on the Expiration of the Period during which the Act of 1835 was to continue in force that Part of the *Eastham* Road (formerly Part of the *Woodbank* Road) which lies between the North-east Side of the said Ferry and the Point where the Roads leading thence to *Chester* and to *Eastham* diverge shall cease to form Part of the Roads comprised in this Act, and to be under the Management of the Trustees, and in the meanwhile the Trustees shall maintain the same out of the Contribution payable by the said Company; and no Toll Gate, Toll House, or Weighing Machine shall be erected or built, nor shall any Toll or Penalty whatsoever be demanded or taken, upon, across, or on the Side, or in respect of that Part of the *Eastham* Road.

Present Tolls continued for a Time.

X. Notwithstanding the partial Repeal of the Act of 1835 and the Repeal of the Act of 1838, the several Tolls thereby granted and made payable shall continue to be paid at the several Toll Gates erected on the said Roads until the Thirty-first Day of *December* One thousand eight hundred and sixty inclusive, and such Tolls may be levied and recovered in the same Manner as if this Act had not been passed.

Power to take Tolls.

XI. Upon and after the First Day of *January* One thousand eight hundred and sixty-one, and until the Principal Sums of Money for the Time being due and owing upon the Credit of the Tolls of the said Trust are paid off and discharged, it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which shall, by virtue of this Act, be upon or on the Sides of the said Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Barouch, Sociable, Chaise, Curricle, Whiskey,

Whiskey, Car, Gig, Calash, Chair, Caravan, Break, Hearse, or Litter, or other such Carriage, the Sum of One Shilling:

For every Horse or other Beast drawing any Waggon, Wain, Van, Caravan, Cart, or other such Carriage, if all the Wheels are flat Wheels:

If the Tires of all the Wheels are of the Breadth of Six Inches or more, the Sum of Ninepence:

If the Tire of any Wheel is of less Breadth than Six Inches, and not less than Four Inches and a Half, the Sum of One Shilling:

If of a Breadth less than Four Inches and a Half, the Sum of One Shilling and Sixpence:

If the Distance between the Axle-trees of any Wain, Waggon, Van, Cart, or other such Carriage be more than Ten Feet, then for each Horse or other Beast drawing the same an additional Sum equal to One Half of the Tolls otherwise payable for such Horse or other Beast:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Twopence; and for every Ass not drawing, One Penny:

For every Score of Oxen, Cows, or Neat Cattle the Sum of One Shilling and Sixpence, and so in proportion for any greater or less Number:

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

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, on any Road, the Sum of One Shilling for each Wheel thereof:

For every Waggon, Wain, Cart, or other such like Carriage (whether drawn by One Horse or Beast or more) passing upon any of the Roads, and of which any Wheel is not a flat Wheel, the Sum of Ten Shillings (in lieu of any Penalty to which the Owner or Driver thereof may be subject for the Use thereof under the Public General Acts relating to Turnpike Roads in *England*):

And when such aforesaid Principal Sums of Money shall have been paid off and discharged, the Trustees may demand and take in like Manner such several and respective Tolls as they shall from Time to Time direct, provided the same are of smaller Amount than were demanded and taken before such Sums were paid off and discharged; which said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon or on the Sides of the said Roads by virtue of this Act.

As to the Fraction of a Halfpenny in Tolls.

XII. In all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

XIII. Except

Only One full Toll to be taken.

XIII. Except as herein-after otherwise provided, no more than One full Toll (and where the same is payable under the foregoing Provisions, One additional Half Toll) shall be taken for passing or repassing any Number of Times on the same Day with the same Horse, Beast, Cattle, or Carriage, or other Animal or Thing, liable to Toll through all the Toll Gates erected or to be erected on any One of the said Roads.

Tolls on Horses, &c. drawing different Carriages.

XIV. The Tolls by this Act made payable shall be paid in respect of Horses or other Beasts drawing any Waggon, Wain, Cart, Van, or such like Carriage for every Time during the same Day that any such Horse or Beast shall pass through any Toll Gate drawing any Waggon, Wain, Cart, Van, or such like Carriage, other than that which such Horse or other Beast was employed in drawing at any former Time during the same Day when Toll shall have been paid in respect of such Horse or other Beast.

Post Horses, &c. to pay every fresh Hiring.

XV. The Tolls hereby made payable shall be paid for all Horses or other Beasts drawing any Carriage travelling for Hire as often as any fresh Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beast had been made on the same Day.

Steam Carriages and Horses drawing Stage Coaches, &c. to pay each Journey.

XVI. The Tolls hereby made payable shall be paid for all Carriages moved or propelled by Steam or Machinery, or any other Power than Animal Power, and for all Horses or other Beasts drawing any Stage Coach, or any Omnibus, Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along either of the said Roads.

Regulations as to Stage Coaches.

XVII. All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, Van, Caravan, or other Stage Carriages conveying Passengers or Goods for Payment, Hire, or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Benefit of Exemptions confined to flat and broad Wheels.

XVIII. No Person shall by virtue of this Act, or of any Public General Act, have, claim, or take the Benefit of any Exemption from Toll or Part of Toll, or for Penalties for Overweight, or claim or be entitled to pay any Tolls less than the highest Tolls imposed under this

this Act for or in respect of any Waggon, Wain, Cart, or other Carriage, or the Horse, Horses, or Beasts drawing the same, whether drawn by One Animal only of whatever Kind, or by Two or more Animals of whatever Kind, and whether laden or unladen, and, if laden, whatever the Load may be, unless all the Wheels of such Waggon, Wain, Cart, or other Carriage be flat Wheels, having the Fellies thereof at the Bottom or Soles thereof of the Breadth or Gauge of Four Inches and a Half or more.

Weights for One-horse Carts, &c.

XIX. The Weights herein-after specified shall be allowed to every Cart or other like Carriage drawn by One Horse or other Beast, including the Loading thereof; (that is to say,)

If such Cart or other like Carriage have flat Wheels, and the Fellies of all the Wheels at the Bottom or Soles thereof be of the Breadth of Four Inches and a Half or upwards, Two Tons Weight in Summer, and One Ton and Fifteen Hundredweight in Winter:

If such Cart or Carriage have not flat Wheels, or if the Felly of any of the Wheels thereof be at the Bottom or Sole thereof of less Breadth of Four Inches and a Half, One Ton and Ten Hundredweight in Summer, and One Ton and Five Hundredweight in Winter:

And an additional Toll not exceeding One Penny *per* Hundredweight may be demanded, taken, and received for every Hundredweight which any such Cart or other like Carriage, together with the Loading thereof, may weigh at any Weighing Machine over and above the Weight herein-before allowed thereto.

Application of General Acts as to Weighing, &c

XX. The Trustees, their Lessees and Surveyor, and all Collectors and Receivers of Tolls, Keepers of Toll Gates, and Persons having the Care of any Weighing Machine, shall respectively have the same Powers, and they respectively and the Owner or Driver of every such Cart or like Carriage shall respectively be liable and subject to the same Duties, Penalties, and Payments with reference to the weighing of any such Cart or like Carriage, and to driving or returning with the same to any Weighing Machine, and to Offences connected therewith, as under the Public General Acts for the Time being in force relating to Turnpike Roads in *England* they respectively would have or be liable or subject to with reference to any Waggon, Cart, or Carriage by those Acts, or any of them, made liable to be weighed.

Penalty on Lessees compounding for Overweight.

XXI. 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 or Carts liable to be charged in respect of Overweight: Therefore 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 or Cart 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 Her 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.

Respecting Toll Gates.

XXII. The Toll Gates and Toll Houses now standing or being upon the said Roads shall be continued until removed by any Order of the said Trustees, and (subject to the Provisions of this Act) it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King
9 G. 4. c. 77. *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, and after such Notices as are by that Act required, to order and cause to be set up on or across the said Roads, or on the Sides thereof, any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House now standing or being upon the said Roads, or on the Sides thereof.

Extinguishing Arrears of Interest.

XXIII. Upon and from the Commencement of this Act all Arrears of Interest due upon or in respect of the Principal Sums respectively specified in the several Schedules to this Act, and all Liability of the Trustees or Claim upon the Tolls in respect of such Arrears, are wholly barred and extinguished.

Application of Monies.

XXIV. All Monies which shall come to the Hands of the Trustees by virtue of this Act (and also all Sums payable to them by the said Company during the Continuance in force of the unrepealed Sections of the Act of 1835,) shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in defraying the necessary Expenses of Management, but so that such Expenses (exclusive of the Erection of new Toll Gates, Toll Houses, and Weighing Machines, with their Appurtenances, and the Salaries of Toll Collectors, and of prosecuting or defending Suits, Actions, and Indictments, and Proceedings before Justices of the Peace,) shall not exceed in any One Year the Sum of One hundred Pounds:

Thirdly, in paying Interest at the Rate of Five Pounds *per Centum per Annum* on the several Principal Sums of One thousand four hundred

hundred Pounds and One thousand five hundred Pounds, making together the Sum of Two thousand nine hundred Pounds, specified in the First and Second Parts of the First Schedule to this Act:

Fourthly, in paying Interest at the Rate of One Penny *per Centum per Annum* on the several Principal Sums, amounting together to Twenty thousand six hundred and ninety-five Pounds Nine Shillings and Sevenpence, specified respectively in the Third Part of the First Schedule to this Act, and Interest at the Rate of One Penny *per Centum per Annum* on the several Principal Sums, amounting together to Six thousand eight hundred and twenty Pounds, specified respectively in the Second Schedule to this Act:

Fifthly, while the unrepealed Sections of the Act of 1835 continue in force, in maintaining and working the said Ferry and otherwise carrying those Sections into execution, and in repaying and reimbursing to the said Company and indemnifying them from all Monies, Costs, Damages, Charges, and Expenses which they may incur, sustain, or be put unto, and which by those unrepealed Sections are directed to be repaid and made good to them by the said Trustees, not exceeding in any One Year the Sum of Three hundred Pounds, in addition to the Contribution of Two hundred and fifty Pounds by the said Company:

Sixthly, in defraying the Expenses of the Repairs of the said Roads during the Continuance of the Contract entered into between the Trustees and Mr. *Joshua Bower*, and bearing Date the First Day of *February* One thousand eight hundred and fifty-nine, not exceeding Four hundred and eighty Pounds *per Annum*, and for providing for the Payment of any Sum of Money which the Trustees are liable to pay to the said *Joshua Bower* on the Expiration of such Contract:

Seventhly, in paying off, in manner herein-after provided, the said Principal Sums of One thousand four hundred Pounds and One thousand five hundred Pounds, making together the Sum of Two thousand nine hundred Pounds, specified in the First and Second Parts of the First Schedule to this Act:

Eighthly, in maintaining, repairing, and improving the Roads on the Expiration of the said Contract, not exceeding One hundred and sixty Pounds *per Annum*:

Ninthly, in paying off the said several Principal Sums specified in the Third Part of the First Schedule and in the Second Schedule to this Act, or such of them as from Time to Time remain unsatisfied, in manner herein-after provided:

Lastly, in maintaining, repairing, and improving the Roads.

Interest not to accrue till Costs of Act are paid.

XXV. Provided always, That no Interest shall accrue on any of the said Principal Sums, or any Part thereof, until the Expenses of obtaining and passing this Act shall have been paid and satisfied.

XXVI. Every

Sureties indemnified.

XXVI. Every Person who has executed any Bond by way of Guarantee or collateral Security for any Principal Sum specified in the First Part of the First Schedule to this Act, or the Interest thereof, and his Heirs, Executors, and Administrators, shall be indemnified and saved harmless out of the Funds, Tolls, and Revenue of the Trustees from and against all Payments, Loss, Costs, Charges, and Expenses which he or they may incur or sustain by reason or in consequence of his having executed any such Bond.

Limiting Powers of borrowing Money.

XXVII. If the Trustees can at any Time borrow any Sum of Money at a lower Rate of Interest than any Mortgages which shall be then in force shall bear, then and in every such Case it shall be lawful for them to borrow on Mortgage such Sums of Money as they shall think proper at such lower Rate as aforesaid in order to pay off and discharge any Mortgage bearing such higher Rate of Interest; and the Monies so borrowed, and the Interest thereon, shall rank and be payable in the same Order and with the same Priority (if any) as the Principal Sums thereby discharged and the Interest thereon would have been entitled to if not so discharged, and shall be in all other Respects substituted for the same; but except in such Cases it shall not be lawful for the Trustees to borrow any further Sum of Money.

Mortgages not to take possession except for Arrears of Interest.

XXVIII. Whenever and so long as the Interest upon all Mortgages charged upon any Tolls arising under the Provisions of this Act shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the Letting of such Tolls; and every Mortgagee entering into possession of any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all Principal Sums for the Time being charged upon such Tolls or Rent, without any other Priority or Preference than is by this Act prescribed, and may also reimburse himself all Costs to which he may be entitled; and every Mortgagee so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on all such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of all Toll Gates, Toll Houses, and Buildings to the Trustees, or any Person appointed by them

them to receive the same, and discontinue the Receipt of the said Tolls and such Rent as aforesaid, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

XXIX. When and so often as the Sum applicable to the Discharge of any of the said Principal Sums, or the Part thereof for the Time being unsatisfied according to the Provisions of this Act, shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Sums to the Creditors entitled thereto according to the Order and Priorities of Payment herein-before prescribed, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the Counties of *Flint* or *Chester*, or by Letter addressed to each Creditor entitled, according to the Order and Priorities of Payment herein-before prescribed, to participate in the Sum so applicable, at his usual Place of Abode; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of some Part of the Principal Sums to the Discharge whereof, according to the Order and Priorities aforesaid in which the same is applicable, to the Creditor so entitled who shall by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Principal Sums, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Part of the like Principal Sums to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the same, and so on in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors of the same Class, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid from any Creditor entitled to participate in the Sum so applicable, or if there be any Surplus of the Sum so applicable, after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may (subject to the Order and Priorities aforesaid) apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors entitled to participate therein, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Money to be taken or laid out in Towns.

XXX. The Trustees shall not lay out or collect any Money on any Part of the Roads within the Limits of any Act of Parliament passed for the Improvement of any Town.

Roads not exempted from General Acts.

XXXI. Nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXXII. This Act shall commence on the Second *Monday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

## The SCHEDULES referred to in the foregoing Act.

### FIRST SCHEDULE.

#### First Part.

| | £ | s. | d. |
|---|---|---|---|
| Trustees of Northop National School - - 800 0 0 | | | |
| Executors of the late Miss Molineux (late Townsend), (now Sir Stephen R. Glynne, Baronet) 600 0 0 | | | |
| | 1,400 | 0 | 0 |

#### Second Part.

| | | | |
|---|---|---|---|
| Sir Stephen R. Glynne, Baronet - - - - - - | 1,500 | 0 | 0 |
| | £2,900 | 0 | 0 |

#### Third Part.

| | | | |
|---|---|---|---|
| Representatives of the late P. Davies Cooke, Esquire - - | 4,227 | 12 | 9 |
| Executors of the late Thomas Lewis, Esquire - - - | 1,035 | 10 | 3 |
| Representatives of late Edward Lewis, Esquire - - - | 68 | 5 | 3 |
| Sir Stephen R. Glynne, Baronet - - - { 3,530 0 0 / 1,700 13 0 } | 5,230 | 13 | 0 |
| Executors of the late Ralph Richardson, Esquire - - - | 537 | 11 | 8 |
| Representatives of the late Honourable and Reverend G. N. Grenville, Dean of Windsor - - - - - | 580 | 17 | 6 |
| Executors of the late Sir Edward Mostyn, Baronet - - | 430 | 5 | 8 |
| Executors of the late J. O. Crewe Read, Esquire - - - | 403 | 17 | 10 |
| Executors of the late Mr. Edward Jones of Spon Green - - | 330 | 5 | 6 |

*The Lower King's Ferry Turnpike Roads Act*, 1860.

| | £ | s. | d. |
|---|---|---|---|
| Lord Mostyn - - - - - - - - | 3,500 | 0 | 0 |
| Representatives of the late William Rigby, Esquire - - - | 322 | 16 | 0 |
| „ „ John Heaton, Esquire - - - | 322 | 16 | 0 |
| „ „ William Williams, Esquire - - | 322 | 16 | 0 |
| „ „ Mrs. Caroline Clough - - - | 322 | 16 | 0 |
| „ „ Edward Lloyd, Esquire - - - | 322 | 16 | 0 |
| John Price, Esquire - - - - - - - - | 322 | 16 | 0 |
| Representatives of the late Trevor Owen Jones, Esquire - - | 321 | 1 | 6 |
| Admiral James Whitley Deans Dundas - - - - - | 265 | 10 | 6 |
| Representatives of the late Mrs. Yonge - - - - - | 284 | 2 | 10 |
| Representatives of the late John Douglas - - - - | 143 | 7 | 0 |
| William Hancock, Esquire - - - - - - - | 18 | 13 | 6 |
| Representatives of the late T. Makin, Esquire - - - | 29 | 0 | 6 |
| „ „ Colonel Salusbury - - - | 35 | 17 | 0 |
| The Reverend William Maddock Williams - - - - | 28 | 13 | 8 |
| Representatives of the late Edward Eyton - - - - | 35 | 5 | 3 |
| „ „ John Maddocks, Esquire - - | 34 | 13 | 10 |
| „ „ Mr. Prichard Chester - - - | 35 | 3 | 9 |
| „ „ Edward Grainger, Esquire - - | 13 | 17 | 4 |
| Lloyd Williams, Esquire, M.D. - - - - - | 13 | 17 | 6 |
| Representatives of the late Reverend Henry Jones - - - | 68 | 5 | 3 |
| „ „ Robert Davies, Esquire - - - | 67 | 9 | 4 |
| William Thomas Ellis, Esquire - - - - - - | 26 | 19 | 0 |
| Representatives of the late Richard Beresford, Esquire - - | 67 | 7 | 4 |
| „ „ Sir W. W. Wynne, Baronet - - | 67 | 0 | 0 |
| „ „ Thomas Eyton, Esquire - - | 66 | 14 | 8 |
| „ „ Mr. T. Roberts - - - - | 32 | 14 | 10 |
| „ „ Mr. Charles Williams - - - | 32 | 9 | 6 |
| „ „ Mrs. Elizabeth Thomas and others - | 104 | 0 | 0 |
| „ „ George Roskell, Esquire - - | 94 | 12 | 8 |
| Argoed Colliery Company - - - - - - - | 26 | 17 | 5 |
| Harvey Crackenthorpe - - - - - - - | 500 | 0 | 0 |
| | £20,695 | 9 | 7 |

## SECOND SCHEDULE.

| | | | |
|---|---|---|---|
| Representatives of the late Sir Thomas Stanley Massey Stanley | 1,500 | 0 | 0 |
| Sir Stephen Richard Glynne, Baronet - - - - - | 1,400 | 0 | 0 |
| Reverend Henry Glynne - - - - - - - | 330 | 0 | 0 |
| Representatives of the late P. Davies Cooke, Esquire - - | 400 | 0 | 0 |
| John Wynne Eyton, Esquire - - - - - - | 275 | 0 | 0 |
| Representatives of the late F. C. Philips, Esquire - - - | 100 | 0 | 0 |
| „ „ Thomas Lewis, Esquire - - - | 275 | 0 | 0 |
| Edward Bate, Esquire - - - - - - | 110 | 0 | 0 |
| Representatives of the late W. J. Bankes, Esquire - - - | 100 | 0 | 0 |
| „ „ Richard Garnons, Esquire - - | 110 | 0 | 0 |
| „ „ C. B. Clough, Esquire - - - | 110 | 0 | 0 |
| „ „ John Rigby, Esquire - - - | 100 | 0 | 0 |

*The Lower King's Ferry Turnpike Roads Act*, 1860.

| | £ | s. | d. |
|---|---|---|---|
| Wilson Jones, Esquire | 110 | 0 | 0 |
| William Hancock, Esquire | 100 | 0 | 0 |
| C. B. Trevor Roper, Esquire | 100 | 0 | 0 |
| Edward Pemberton, Esquire | 100 | 0 | 0 |
| Representatives of the late Mr. Smith (Eastham Ferry) | 200 | 0 | 0 |
| ,, ,, Reverend Henry Jones | 50 | 0 | 0 |
| ,, ,, William Williams, Esquire | 50 | 0 | 0 |
| ,, ,, Mr. Marsden | 50 | 0 | 0 |
| ,, ,, George Roskell, Esquire | 50 | 0 | 0 |
| ,, ,, Thomas Harrison, Esquire | 50 | 0 | 0 |
| John Taylor, Esquire | 50 | 0 | 0 |
| Mr. John Catherall | 50 | 0 | 0 |
| Sir John Hanmer, Baronet | 100 | 0 | 0 |
| The Right Honourable Lord Mostyn | 250 | 0 | 0 |
| James Boydell, Esquire | 250 | 0 | 0 |
| Executors of the late Hugh Roberts, Esquire | 250 | 0 | 0 |
| Representatives of the late Mr. Lawrence | 200 | 0 | 0 |
| | £6,820 | 0 | 0 |

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