ANNO PRIMO

GULIELMI IV. REGIS.

****

Cap. ii.

An Act for repairing, amending, and maintaining the Roads from *Marchwiel*, through *Bangor*, *Worthenbury*, and *Hanmer*, to *Whitchurch*, and from *Bangor* to *Malpas*, and from *Redbrook* to *Hampton*, in the Counties of *Denbigh*, *Flint*, *Chester*, and *Salop*. [23d *December* 1830.]

WHEREAS an Act was passed in the Seventh Year of the Reign of King *George* the Third, intituled *An Act for* 7 G. 3. c. 104. *repairing and widening the Road from* Marchwiel *in the County of* Denbigh, *through* Bangor, Worthenbury, *and* Hanmer, *in the County of* Flint, *to a House in the Possession of* Thomas Jenks, *in* Dodington *in the Parish of* Whitchurch *in the County of* Salop, *and from* Bangor *aforesaid to* Malpas *in the County of* Chester, *and from* Redbrook *to* Hampton *in the said County of* Salop: And whereas another Act was passed in the Twenty-eighth Year of the Reign of King *George* the Third, intituled *An Act for continuing the Term* 28 G. 3. c. 94. *and varying some of the Provisions of an Act of the Seventh Year of His present Majesty, for repairing and widening the Road from* Marchwiel *in the County of* Denbigh, *through* Bangor, Worthenbury, *and* Hanmer, *in the County of* Flint, *to a House in the Possession of* Thomas Jenks, *in* Dodington *in the Parish of* Whitchurch *in the County of* Salop, *and from* Bangor *aforesaid to* Malpas *in the County of* Chester, *and from* Redbrook *to* Hampton *in the said County of* Salop: And whereas another Act was passed in the Fiftieth Year of

50 G. 3. c. 35. the Reign of King *George* the Third, intituled *An Act to continue the Term, and amend, alter, and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road from* Marchwiel *in the County of* Denbigh, *through* Bangor, Worthenbury, *and* Hanmer, *in the County of* Flint, *to a certain House therein mentioned in the Parish of* Whitchurch *in the County of* Salop, *and from* Bangor *aforesaid to* Malpas *in the County of* Chester, *and from* Redbrook *to* Hampton *in the County of* Salop: And whereas several considerable Sums of Money have been borrowed on the Credit of the Tolls arising on the said Roads, which still remain due and owing, and cannot be repaid, nor can the Roads by the said Three recited Acts directed to be kept in repair be properly amended and maintained in repair, unless the Term and Powers of the said Acts be enlarged: And whereas it is expedient that all the said recited Acts should be repealed, and that further and other Powers and Provisions should be granted and made instead thereof: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Day of the Commencement of this Act the said recited Acts passed in the Seventh, Twenty-eighth, and Fiftieth Years of the Reign of King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed;

and this Act to be put in execution instead thereof.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, and maintaining the Roads leading from *Marchwiel* in the County of *Denbigh*, through *Bangor*, *Worthenbury*, and *Hanmer*, in the County of *Flint*, to a House late in the Occupation of *Elizabeth Weaver*, in *Dodington* in the Parish of *Whitchurch* in the County of *Salop*, and from *Bangor* aforesaid to *Malpas* in the County of *Chester*, and from *Redbrook* to *Hampton* in the County of *Salop*.

Trustees appointed.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Denbigh*, all His Majesty's Justices of the Peace for the Time being acting for the said County of *Flint*, all His Majesty's Justices of the Peace for the Time being acting for the said County of *Chester*, and all His Majesty's Justices of the Peace for the Time being acting for the said County of *Salop*, together with *Samuel Aldersey*, *Samuel Yate Benyon*, *Thomas Boycott*, *John Brookes*, Sir *Foster Cunliffe* Baronet, *George Corser*, *Thomas Thornton Clutton*, *William Congreve*, *Richard Congreve*, *George Corser* the younger, *Richard Corser*, *Henry Corser*, *Joseph Aldrich Cotton* Clerk, *George Cunliffe* Clerk, *Arthur Hill Trevor* Viscount *Dungannon*, *William Wickham Drake* Clerk, *George Tyrwhitt Drake* Clerk, *John Whitehall Dod*, *Edward Dymock*, *Edward Humphrey Dymock*, *Edward Edwards*, *Phillips Lloyd Fletcher*, *Thomas Lloyd Fletcher*, *Lloyd Fletcher* Clerk, Sir *Stephen Richard Glynne* Baronet, *Thomas Murhall Griffith*, *Robert Powell Grindley*, Sir *Rowland Hill* Baronet, Sir *Robert Chambre Hill* Knight, Sir *John Hanmer* Baronet, *Walden Hanmer*, *John Hanmer* Clerk, *George Hanmer* Clerk, *William Hanmer*, *Richard Heber*, *Francis James Hughes*, *Edward*

Edward Hanmer, *Henry Hanmer*, *Thomas Hanmer*, *Richard Hilton* Clerk, the Honourable *Thomas Kenyon*, the Honourable *Lloyd Kenyon*, the Honourable *Edward Kenyon*, Sir *Edward Kynaston* Baronet, *George Lloyd Kenyon*, *Joseph Lee*, *Joseph Lee* the younger, *Thomas Wood Lee*, *John Hurleston Leche*, *James Large*, *John Larden*, *James Montague Luxmoore* Clerk, *Philip Henry Lee* Clerk, Sir *Thomas Mostyn* Baronet, *Charles Kynaston Mainwaring*, *Townsend Mainwaring*, *George Naylor*, Sir *Richard Puleston* Baronet, *Richard Puleston*, *Francis Richard Price*, *William Poyser*, *Peter Ravenscroft* Clerk, *John Ruscoe*, *Thomas Tarleton*, *John Edward Tarleton* Clerk, *Daniel Vawdrey*, *Daniel Vawdrey* the younger, *Robert Darwin Vaughton*, *Thomas Vernon*, Sir *Watkin Williams Wynne* Baronet, *Maurice Wynne* Clerk, *George Walmesley*, *Samuel Worthington*, *Archibald Worthington*, *William Worthington*, and *Simon Yorke*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, amending, and maintaining the said Roads, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Six in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of the Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Buck*, in *Bangor* in the said County of *Flint*, or at some other convenient Place near the said Roads, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

The present Gates to be continued, and new ones and Weighing Machines may be erected.

VI. And be it further enacted, That the several Gates, Turnpikes, Weighing Machines, and Toll Houses erected and now standing across and on the Sides of the said Roads shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and built, or set up and placed, upon, in, or across the said Roads by this Act directed or authorized to be repaired, or any Part thereof, or by the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots

Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates, Turnpikes, Weighing Machines, and Toll Houses, and such future Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, Toll Houses, Buildings, and Conveniences, as they shall think proper.

Power to take Tolls.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars, or Chains, which are or shall be standing and being or continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Calash, Caravan, Van, Taxed Cart, Hearse, or Chair, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, or Sledge, having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches at the Bottom or Soles thereof, between the Tenth Day of *October* and the Sixth Day of *April* in every Year, the Sum of Seven-pence; and at any other Time the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, or Sledge, having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches or upwards and less than Six Inches at the Bottom or Soles thereof, between the Tenth Day of *October* and the Sixth Day of *April* in every Year, the Sum of Sixpence, and at any other Time the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, or Sledge, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards at the Bottom or Soles thereof, between the Tenth Day of *October* and the Sixth Day of *April* in every Year, the Sum of Five-pence, and at any other Time the Sum of Four-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number:

Which said respective Tolls or Sums of Money shall or may be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

VIII. Pro-

Tolls to be paid but Once a Day at any One Gate, &c.

VIII. Provided always, and be it further enacted, That no Horses or other Beasts shall be liable to Toll more than Once at any One Toll Gate, Turnpike, Side Gate, Side Bar, or Chain erected or to be erected upon the said Roads or the Sides thereof, for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, but all and every Horse and Horses and other Beast or Beasts in respect whereof the Toll hereby granted shall have been paid Once at any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain erected or to be erected on the said Roads, or any of them, a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll being produced, (which Notes or Tickets the Collectors of the Tolls are hereby required to give, *gratis*, on receiving the Toll,) shall afterwards be allowed to repass Toll-free during such Day through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and through all other Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains, (if any,) which the Ticket for such Payment shall free; any thing herein contained to the contrary notwithstanding.

Limiting the Number of Tolls.

IX. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or any Person or Persons continued or appointed Collectors of the Tolls mentioned in this Act, to demand and take more than Two full Tolls in any One Day for or in respect of the same Horses, Cattle, Beasts, or Carriages passing and repassing on the same Day through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains along the whole Line of the said Roads.

Fractions of a Halfpenny in Tolls.

X. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Horses drawing different Carriages to pay each Time of passing.

XI. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses or other Beast or Beasts drawing any Waggon, Wain, Cart, or other such Carriage of any Description, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Roads, and any such Horse or other Beast shall afterwards be employed on the said Roads during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

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

XII. Provided always, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be

be payable and paid every Time of passing along the said Roads or any of them: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises to pay on each fresh Hiring.

XIII. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads or any of them whenever any fresh Hiring thereof shall take place.

Application of Tolls and Money borrowed.

XIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts or any of them, hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned and authorized to be collected on the said Roads, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order following; (that is to say,) in the first place, in the Payment of the Costs, Charges, and Expences incurred in, about, and relating to the applying for, preparing, obtaining, and passing this Act; secondly, after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other such general current Expences,) in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties hereafter to become payable thereon; thirdly, in defraying the Expences of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, and of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts or any of them, hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act on account of the said Roads, and all other Debts and Money now owing, and which may hereafter become due and owing, by or on account of the said Roads; provided that the Powers heretofore given by the General Turnpike Acts to the Mortgagees of the Tolls on the said Roads shall not be defeated or lessened.

Repair of Ditches, Drains, Bridges, &c.

XV. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said

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, Paddock, 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 sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or cross the said Roads, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; 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 of any Law or Statute relating to Turnpike Roads.

Public Act.

XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Term of Act.

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

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