CHAPTER clxxx.

An Act to authorise the construction of a Bridge over the River Dee at Queen's Ferry in the County of Flint and the discontinuance of the existing Ferry at that place to make provision with respect to the maintenance and repair of roads now repairable by the Dee Land Company in the Counties of Flint and Chester and the City of Chester and for other purposes. A.D. 1894.

[17th August 1894.]

WHEREAS by the River Dee Act 1732 the persons therein mentioned were constituted undertakers of the Navigation of the River Dee within the limits in that Act specified and it was further enacted (section 29) that in case the channel of the said river should by the said navigation become so deep as that at low water when the tide of sea was out and no flood of fresh water was in the river the same should not be fordable for passengers on horseback or for carts or carriages in any part of the said river within the compass and limit of the works of navigation then the commissioners in the said Act mentioned might direct and appoint the said undertakers to use and employ two sufficient free ferry boats for the public use in two such convenient places upon the said river between the city of Chester and the limits of the works of navigation as the said commissioners should direct and appoint: 6 Geo. 2. c. xxx.

And whereas by the River Dee Act 1740 the said undertakers were incorporated under the name of "the Company of Proprietors "of the Undertaking for Recovering and Preserving the Navigation "of the River Dee" which name has since been changed to "the Dee Land Company" (in this Act called "the Dee Company"): 14 Geo. 2. c. viii.

And whereas by the River Dee Act 1743 (herein-after called "the Act of 1743") after reciting (section 23) that the provision made by the recited Act of 1732 to oblige the undertakers to provide two ferry boats for persons to pass over the said new channel when the same was not fordable on horseback had by experience been found ineffectual for the purposes intended and 17 Geo. 2. c. xxviii.

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many disputes had arisen between persons passing over the said channel and the persons attending such boats whether the said new channel was or was not fordable and for preventing all such disputes for the future it was enacted that two ferry boats should be constantly kept by the Dee Company at such parts of the said new channel as the ferry boats already appointed had worked at since the making of the said navigation for the public use and that the persons attending such boats should ferry over all passengers at all times without being paid anything for the same:

52 & 53 Vict. c. clvi. (Local and Personal.)

And whereas by the Dee Conservancy Act 1889 the liability and duty to work and maintain the said ferries was transferred to the Dee Conservancy Board (in this Act called "the Conservancy Board") and the Dee Company were released from all liability in respect thereof and it was by the said Act (section 61) further enacted that the Conservancy Board should within one year give security to the County Council for the county of Flint (in this Act called "the County Council") to the extent of two thousand pounds for the due performance by the Conservancy Board of their duties and obligations as respects the maintenance of the said ferries by that Act transferred to that board by appropriating and setting apart the sum of two thousand pounds or by charging a sum of two thousand pounds on a sufficient part of the lands by that Act transferred to that board or partly by each such mode or in such other manner as should be agreed on between the County Council and the Conservancy Board And by the said Act (section 115) it was enacted that the County Council or any highway authority of any district including adjoining or near to the ferries might from time to time or at any time by agreement with the Conservancy Board assume all or any of the powers or duties of the Conservancy Board with respect to the said ferries or the management working and maintenance thereof for such consideration and upon such terms and conditions as might be agreed upon or contribute from their funds to the maintenance thereof or to the improvement or more efficient working thereof or to such other object with regard thereto as might be agreed on:

And whereas one of the said ferries known as the Lower Ferry is situate at Queensferry on the River Dee and is now used as a ferry for passengers animals and vehicles and the other known as the Higher Ferry is situate on the same river at a point about three miles above the Lower Ferry and is a ferry for passengers only:

And whereas important roads in the county of Flint and the county of Chester and in the city of Chester converge on the Lower Ferry but the passage thereof is difficult and inconvenient and it

would be for the advantage of the inhabitants of those counties and of that city if the said ferry were replaced by a bridge constructed with an opening span so as not to interfere with the navigation of the River Dee:

And whereas the Cheshire County Council are willing to contribute to the construction of the said bridge such sum not exceeding three thousand pounds as will amount to three-thirteenths of the total cost of such construction including the costs of this Act and the Conservancy Board are willing to contribute to the construction of the said bridge a sum of four thousand pounds on being released and discharged from all further liability to maintain and work the said ferries and owners of lands and others whose properties are adjacent to the said Lower Ferry and will be benefited by the construction of the said bridge have promised to contribute to the construction of the bridge:

And whereas the estimate for the construction of the said bridge is thirteen thousand pounds and the County Council are willing to undertake the construction and maintenance thereof on receiving the aforesaid contributions and on being authorised to demand and take the tolls in this Act specified for the passage of animals and vehicles over the said bridge and are also willing from and after the payment by the Conservancy Board of the said sum of four thousand pounds to maintain and work the Higher Ferry in perpetuity and also to maintain and work the Lower Ferry until the opening of the bridge at that ferry and it is expedient that they should be authorised to construct and maintain the said bridge and to maintain and work the said ferries accordingly:

And whereas by the Act of 1743 it was provided (section 24) that the commissioners therein referred to might appoint and set out one or more necessary and convenient roads over the sands soil and ground vested in the Dee Company lying on the north side of the new channel within the extent or length of the said new channel to lead to and from the said two ferries to the city of Chester and to the towns of Shotwicke and Saughall in the county of Chester and that such roads should for ever thereafter be maintained by the said company and their successors at their own costs and charges:

And whereas divers roads were appointed and set out by the commissioners under the lastly recited Act or under the other Acts relating to the Dee Company and the River Dee (herein-after referred to as "the Dee Acts") and by the Dee Conservancy Act 1889 it was further enacted (section 104) that notwithstanding anything in such last-mentioned Act contained the Dee Company should from time to time maintain and repair all such roads on the

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north of the existing channel as that company were by or under the Dee Acts bound to maintain and repair and to the extent of such obligation but not further or otherwise and as security for the performance by the Dee Company of the said obligation certain lands in the said section specified were charged with a sum not exceeding two hundred and twenty-five pounds in any one year recoverable in the manner in the said section mentioned in case of default by the Dee Company in performance of such obligation:

And whereas some of the said roads are situate partly in the township of Sealand in the county of Flint and partly in the Wirral Highway District in the county of Chester and partly in the city of Chester and it would be convenient and for the public advantage that the repair and maintenance of the roads herein-after defined should be taken over as herein-after provided on the terms and conditions herein-after expressed and that the Dee Company should thereupon be released from all further liability in respect of the repair and maintenance thereof:

And whereas plans and sections showing the lines and levels of the said intended bridge and of the approaches thereto and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes of this Act have been deposited with the clerk of the peace for the county of Flint and are herein-after in this Act referred to as the deposited plans sections and book of reference:

And whereas the objects 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:—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Queen's Ferry Bridge Act 1894.

Division of Act into parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary;
Part II.—Bridge and Works;
Part III.—Tolls;
Part IV.—Ferries;
Part V.—Financial;
Part VI.—Sealand Roads;
Part VII.—Miscellaneous.

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Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

4. In this Act "the County Council" means the County Council of the county of Flint "the Cheshire County Council" means the county council of the county of Chester "the Conservancy Board" means the Dee Conservancy Board "the Dee Company" means the Dee Land Company formerly called "the "Company of Proprietors of the Undertaking for Recovering and "Preserving the Navigation of the River Dee" "the corporation of Chester" means the mayor aldermen and citizens of the city of Chester "the Lower Ferry" means the ferry over the River Dee situate at Queen's Ferry in the county of Flint "the Higher Ferry" means the ferry over the River Dee situate about three miles above the Lower Ferry in the county of Flint "the ferries" means the Lower Ferry and the Higher Ferry "the bridge" means the bridge over the River Dee by this Act authorised "the Sealand roads" means those of the roads which the Dee Company are now liable to repair and maintain situate partly in the township of Sealand in the county of Flint partly in the Wirral Highway District in the county of Chester and partly in the city of Chester which are delineated on the plan of which five copies have been signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and are therein coloured as to the roads within the township of Sealand red and as to the roads in the county of Chester blue and as to the roads in the city of Chester brown and which plan is in this Act referred to as "the road plan" one copy of which is deposited in the Office of the Clerk of the Parliaments one copy with the clerk of the peace for the county of Flint one copy with the clerk of the peace for the county of Chester one copy with the town clerk of the city of Chester and one copy with the Dee Company.

Part II.—Bridge and Works.

Power to make bridge.

5. Subject to the provisions of this Act the County Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the bridge herein-after described together with all proper approaches piers abutments works and conveniences connected therewith and may subject as herein-after provided enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes or any purposes connected therewith:—

The bridge herein-before referred to and authorised by this Act is an opening bridge over the River Dee with all proper

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openings approaches piers abutments and other conveniences connected therewith commencing in the township of Saltney at a point on the southern side of the said river 225 feet or thereabouts measuring in a straight line from the north-eastern corner of the Hawarden Castle Hotel and terminating on the northern side of the said river in the township of Sealand 35 feet or thereabouts measuring in a straight line from the north-eastern corner of the School House on the northern side of the public road leading to Chester The bridge and works will be wholly in the parish of Hawarden and the townships of Saltney and Sealand all in the county of Flint.

Power to make subsidiary works.

6. The County Council may within the limits of deviation shown on the deposited plans alter the levels of the existing roads and approaches to the Lower Ferry on either side of the River Dee and may make and maintain new approaches to and ways from and out of the bridge by this Act authorised in so far as may be necessary or convenient for connecting the bridge with the said existing roads and approaches The County Council shall make compensation to all persons injuriously affected by any alteration of levels under the powers of this section.

Correction of errors in deposited plans and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Flint and shall be kept by such clerk along with the other documents to which it relates and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate and the County Council may proceed with the works in accordance therewith.

Power to take easements &c. by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the County Council any easement right or privilege (not being an easement right or privilege of water in which others than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with

respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

9. The County Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Limits of lateral and vertical deviation.

10. In the construction of the works by this Act authorised the County Council may with the consent in writing of the Conservancy Board deviate from the lines or position thereof shown on the deposited plans to any extent within the limits of deviation marked on the deposited plans and also from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not in any case so as to reduce the headway of the bridge above high-water mark prescribed by this Act and in case of difference between the County Council and the Conservancy Board as to the extent or carrying out of such deviation the same shall be determined at the cost of the County Council by an engineer to be appointed on the application of either of the parties by the Board of Trade.

Powers of lateral deviation not to be exercised without consent of Board of Trade.

11. In the construction of the works by this Act authorised the County Council shall not without the consent in writing of the Board of Trade deviate from the lines or position thereof as marked on the deposited plans to any extent even within the limits of deviation marked on the deposited plans in such manner as to diminish the navigable space or otherwise than in such manner as is expressly authorised by the Board of Trade.

Period for compulsory purchase of lands.

12. The powers of the County Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act.

Period for completion of works.

13. If the works authorised by this Act are not completed within six years from the commencement of this Act then on the

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expiration of that period the powers by this Act granted for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Certain rights as to lands at Lower Ferry may be exercised by County Council.

14. For the purposes of the construction maintenance improvement or user of the bridge and approaches the County Council may exercise on and over the lands specified in sub-section (*g*) of section 62 of the Dee Conservancy Act 1889 the rights which by that section the Conservancy Board are authorised to exercise on and over such lands in connexion with the maintenance improvement working or user of the Lower Ferry.

As to construction and plans of bridge.

15.—(1.) The bridge shall be so constructed by the County Council as to have an opening span over the navigable channel of the river of a clear width in every part of not less than one hundred and twenty feet for the passage of vessels and also a clear headway in every part of the opening span of not less than twelve feet above high water of ordinary spring tides.

(2.) The bridge and works connected therewith shall be constructed only in accordance with such plans sections and working drawings as shall have been approved of by the Board of Trade and the Conservancy Board such approval to be signified in the case of the Conservancy Board under their seal and such plans sections and working drawings shall show clearly (in addition to any other particulars which may be reasonably required by the Board of Trade or the Conservancy Board or the Cheshire County Council) the site character and depth of the piers or supports of the bridge proposed to be placed in the bed or channel or on the banks or foreshore of the river and the power and machinery by which the opening span is to be worked and when such bridge or works shall have been commenced or constructed it shall not be lawful for the County Council at any time to alter or extend the same unless they shall have first obtained the approval of the Conservancy Board in writing under their seal to such extension or alteration.

(3.) If such bridge or works shall be commenced or completed or be altered extended or constructed contrary to the provisions of this section it shall be lawful for the Conservancy Board to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the County Council and the amount thereof shall be a debt due from the County Council to the Conservancy Board and be recoverable accordingly with costs or may be recovered with costs as a penalty is recoverable under this Act.

County Council to acquire ease-

16. Nothing in this Act shall authorise or empower the County Council to enter upon take or use any part of the lands or of the

bed channel foreshore or banks of the river vested in the Conservancy Board otherwise than so far as shall be necessary for the construction of the bridge and the works connected therewith without the consent in writing of the Conservancy Board and with respect to any lands of the Conservancy Board which the County Council are by this Act authorised to purchase take use or enter upon for the purposes of such bridge or works the County Council shall not take any greater or other estate in such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the County Council might take the same and the provisions of this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment The Conservancy Board shall and they are hereby authorised at the cost of the County Council to grant such easement and right of user to the County Council for the purposes aforesaid without any payment by way of rent or otherwise.

ments only in bed &c. of river.

17. During the construction of the bridge and works connected therewith the County Council shall exhibit every night from sunset to sunrise such lights as the Conservancy Board may from time to time require to be kept burning by and at the expense of the County Council for the navigation and safe guidance of vessels and for ever after the completion of the bridge the County Council shall cause to be hung out or exhibited in a conspicuous situation on each side of the opening span of the bridge every night from sunset to sunrise a good and sufficient light to be kept burning by and at the expense of the County Council for the navigation and safe guidance of vessels which lights shall if necessary be from time to time altered by the County Council in such manner and be of such description and be so used and placed as the Conservancy Board shall by writing approve and in case the County Council shall neglect to exhibit or keep any such light burning as aforesaid they shall for every night or part of a night in which they so neglect be liable to a penalty not exceeding ten pounds which penalty shall be recoverable by the Conservancy Board.

Lights to be shown at bridge.

18. The County Council shall at all times during the construction of the bridge and the works in connexion therewith maintain and keep open for the passage of vessels a navigable channel at the site of the bridge and for a distance of four hundred yards above and four hundred yards below such site of not less width than one hundred and twenty feet and of such depth as shall be equal to the depth for the time being of the navigable channel of the river for half a mile beyond the said four hundred yards upwards and if

For the maintenance of the channel of the River Dee during construction of bridge.

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the County Council fail to carry out this enactment it shall be lawful for the Conservancy Board by dredging or by abatement alteration or removal of works or obstructions or other reasonable means to maintain and keep open such navigable channel at the site of the bridge and for the distance aforesaid at the cost and charge of the County Council and the amount thereof shall be a debt due from the County Council to the Conservancy Board and be recoverable accordingly with costs as a penalty is recoverable under this Act.

Vessels not to be detained at bridge.

19. The bridge shall be at all times maintained opened and worked by the County Council so as not to interrupt or interfere any further than need be with the navigation and traffic of the river and so as to give and secure precedence and priority to vessels barges and boats requiring to pass through the opening span of the bridge over the road traffic requiring to use the bridge and it shall not be lawful to detain at the bridge any vessel barge or boat navigating the river and in case any such vessel barge or boat shall be wilfully or negligently detained at the bridge or obstructed delayed or hindered passing through the opening span thereof or in case any toll or payment shall be demanded taken or received for the passage of any vessel barge or boat through or under the said bridge the County Council and the person in charge of the bridge or one of them shall be liable to a penalty not exceeding ten pounds which penalty shall be recoverable either by the owner or master in command or charge of such vessel boat or barge or by the Conservancy Board:

Provided always that the master or person having command or charge of any such vessel barge or boat shall before such vessel barge or boat comes within half a mile of the said bridge show or make some signal to be determined from time to time by the Board of Trade which shall indicate to the person in charge of the bridge that such vessel barge or boat requires to pass the bridge.

Road traffic not to be unreasonably delayed.

20. The opening span of the bridge shall be worked by hydraulic or other power and be opened and closed as quickly as practicable and the County Council shall at all times keep a proper and sufficient staff to work and shall work the said span without unreasonable delay to the traffic of the road and in case any person employed by the County Council shall wilfully or negligently detain any person or vehicle or any cattle or other animals in charge of any person contrary to the provisions of this section the County Council and the person so offending or one of them shall be liable to a penalty not exceeding five pounds together with such costs as shall be allowed in recovering the same and such penalty and costs shall be recoverable by any person aggrieved in manner herein-after

provided Any question of fact which may arise as to whether the bridge shall have been kept open for an unreasonable time shall be determined by the justices of the peace for the county of Flint sitting in petty sessions for the district in which the bridge is situate.

As to placing fenders capstans mooring posts and mooring stages at the site of bridge crossing the River Dee.

21. The County Council may (if they think fit) and shall if so required by the Conservancy Board set up and erect proper fenders capstans mooring posts and mooring stages for the protection of the bridge and for guiding vessels through the spans arches or openings thereof and to prevent such vessels from being driven thereon or injured thereby and the County Council shall from time to time repair and keep in repair the said fenders capstans mooring posts and mooring stages.

Power to Conservancy Board to deal with decayed works.

22. If the bridge or other works of the County Council shall be suffered by the County Council to fall into decay so as to be or be calculated to become prejudicial to or to endanger the navigation or any works of navigation or if the County Council shall not maintain the same in such condition as to prevent any prejudice or danger to the navigation the Conservancy Board after reasonable notice to the County Council may apply to the Board of Trade to and that Board may thereupon appoint an engineer or inspector to examine the same and report thereon and to specify what works (if any) are necessary or proper to be done for the protection and preservation of the navigation And the Conservancy Board may forthwith thereupon execute and do the works specified in such report and may recover the reasonable costs charges and expenses of executing such works and of the examination and report from the County Council and the amount of such costs charges and expenses shall be a debt due from the County Council to the Conservancy Board and be recoverable accordingly in any court of competent jurisdiction with costs of suit.

Conservancy Board may remove obstructions at cost of County Council.

23. If at any time or times hereafter by or in consequence of the construction or user of the bridge or of any of the works executed under this Act any shoal bank bar or other obstruction shall be created in the navigable channel of the river or any damage or injury be caused to the navigation it shall be lawful for the Conservancy Board to remove such shoal bank bar or obstruction and remedy such damage or injury and that board shall be entitled to recover the cost incurred in so doing from the County Council Provided always that if the County Council shall consider that such obstruction is due to other causes than the construction of the said bridge and works they shall be entitled to apply to the Board of Trade to appoint an engineer or inspector to examine and report

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upon the question at the cost of the County Council and the report of such engineer or inspector shall be final and binding on both parties.

If any works be abandoned &c. Conservancy Board may abate and remove the same.

24. If any works by this Act authorised to be constructed by the County Council in under over through or across any tidal water or navigable river or if any portion of any work which affects or may affect any such water or river or access thereto shall be abandoned or suffered to fall into disuse or decay it shall be lawful for the Conservancy Board to abate and remove the same or such part or parts thereof as that board may at any time or times deem fit and proper and to restore the site thereof to its former condition at the reasonable cost and charge of the County Council and the amount thereof shall be a debt due from the County Council to the Conservancy Board and if not paid upon demand may be recovered as a debt due to the Conservancy Board with the costs of suit or may be recovered with costs as a penalty is recoverable under this Act.

Part III.—Tolls.

Bridge free for foot passengers. Tolls may be taken for animals and vehicles.

25. The bridge when constructed and opened for public traffic shall be a free bridge for foot passengers but the County Council may demand and take for or in respect of all animals and vehicles passing over or using the bridge tolls not exceeding those specified in the schedule to this Act and the said tolls shall be paid before any animal or vehicle shall be entitled to pass over the bridge or through any toll-gate that may be erected thereon.

Power to provide toll-gates and toll-houses.

26. The County Council may from time to time set up remove or alter such toll gates at or upon the bridge as they think fit and provide and maintain such toll-houses and other conveniences near to the toll gates as they think fit.

Exemptions from toll.

27. No tolls shall be demanded or taken for any horse or carriage attending Her Majesty or any of the Royal Family or returning therefrom or used by any officer or officers of Customs or persons employed for the prevention of smuggling whilst on duty or proceeding to or returning from the same or by any policeman on duty or for any horse cart or waggon employed only in carrying or conveying any vagrant sent by a legal pass or any prisoner sent by legal warrant or returning empty after having been so employed or for any horse or carriage of whatever description employed in conveying or guarding postal packets under the authority of Her Majesty's Postmaster General either when employed in conveying fetching or guarding such postal packets or in returning from conveying or guarding the same or for any carriage or animal

entitled to exemption from turnpike or bridge tolls under the Acts for the time being in force relating to any of Her Majesty's land or sea forces including auxiliary and reserve or for any horse or carriage used by any officer of Inland Revenue on duty The term "postal packet" in this section has the same meaning as in the Post Office Protection Act 1884 Provided that if any person shall claim and take the benefit of any of the exemptions by this Act granted not being entitled to the same every such person for every such offence shall be liable to a penalty not exceeding forty shillings.

Exemption for traffic of Conservancy Board.

28. No tolls shall be demanded or taken by the County Council in respect of any animal or vehicle belonging to or employed or used by the Conservancy Board or by any officer or servant of that board in performance of his duty.

Exemption for certain traffic of Cheshire County Council.

29. No tolls shall be demanded or taken by the County Council in respect of any animal steam roller or cart or any other engine or vehicle belonging to or employed or used by the Cheshire County Council or their agents or contractors for the carriage of materials for or otherwise in connexion with the repair and maintenance of main roads and bridges in the county of Chester.

List of tolls to be exhibited near each end of the bridge

30. A list of the tolls from time to time authorised to be taken shall be published by the same being painted upon a board in distinct letters or by the same being printed in legible characters on paper affixed to such board and such board shall be exhibited at the toll gates near each end of the bridge where such tolls shall be payable.

Tolls to be taken only whilst board exhibited.

31. No tolls shall be demanded or taken by the County Council during any time at which the list of tolls herein-before directed to be exhibited shall not be so exhibited.

Power to vary tolls.

32. The County Council may from time to time lessen or reduce all or any of the tolls hereby granted for such time as they shall think proper and they may raise again the tolls so lessened or reduced or any part thereof so that the same do not exceed the tolls herein-before granted and the tolls so lessened or reduced or raised again shall be collected and recovered in the same manner as the tolls hereby granted are authorised or directed to be collected and recovered.

For preventing toll collectors from taking undue toll or misbehaving.

33. Every toll collector shall and he is hereby required to place his Christian and surname painted on a board in legible characters in the front or some other conspicuous part of the toll gates and shall continue the same so placed during the whole time he shall be on duty and if any toll collector shall not place such a board and keep the same there during the time he shall be such collector as

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aforesaid or shall demand or take a greater or less toll from any person than he shall be authorised to do by this Act or by the orders and resolutions of the County Council made in pursuance thereof or shall demand and take a toll from any person who shall be exempted from the payment thereof and claim such exemption or shall refuse to permit or suffer or shall in anywise hinder any person from reading the inscriptions on the said board or upon the table of tolls by this Act required to be put up at each toll gate or shall refuse to supply his Christian or surname to any person who shall demand the same on having paid the said tolls or any of them or shall in answer to such demand give a false name or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any person animal or vehicle from passing through any toll gate then and in every such case every such toll collector shall be liable to a penalty not exceeding forty shillings for every such offence.

Penalty on evading tolls.

34. If any person shall take off or cause to be taken off any horse or other beast from any carriage or cart at or near to any toll gate to be erected or set up by virtue of this Act and afterwards put or add the same after having passed such toll gate as aforesaid with intent to evade and thereby shall evade or endeavour to evade the payment of any part of the said tolls or shall forge counterfeit or alter or receive from or deliver to any other person any note or ticket with intent to evade or to enable or assist any other person to evade the payment of any part of the said tolls or if any person shall forcibly attempt to pass over the bridge without having paid the toll legally demanded from him or shall assault interrupt or obstruct any person employed by the County Council or their lessees for the purpose of collecting tolls every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to stop any person refusing to pay toll.

35. If any person having charge of any animal or vehicle in respect of which toll is payable shall after demand made therefor by any collector appointed to receive tolls neglect or refuse to pay the same or any part thereof such collector by himself or taking such assistance as he shall think necessary may stop and prevent the passage of the animal or vehicle for or in respect of which such tolls ought to have been paid until full payment thereof.

For settling disputes concerning tolls.

36. In case any dispute shall arise respecting the demanding and taking of tolls or the amount of toll due such dispute shall be decided by a court of summary jurisdiction who may also award such costs to be paid by either party to the other as to such court shall seem just and reasonable.

Power to compound for tolls.

37. It shall be lawful for the County Council from time to time if they think fit to agree with any person for the free passage across the bridge of animals and vehicles belonging to such person for such period not exceeding one year as shall be agreed on between the County Council and such person on payment of such lump sum by way of composition for tolls and on such terms and conditions as may be fixed by the County Council Provided that no preference be in any case given to any person or persons under like circumstances.

Power to lease the tolls.

38. The County Council may from time to time lease or demise all or any of the said tolls for any term of years not exceeding three years at any one time for such rent payable at such times and under such covenants and upon such conditions as they shall think fit and during the continuance of any such lease the lessee shall be deemed collector of the tolls so leased and shall have the same powers for collecting and recovering the tolls leased and be subject to the same rules duties and penalties in relation thereto as if he were a toll collector appointed by the County Council.

Power to determine lease of tolls.

39. If any such lease shall have become void or voidable according to any stipulation therein contained for that purpose by reason of the failure on the part of the lessee to comply with any of the terms of such lease or if all or any part of the rent thereby reserved shall be in arrear or unpaid for twenty-one days after the same shall have become payable the County Council may determine such lease and the same shall accordingly be void except as to the remedies of the lessors for payment of the rent due or in respect of unperformed obligations or conditions on the lessees part all which remedies shall remain in full force and in every such case the County Council may again let the tolls or cause them to be collected in the same manner as if no such former lease had been made relative thereto.

Lessees making default to be removed.

40. Upon the determination of any such lease any court of summary jurisdiction upon application made by the County Council may order any constable with proper assistance to enter upon any toll-house dwelling-house office weighing machine or other building with the appurtenances thereto belonging to the County Council and remove from the same the lessee or collector or other person found therein together with his goods and take possession thereof and of the property found therein belonging to the County Council and deliver the same to them or any person appointed by them to receive the same.

County Council may remove

41. The County Council or lessee of the tolls as the case may be may from time to time discharge any collector or receiver of the

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collectors and appoint temporary collectors.

tolls appointed by them respectively and nominate and appoint some other fit and proper person to be a collector or receiver of the said tolls in the stead of such collector or receiver who shall be so discharged or of any collector or receiver who may die or become incapable of performing his duty and such person so nominated and appointed shall be invested with the like power and authority and be answerable and accountable in like manner in all respects as the collector or receiver who shall so die or be discharged or become incapable would have been.

If discharged collectors refuse to deliver up toll-houses any justice may grant warrants and constables enter and remove them.

42. If any collector or receiver of the said tolls who shall be discharged from his office by virtue of this Act or the wife or widow or any of the family or other representatives of any such collector or receiver or any other person who may have possession of any toll-house or building or any appurtenances thereto erected set up or used by virtue of this Act shall neglect or refuse to deliver up the possession thereof for the space of three days next after demand thereof made by notice in writing signed by the clerk of the County Council or by such lessee for that purpose given to such collector or receiver or person or left at such toll-house building or premises then and in every of the said cases it shall be lawful for any court of summary jurisdiction to order any constable or other peace officer for the county of Flint with such assistance as may be necessary to enter into such toll-house or other building or premises in the daytime and to remove the persons who shall be found therein together with their goods out of the same and put the County Council or lessee or such new appointed collector or receiver or such other person as the County Council or lessee shall appoint as aforesaid into the possession thereof.

For preventing nuisances on the bridge and roads.

43. If any person shall wilfully or negligently injure destroy or otherwise damage or shall ride or drive or lead any animal or vehicle over or upon any footpath or causeway on the side or sides of any part of the bridge or approaches or shall wilfully obstruct the passage thereof or if the driver of any vehicle shall wilfully or carelessly break or damage any of the posts or stones which may be erected for the security of the said footpaths or causeways or if any person shall scrape off any mud soil or other matter or thing which shall be or lie upon any part of the bridge or approaches so as to damage the bridge or approaches or any part thereof or if any person shall leave any vehicle or any implement of husbandry without some reasonable cause to be allowed by the court of summary jurisdiction who shall hear any such complaint in upon or on the sides of the bridge or approaches or shall lay any timber wood or bushes or any stones bricks hay straw dung manure soil or rubbish whatsoever upon any part of the bridge or approaches or

on the side or sides thereof to the prejudice thereof or to the annoyance or inconvenience of any person travelling thereon every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

Limiting the weight to be carried on bridge.

44. No vehicle shall without the consent of the County Council carry at one time upon the bridge (including the weight of such vehicle) more than twelve tons.

Power to erect weighing machines.

45. The County Council may cause to be erected at or near the bridge or at such distance as they shall think expedient one or more cranes or weighing machines proper for the weighing of engines and vehicles whether conveying goods wares or other articles or not.

Toll keeper may weigh carriages &c.

46. The keeper of any weighing machine or toll gate or any other person appointed by the County Council or by their lessee shall or may require every driver or conductor of any vehicle which shall pass or be about to pass over the bridge to be weighed at such crane or weighing machine as aforesaid and if any such driver conductor or owner of such vehicle shall refuse to allow the same to be weighed or shall resist any gate keeper toll keeper or toll collector in weighing the same every such owner driver or conductor shall be liable to a penalty not exceeding five pounds.

Locomotives not to cross bridge without consent of County Council.

47. No locomotive shall be entitled to cross the bridge except with the consent of the County Council and subject to such conditions and on payment of such tolls as the County Council shall from time to time determine and if such consent be given the provisions in this Act contained with respect to vehicles shall apply to locomotives and the term "locomotive" shall be read and construed as including traction engines steam rollers or any engines of a similar character.

Part IV.—Ferries.

Provisions as to transfer of the ferries to County Council.

48.—(1.) On and from the date of payment of the sum of four thousand pounds by the Conservancy Board to the County Council as herein-after provided the Conservancy Board shall be and is hereby absolutely and for ever released and discharged from all liability obligation and duty under the Dee Conservancy Act 1889 or otherwise for or with respect to the ferries or the maintenance or working thereof and from all obligation under section 61 of that Act and the sum of two thousand pounds which has been appropriated and set apart under the provisions of that section as security for the maintenance of the ferries shall be and hereby is absolutely freed and released of and from such security and all claims and demands under or in respect of the same.

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(2.) On the date aforesaid the Conservancy Board shall free of charge to the County Council give to the County Council possession of the cottage at the Higher Ferry now occupied by the said board and hand over to the County Council the boat used for working that ferry and shall also lend free of charge to the County Council the boat plant machinery and appliances used for working the Lower Ferry during such time as that ferry shall be worked and maintained by the County Council under the provisions of this Act.

(3.) The Higher Ferry shall be worked and maintained by the County Council as a free ferry for foot passengers only to the same extent and as efficiently in every respect as by the Conservancy Board before the passing of this Act and all the rights and powers of the Conservancy Board in respect of or incidental to such working and maintenance shall be transferred to and vested in the County Council but no obligation or liability shall be imposed by this Act on the County Council to work or maintain the said ferry to any greater or other extent than as aforesaid.

(4.) Until the bridge is opened for public traffic the Lower Ferry shall so far as practicable be worked and maintained by the County Council to the same extent and as efficiently in every respect as by the Conservancy Board before the passing of this Act and the County Council may exercise all the rights and powers of the Conservancy Board in respect of or incidental to such working or maintenance including the rights conferred by sub-section (*g*) of section 62 of the Dee Conservancy Act 1889 Provided that from and after the opening of the bridge for public traffic the County Council shall not be under any obligation to work or maintain the Lower Ferry and that ferry shall be discontinued and the boat plant machinery and appliances used for working the same shall be handed over by the County Council to and belong to the Conservancy Board.

Part V.—Financial.

Payments by Cheshire County Council.

49. For the purposes of Part II. of this Act—

(1.) When and so soon as the amount as taxed of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall have been ascertained the amount thereof shall be notified to the Cheshire County Council by the County Council:

(2.) The Cheshire County Council shall from time to time pay to the County Council three-thirteenths of all sums certified by the engineer entrusted with the construction of the bridge to

be due to the contractor and shall also at the time of making the first of such payments pay to the County Council a sum equal to three-thirteenths of the amount of the costs charges and expenses to be ascertained as aforesaid:

(3.) Provided always that the total amount of the sums to be paid by the Cheshire County Council to the County Council under the foregoing provisions of this section shall in no case exceed the sum of three thousand pounds Provided further that if the Cheshire County Council shall fail to make any such payments as aforesaid within fourteen days after the production of the engineer's certificate the Cheshire County Council shall pay interest at the rate of four pounds per centum per annum on the amount of such payment until the same is made:

(4.) Within twenty-one days from the passing of this Act the Conservancy Board shall pay to the County Council the sum of four thousand pounds:

(5.) The said sums shall be applied by the County Council towards the construction of the bridge and works by this Act authorised including the costs charges and expenses of and incident to the preparing for obtaining and passing this Act or otherwise in relation thereto and if the said sums or any of them are not paid on the date aforesaid they or such or so much of them as remain unpaid shall bear interest at the rate of four pounds per centum per annum till payment.

Power to County Council to borrow.

50.—(1.) The County Council may (in addition to any sums which they are now authorised to borrow) from time to time borrow at interest for the purposes of this Act such sum or sums of money as they think fit not exceeding six thousand pounds and in order to secure the moneys so borrowed they may mortgage the county fund and any revenues of the Council or such fund or revenues or any part of such revenues.

(2.) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3.) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

(4.) Sections 236 to 239 of the Public Health Act 1875 shall apply to all mortgages granted by the County Council under this section Provided that any application for the appointment of a receiver shall be made to the High Court instead of to a court of summary jurisdiction.

(5.) The County Council may raise the whole or any part of the moneys which they are authorised to borrow under this section

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either by county stock issued under the Local Government Act 1888 or by debentures or annuity certificates under the Local Loans Act 1875.

(6.) The provisions of section sixty-nine of the Local Government Act 1888 shall not apply to any borrowing by the County Council under this section and in calculating the amount which they may borrow under that Act the amount borrowed under this Act shall not be reckoned.

Power to re-borrow.

51. If the County Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall for the purpose of repayment be deemed to form the same loan as the moneys originally borrowed and the obligations of the County Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Sinking fund.

52. The County Council shall pay off all moneys borrowed by them under the powers of this Act either by equal annual instalments appropriations or repayments or by equal annual contributions to a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose Provided that it shall not be obligatory on the County Council to pay off any money borrowed under this Act or make any appropriations for a sinking fund in respect thereof before the expiration of two years from the passing of this Act.

Application of sinking fund.

53. The County Council may from time to time apply the whole or any part of the sinking fund in or towards the discharge of the principal moneys for the discharge of which such fund shall have been established Provided that they pay in each year into the sinking fund and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the principal moneys so paid off or discharged Provided also that whenever and so long as the value of the securities standing at the credit of the sinking fund shall be equal at the market price of the day to the amount of the principal moneys then outstanding and to be paid off by means of such fund the County Council may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

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Sinking fund how to be invested.

54. All sums paid into any sinking fund created by the County Council under the powers of this Act shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or on any mortgage bond debenture debenture stock corporation stock or other security not being annuities or securities payable to bearer authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in the United Kingdom or of any other local authority within section 34 of the Local Loans Act 1875 other than the County Council.

Existing mortgages to have priority.

55. All mortgages or securities granted by the County Council prior to the passing of this Act and which shall be in force at the time of the passing of this Act shall during the continuance thereof and as to the rates or property comprised therein have priority over all mortgages to be granted under this Act.

Annual return to be made to Local Government Board.

56. The clerk of the County Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by the parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the County Council have failed to pay any instalment or set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may if they think fit and after hearing the County Council if desiring to be heard by order direct that a sum not exceeding double the amount in respect of which such default shall have been

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made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Protection for lenders from inquiry.

57. A lender of money to the County Council under this Act shall not be bound to inquire respecting the observance by them of any of the provisions of this Act or bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or any part thereof.

Power to Cheshire County Council to borrow.

58.—(1.) The Cheshire County Council may (in addition to any moneys which they are now authorised to borrow) borrow at interest such further moneys as may be necessary for the payment of their contribution to the County Council under the powers of this Act and to secure the moneys so borrowed they may mortgage the county fund and revenues of the Council or such fund or revenues or any part of such revenues.

(2.) Money borrowed under this section shall be applied only in paying the said contribution to the County Council as by this Act provided.

(3.) The provisions herein-before in this part of this Act contained with respect to the borrowing and repayment of money by the County Council including the provisions as to the sinking fund shall mutatis mutandis apply to the Cheshire County Council and the borrowing of money by them under this section.

Tolls to be carried to separate fund and bridge and Higher Ferry to be maintained by County Council.

59. The County Council shall not at any time make a profit out of the tolls authorised to be taken under this Act but such tolls shall be carried by the County Council to the credit of a separate account to be opened for that purpose and to be called "The Queen's Ferry Bridge Maintenance Account" and shall be from time to time held and applied by the County Council for the purposes and subject to the conditions herein-after mentioned (that is to say):—

(*a.*) The County Council shall apply the moneys standing to the credit of the said account (1) in and towards the cost of maintaining repairing and working the bridge and the Higher Ferry and (2) in making and maintaining the other works consequent thereon or in connexion therewith by this Act authorised with respect to the navigation of the River Dee:

(*b.*) If in any year the sums received by the County Council in respect of the said tolls shall not be sufficient to meet the cost incurred for the several purposes aforesaid the County Council shall and they are hereby authorised to make good the

deficiency and the moneys advanced by them for that purpose shall be deemed to be expenses incurred for general county purposes and they shall be entitled to recoup all moneys so advanced by them out of the tolls to be from time to time received by them :

(*c.*) If in any year the sums received by the County Council in respect of the said tolls shall be more than sufficient for the several purposes aforesaid and for the repayment to the County Council of any moneys advanced by them under the provisions of the immediately preceding sub-sections the surplus shall be applied (1) in or towards the formation of a fund (herein-after called "the restoration fund") the amount of which shall not exceed three thousand pounds towards providing for any necessary reconstruction alterations or exceptional repairs of or to the bridge and the works connected therewith and consequent thereon as aforesaid and (2) in and towards the reduction and eventual extinguishment of the tolls :

(*d.*) If in any year after the establishment of the restoration fund the moneys received by the County Council in respect of the said tolls shall be insufficient for the maintenance repair and working of the bridge and the Higher Ferry and the other works aforesaid the County Council shall provide the further moneys required therefor out of the restoration fund so far as the same shall be available and subject to the right of the County Council to be repaid for any moneys advanced by them to meet any temporary deficiency in the restoration fund or the tolls as aforesaid all expenses of working and maintaining the Higher Ferry and of the repair maintenance working and management of the bridge and of the other works aforesaid shall be paid by the County Council and be deemed to be expenses incurred for general county purposes.

Part VI.—Sealand Roads.

Provisions as to Sealand roads.

60. And whereas it has been agreed between the Dee Company the County Council the Wirral Highway Board and the corporation of Chester that as and from the date of payment of the respective sums herein-after mentioned the liability to maintain and repair the Sealand roads shall be undertaken as follows As to so much of the said roads as is coloured red upon the road plan by the County Council as to so much of the said roads as is coloured blue upon the road plan by the Wirral Highway Board or by the rural district council as the case may be as herein-after provided and as to so much of the said roads as is coloured brown upon the road plan by the corporation of Chester and that some of the lands specified

A.D. 1894. in section 104 of the Dee Conservancy Act 1889 should be released from the charge by that section imposed upon the Dee Company in respect of the maintenance and repair of roads Be it enacted as follows:—

(1.) On and from the date of payment of the sum of four thousand pounds herein-after mentioned so much of the Sealand roads as are situate in the township of Sealand and coloured red on the said plan shall thenceforth be repaired and maintained by the County Council:

(2.) On and from the date of payment of the sum of four hundred and ten pounds herein-after mentioned so much of the Sealand roads as are situate within the district of the Wirral Highway Board and coloured blue upon the said plan shall be repaired and maintained by that board or by the rural district council to whom the powers duties and liabilities of that board shall be transferred:

(3.) On and from the date of payment of the sum of one thousand nine hundred and sixty-two pounds fifteen shillings and eightpence herein-after mentioned so much of the Sealand roads as are situate within the city of Chester and coloured brown upon the said plan shall be repaired and maintained by the corporation of Chester:

(4.) Before or on the twenty-fifth day of March one thousand eight hundred and ninety-six the Dee Company shall pay as the consideration for the Sealand roads being taken over and maintained as aforesaid the several sums following (that is to say) To the County Council the sum of four thousand pounds to the Wirral Highway Board or such rural district council as aforesaid the sum of four hundred and ten pounds and to the corporation of Chester the sum of one thousand nine hundred and sixty-two pounds fifteen shillings and eightpence:

(5.) Upon payment of the said several sums as aforesaid the Dee Company shall as and from the date of payment be freed and relieved from all liability in respect of the maintenance and repair of the Sealand roads so agreed to be taken over imposed upon them by the Dee Acts or any of them or by the Dee Conservancy Act 1889 and the lands mentioned in section 104 sub-section (A) of the Dee Conservancy Act 1889 other than those of the said lands which are edged with red and numbered respectively 115 117 127 128 129 and 130 upon a plan signed with reference hereto by the Right Honourable John W. Mellor Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited in the Private Bill Office of that House shall be and hereby are absolutely and for ever freed and released from the

charge and security created by the said Act and all claims and demands under or in respect of the same but nothing in this Act contained shall release the Dee Company from any existing obligation under the Dee Acts or the Dee Conservancy Act 1889 as respects any roads other than the Sealand roads and the charge created by the said Acts upon among others the said lands edged red shall be and remain in full force and that without limit of any yearly sum as security for the due performance by the Dee Company of their obligations in respect of such other roads and the powers and remedies for enforcing the same shall be applicable accordingly So much of section 90 of the Chester Improvement Act 1845 which reads as follows viz. "nor shall "anything herein contained extend to authorise and empower "the Council to impose any tax or rate upon the said Company "or their tenants in respect of any property adjoining to the "said roads or public highways so repaired by the said Com- "pany other than or in addition to any rate or tax the said "Company or their tenants are now by law liable to pay" shall be and hereby is as and from the date of payment aforesaid repealed and the Chester Improvement Acts 1845 and 1884 shall as and from that date be read construed and have effect in like manner as if the part of the said section so repealed had not been enacted and as if so much of the Sealand roads within the city of Chester as is from that date to be maintained by the corporation of Chester had not at the date of the Chester Improvement Act 1845 been maintained and kept in repair by the Dee Company :

(6.) Until payment of the said several sums as aforesaid the Sealand roads shall be kept in repair by the Dee Company :

(7.) In respect of the roads to be so taken over by the County Council the Wirral Highway Board or such rural district council as aforesaid and the corporation of Chester respectively those authorities respectively shall have and be entitled to the same means of drainage and other easements or rights in the nature of easements as now exist or have heretofore been enjoyed for drainage or otherwise in connexion with the Sealand roads and also such jurisdiction rights and powers as road authorities by law have in respect of highways including main roads.

PART VII.—MISCELLANEOUS.

Power to delegate to a committee.

61. The County Council may from time to time delegate to any committee of their number all or any of the powers rights and duties conferred or imposed on them by this Act.

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Penalties.

62. All penalties under this Act may be recovered in a summary manner before a court of summary jurisdiction in accordance with the provisions of the Summary Jurisdiction Acts and all penalties recovered at the instance of the County Council shall be paid to their treasurer and by him carried to "The Queen's Ferry Bridge Maintenance Account" and no proceedings for or adjudication of any penalty shall in any wise prejudice or affect any right or remedy for damages or compensation nor shall any penalty be taken into account as satisfying or reducing the amount of any damages or compensation.

Justices not disqualified.

63. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the County Council.

Saving rights and for protection of the Hawarden Embankment Trustees.

64.—(A.) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights powers privileges or authorities vested in the Hawarden Embankment Trustees under any Act of Parliament or otherwise howsoever.

(B.) The County Council shall not in the exercise of the powers conferred upon them by this Act do any act matter or thing whereby any embankment wall sluice drain fence or other like work belonging to or maintained by the Hawarden Embankment Trustees shall be damaged injured or prejudicially affected and in case of any such work or any lands or property protected by such work being damaged injured or prejudicially affected by the County Council they shall execute the works necessary to make good the same to the reasonable satisfaction of the engineer or surveyor of the Hawarden Embankment Trustees:

Provided always that the County Council shall indemnify the Hawarden Embankment Trustees against any claim which may be made against them in respect of any damage that may be done to any lands or property protected by such work In case of any difference as to the necessity for or execution of any such work such difference shall be settled by arbitration by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers for such purpose whose decision as to the same and as to the cost of such arbitration and the parties by whom the same shall be paid shall be final and conclusive and binding on all parties.

Exempting the Hawarden Embankment Trustees et from toll.

65. No toll shall be demanded or taken for any horse cart waggon or vehicle of whatever description employed by the Hawarden Embankment Trustees their officers agents servants and workpeople in the performance of their statutory duties in carrying or conveying any traffic to or from the Hawarden Embankment on

the south side of the River Dee in connexion with the maintenance and repair of the said embankment and the sea walls sluices fences and works connected therewith.

Saving rights of the lord of the manor of Hawarden.

66. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights powers privileges or authorities of the lords of the manor of Hawarden for the time being.

Saving rights of the Crown in the foreshore.

67. Nothing contained in this Act shall authorise the County Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown.

68. Nothing contained in this Act shall authorise the County Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same Commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving clause for Dee Conservancy Board.

69. Nothing in this Act contained shall take away lessen prejudice or alter any of the estates interests powers privileges or authorities vested in or exerciseable by the Dee Conservancy Board under the Dee Conservancy Act 1889 or otherwise howsoever or render the said board liable for any damage or injury which may result to the bridge or works by this Act authorised by or in consequence of the lawful exercise by them of the powers conferred upon them by the said Act or this Act.

Costs of Act.

70. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto (in this Act referred to as "the costs of this Act")

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shall be paid as to three-thirteenths thereof subject to the provisions of the section of this Act of which the marginal note is "Payments by Cheshire County Council" by the Cheshire County Council and as to the residue thereof by the County Council and such payments may be made in the first instance by those bodies respectively out of any of their respective revenues.

The SCHEDULE referred to in the foregoing Act.

For every horse pony ass mule or head of cattle drawing any coach stage coach omnibus landau brougham barouche sociable chariot hearse waggonette break phaeton chaise or other such like carriage with four wheels the sum of ninepence for one horse pony ass mule or head of cattle used and for every additional horse pony ass mule or head of cattle used in drawing any such vehicle or other carriage the sum of sixpence.

For every horse pony ass mule or head of cattle drawing any gig drag dog-cart Whitechapel or any description of carriage with two wheels the sum of sixpence.

For every horse pony ass mule or head of cattle drawing any waggon wain cart van caravan or other such like carriage the sum of sixpence and if more than one horse pony ass mule or head of cattle is used in drawing any such vehicle or other carriage the further sum of threepence for every such additional horse pony ass mule or head of cattle.

For every horse pony ass or mule laden or unladen and not drawing any vehicle the sum of threepence.

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 goats swine sheep or lambs the sum of one shilling 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 such sum as the County Council shall from time to time fix and determine.

For every bicycle tricycle and other like carriage the sum of threepence.

Provided that no more than one full toll shall be taken for or in respect of the same horse pony ass mule or head of cattle or carriage for passing and repassing once in the course of the same day over the said bridge.

Provided nevertheless that if any horse pony ass mule or head of cattle for which toll shall have been paid for passing over the said bridge shall return drawing another or a different waggon wain cart or other such carriage such horse pony ass mule or head of cattle shall not be permitted to repass over such bridge on the same day without toll being again paid for such horse pony ass mule or head of cattle.

Provided also that the tolls by this Act granted shall be paid for or in respect of horses ponies asses mules or cattle drawing stage carriages of whatever description conveying passengers or goods for hire or reward for each time of the passing over the said bridge and for each time of the repassing of such carriages.

Provided also that the tolls by this Act granted shall be paid for or in respect of horses ponies asses mules or cattle let out to hire whether for riding

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or for drawing post-chaises or other carriages and passing over the said bridge upon every occasion of a distinct or new hiring of such horses ponies asses mules or cattle.

Provided further 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 over the said bridge.

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