



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. lxxxvi.*

An Act for making a Turnpike Road to communicate with the *Lower King's Ferry* over the River *Dee*, from the Township of *Great Saughall* in the County of *Chester*, and from the Village of *Northop* in the County of *Flint*. [22d May 1829.]

**W**HEREAS the making of a Turnpike Road from and out of the present Turnpike Road leading from *Chester* to *Park Gate*, to commence at or near the Mouth of the *Woodbank Lane* in the Township of *Woodbank* in the County Palatine of *Chester*, to the North-east Side of the Ferry over the River *Dee* called the *Lower King's Ferry*, at or near to the Ferry House on the Bank of the said River within the Township of *Sealand*, and from the other Side of the said Ferry, at or near to the old Custom House within the Township of *Wepre*, to the Village of *Northop* in the County of *Flint*, as herein-after mentioned, would be of great Advantage to the Inhabitants of the several Parishes, Townships, or Places on the Line and in the Neighbourhood of such Road, and to the Public in general: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled, *An Act to enable*

5 G. 4. c. 69.

*Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the several beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore

[Local.]

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please

Powers of  
recited Act  
extended to  
this Act.

please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and all and every the Powers and Provisions therein contained, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

This Act to  
be put in force  
for making  
the Road  
herein men-  
tioned.

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 making and maintaining a Turnpike Road from and out of the present Turnpike Road leading from *Chester* to *Parkgate*, to commence at or near the Mouth of the *Woodbank Lane* in the Township of *Woodbank* in the County Palatine of *Chester*, thence through the several Parishes, Townships, Hamlets, or Places of *Shotwick*, *Woodbank*, *Shotwick Park*, and *Great Saughall*, all in the said County of *Chester*, and the Township of *Sealand* in the Parish of *Hawarden* in the County of *Flint*, to the North-east Side of the Ferry over the River *Dee* called the *Lower King's Ferry*, at or near to the Ferry House on the Bank of the said River within the Township of *Sealand* aforesaid; and from the other Side of the said Ferry, at or near to the old Custom House within the Township of *Wepre*, thence through the several Townships, Hamlets, or Places of *Wepre*, *Kelsterton*, and *Northop*, all in the Parish of *Northop* in the said County of *Flint*, to and to terminate at or near the North-west End of the *Northop Churchyard* in the Village of *Northop* aforesaid.

Trustees.

III. And be it further enacted, That the Right Honourable *Richard Grosvenor* commonly called Viscount *Belgrave*, the Honourable *Robert Grosvenor*, the Honourable *George Neville Grenville* Clerk, the Honourable *Edward Cust*, Sir *Thomas Mostyn* Baronet, Sir *Thomas Stanley* Baronet, Sir *Stephen Richard Glynn* Baronet, Sir *John Thomas Stanley* Baronet, Sir *Edward Mostyn* Baronet, Sir *Philip Grey Egerton* Baronet, Sir *Edward Pryce Lloyd* Baronet, Sir *John Tobin* Knight, *William John Bankes*, *Richard Beresford*, *Samuel Nevit Bennett*, *James Boydell*, *James Boydell* the younger, *Richard Barker*, *Thomas Bate*, *Philip Davies Cooke*, *Robert Bryan Cooke*, *Richard Congreve*, *William Walter Congreve*, *Richard Jones Congreve*, *George Congreve*, *Unwin Clarke* Clerk, *Offley Crewe* Clerk, *William Wilson Currie*, *John Conway Conway* Clerk, *Benjamin Conway Conway* Clerk, *William Currie* Clerk, *Thomas Hugh Clough* Clerk, *Charles Butler Clough* Clerk, *Samuel Gilbert Crompton* Clerk, *Charles Dundas*, *Davies Davenport*, *Edward Davenport*, *John Douglas*, *Hargreave Douglas*, *Robert Davies*, *William Thomas Ellis*, *Edward Eytton*, *Robert Eytton*, *John Fielden*, *Robert Mosley Fielden* Clerk, *John Baskerville Glegg*, *John Baskerville Glegg* the younger, *Birkenheard Glegg*, *Joseph Green*, *Philip Humberston*, *William Hancock*, *William Hancock* the younger, *Thomas Hancock*, *John Husband* Clerk, *Edward Jones Hughes*, *Ellis Hughes*, *Trevor Owen Jones*, *Howell Wepre Owen Jones* Clerk, *Henry Jones* Clerk, *George Johnson*, *Joshua King* Clerk, *George King*, *Samuel Knight*, *James Knight*, *Edward Mostyn Lloyd*,  
Joseph

*Joseph Hayes Lyon, Joseph Lyon, John Larden M. D., Thomas Lewis, Edward Lewis, Henry Laffer, Peter Maudsley, James Mainwaring Clerk, Francis Richard Price, Henry Potts, Charles Potts, Ralph Richardson, William Rigby, John Rigby, Honoratus Leigh Rigby, George Rockell, William Thomas Stanley, Massey Stanley, Charles Stanley, John Stanley, Charles Stanley the younger, John Swalley, Maurice Seary, Harry Brereton Trelawney, William Maddock Williams Clerk, William Webster, Joseph White, Joseph White the younger, James Wills, John Williams of Galchog, and William Williams, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in England, shall be and they are hereby appointed Trustees for carrying into execution this Act.*

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, from Time to Time, at any of their Meetings to be held in pursuance of this Act, (of which Meeting and of the Purpose thereof at least Ten Days previous Notice shall be given, in manner by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, being duly qualified as aforesaid, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named; and such additional Trustees so elected and appointed, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said last-recited Act in the Place of Trustees dying, resigning, or otherwise becoming incompetent or disqualified to act, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named herein.

Power to appoint additional Trustees.

3 G. 4. c. 126.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at *Northop* in the said County of *Flint*, on the Fourth *Tuesday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Roads, or one of them, as the said Trustees at such respective Meeting shall think proper and appoint.

First Meeting of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the said Roads herein-before mentioned of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads as they shall think expedient; and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall

Roads to be made.

shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands, Tenements, and Hereditaments upon, in, over, or through which such Roads, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, or any of them, are intended to be made or pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Fine or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Plans and Books of Reference deposited with the Clerks of the Peace to be open to Inspection, and Roads to be made according thereto.

VII. And whereas Maps or Plans describing the said intended Roads, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same are intended to be carried, together with Books of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Offices of the respective Clerks of the Peace for the Counties of *Chester* and *Flint*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace, to the End that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to such respective Clerks the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or any or either of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the respective Clerks of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees in making such Roads shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans without the Consent in Writing of the Person or Persons or Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments any such Deviation shall be made.

Houses, &c. not to be injured without consent.

VIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and obtained.

Errors in Act or in Books not to prevent Execution of Act.

IX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Roads upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Roads are delineated on the said Maps or Plans,

Plans, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the said Books of Reference, if it shall appear to any Two or more Justices of the Peace for the County within which such Lands, Tenements, or Hereditaments shall be situated, (in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said Counties, or either of them, as the Case may require.

X. Provided also, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued and pay for the Lands, Tenements, and Hereditaments which they are by this Act empowered to purchase, take, and use, or so much thereof respectively as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers by this Act or by any other Act or Acts granted, in relation to the Purchase of Lands, Tenements, or Hereditaments for the Purpose of Turnpike Roads, shall, so far as relates to the Roads by this Act authorized, cease and be utterly void; any thing in this Act or in any such Act or Acts as aforesaid contained to the contrary notwithstanding.

Limiting  
Period for  
purchasing  
Property.

XI. And be it further enacted, That it shall be lawful for the said Trustees to erect or build upon or across the said Roads, or any Part thereof, or upon the Sides thereof, or any Part thereof, when and where and as they shall judge necessary, any Toll Gates or Toll Bars, and Weighing Machines and Toll Houses, with Out-houses and Conveniences thereto, and to take in and inclose suitable Garden Spots for the same, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to alter or take down and rebuild or to discontinue and remove the same, or any of them, as they the said Trustees shall think proper.

Toll House  
to be erected.

XII. And be it further enacted, That the said Trustees shall and they are hereby required to erect and to continue, upon each and every Branch of Road comprised in this Act, a Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts passed for regulating Turnpike Roads in *England*: Provided always, that no Money arising from any of the Tolls hereby authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Toll Bar erected and continued under the Authority of this Act: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such respective Branch Roads; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Trustees to  
erect Toll  
Gates on  
each Branch,  
and to take  
Tolls thereat.

Tolls.

XIII. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following ; (that is to say,)

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

For every Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Sixpence ; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches at the Bottom or Soles thereof, the Sum of Eight-pence :

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

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

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

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels projecting more than a Quarter of an Inch above such Tire, the Sum of Ten Shillings :

4 G. 4. c. 95.

Such last-mentioned Toll to be in lieu of any Penalty to which, by virtue of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

Fractional part of a Halfpenny in Tolls.

XIV. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

No Toll to be paid on repassing on same Day.

XV. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle shall, at any Time during the same Day (to be computed from Twelve o'Clock at Night to Twelve o'Clock on the next succeeding Night), upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free, (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages, or drawing Post Chaises or other such like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any), as the Ticket for such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll

Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing for Hire or Reward a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupoise or more, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon the said Roads for the Distance of Two Miles or more.

XVI. Provided always, and be it further enacted, That no more than Two full Tolls, except as herein-after provided to the contrary, shall be taken for or in respect of the same Horses, Beasts, or Cattle, or Carriages, in any One Day, for passing and repassing Once through all the several Toll Gates or Toll Bars upon the said Roads.

Two full Tolls only to be paid on the same Day.

XVII. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act granted shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage, laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes or other agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

Certain Carriages not exempted from Toll.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for every Time of passing or repassing along the said Roads.

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

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

Post Chaises on every new Hiring.

XX. And for regulating the Weights to be allowed to Carts or other Carriages which shall be drawn upon the said Roads by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights following; that is to say, from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton Four Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton for each such Carriage and the Lading thereof.

Weight of Single Horse Carts limited.

XXI. And be it further enacted, That all Carts or other such Carriages passing along the said Roads drawn by only One Horse, Beast, or Cattle

One Horse Carts may be weighed.

Cattle shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses, and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, or other Carriages drawn by Two or more Horses shall be applicable to Carts passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Application  
of Money  
received un-  
der the Act.

XXII. And be it further enacted, That the Monies which shall be received under this Act shall be applied by the said Trustees in Manner following; that is to say, in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Monies which may have been advanced by any Person for the Payment thereof or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid by the said Trustees; and in the next place, in defraying the Expence of making and maintaining the Roads by this Act authorized, and of otherwise executing the several Purposes of this Act; and afterwards, in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may be borrowed and secured under or upon the Credit of this Act.

Term of Act.

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

Public Act.

XXIV. 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.

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