



ANNO NONO

# GEORGII IV. REGIS.

\*\*\*\*\*

## Cap. lxxiv.

An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from *Chester* to *Northop* in the County of *Flint*.  
[23d May 1828.]

**W**HEREAS an Act was passed in the Twenty-fifth Year of the Reign of King George the Second, intituled *An Act for repairing the Roads from the Town of Shrewsbury, through Ellesmere in the County of Salop and Overton in the County of Flint, to Wrexham in the County of Denbigh*: And whereas another Act was passed in the Twenty-ninth Year of the Reign of King George the Second, intituled *An Act to enlarge the Term and Powers of an Act for repairing the Road from Shrewsbury to Wrexham in the County of Denbigh, and to repair and widen several other Roads therein mentioned, and the Road from Wrexham to Chester, and from thence to Pen-y-Fordd-y-Waen in the Parish of Whitford, and also the Road from Broughton to Mold in the County of Flint*; whereby the Roads in the said first-recited Act comprised were divided into several Districts or Divisions; and the Road from *Wrexham*, through *Pulford* and a Lane called *Wrexham Lane*, to *Dee Bridge* in the City of *Chester*, and from the North End of the said Lane called *Wrexham Lane*, within the Liberties of the said City, over *Saltney Marsh*, through *Bretton*, to the Town of *Northop*, were thereby directed to be called the *Chester District* or Division of the said Roads: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to*

[Local.] 18 G to

25 G.2. c.22. ✓  
29 G.2. c.93. ✓  
28 G.3. c.112. ✓



48 G. 3. c. 67.

to enlarge the Term and Powers of an Act passed in the Twenty-ninth Year of the Reign of King George the Second, for repairing the Road from Shrewsbury to Wrexham in the County of Denbigh, and from Wrexham to Chester, and also from Broughton to Mold in the County of Flint, and several other Roads therein mentioned; and for making and repairing a Road from the said Wrexham and Chester Road to the Wrexham and Ruthin Road in the said County of Denbigh; which last-mentioned Road, when made, and the several Branches therefrom, it was by such Act enacted should be deemed and taken to be Part of the Chester District or Division of the Roads in the said Act comprised: And whereas another Act was passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two several Acts of His late and present Majesty, for amending the Road from Shrewsbury to Wrexham in the County of Denbigh, and from Wrexham to Chester, and several other Roads therein mentioned, so far as respects the Chester District of the said Roads*: And whereas it is expedient that so much of the said Chester District or Division of the Roads comprised in the several herein-before recited Acts as lies between the City of Chester and the Town of Northop in the County of Flint should be separated from the remaining Part of the Roads comprised in such District or Division, and be formed into a separate and distinct District or Trust, to be called "The Chester and Northop District:" And whereas considerable Sums of Money are due and owing on the Credit of the Tolls by the said recited Acts, or some of them, authorized to be collected on that Portion of the said Chester District of Roads which is by this Act intended to be separated from the remaining Portion of such Roads, and to be called the Chester and Northop District, which cannot be paid off, nor can the said Chester and Northop District of Road be maintained in repair, unless the Term and Powers of the said Acts are enlarged, some additional Powers granted, and the Tolls increased, so far as relates to the said Chester and Northop District of Road: And whereas certain Parts of the said Road within the Parishes of Hawarden and Northop in the County of Flint are narrow and inconvenient, and it would tend to the public Accommodation if Power were granted for widening and improving such narrow and inconvenient Parts of the said Road: And whereas it would be a great Accommodation to the Neighbourhood and of public Utility if certain Diversions or Alterations were made from and out of the said intended Chester and Northop District of the said Roads, as herein-after mentioned, and if Power were given to stop up such Part or Parts of the said Road so as aforesaid intended to be called the Chester and Northop District, as may be rendered unnecessary by the making the said Alterations or Diversions, or any of them: And whereas it would be beneficial to the Interest of the said Chester and Northop District of Road if the several Acts herein-before recited were repealed so far as relates to such District, and if such of the Powers and Provisions thereof as it may be deemed expedient to retain, and the necessary new and additional Powers and Provisions, were consolidated and incorporated in One Act: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled



tuled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was 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*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain so much of the General Turnpike Act as relates to the Tolls payable on Carriages laden with Lime for the Improvement of Land*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas the several beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourth *Thursday* after the passing of this Act, so much of the *Chester* District or Division of the Roads comprised in the several herein-before recited Acts passed in the Twenty-fifth and Twenty-ninth Years of the Reign of King *George* the Second, and in the Twenty-eighth and Forty-eighth Years of the Reign of His late Majesty King *George* the Third, as lies between the City of *Chester* and the Town of *Northop* in the County of *Flint*, herein-after more particularly described, shall be separated from the Remainder of such District or Division, and shall constitute a distinct District, to be called the *Chester* and *Northop* District, and that the same several Acts, so far as they respectively relate to the Road comprised in the said *Chester* and *Northop* District, shall be and the same are hereby declared to be repealed.

3 G. 4. c. 126.

4 G. 4. c. 95.

4 G. 4. c. 16.

5 G. 4. c. 69.

7 &amp; 8 G. 4. c. 24.

Part of the District of Roads comprised in the recited Acts of 25 & 29 G. 2., & 28 & 48 G. 3., formed into a distinct District, and those Acts, so far as they relate to the same, repealed.

II. And be it further enacted, That this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, diverting, improving, and maintaining in repair the Roads herein-after mentioned; (that is to say,) the Road commencing from a certain Public House called the *Hare and Hounds*, in *Handbridge* in the Parish of *Saint Mary-on-the-Hill* within the Liberties of the City of *Chester*, and terminating at the Junction of the *Holywell*, *Mold*, and *Flint* Turnpike Roads in the Town of *Northop* in the County of *Flint*; and also for making and maintaining the several Diversions or Alterations of the said Road herein-after mentioned; (that is to say), the first of such Diversions or Alterations commencing at or near the South End of the new Bridge now erecting over the River *Dee* in the Liberties of the City of *Chester*, and terminating at or near the *Lach Eyes Pit*, and there rejoining the present Road; and which said Diversion or Alteration will pass through

This Act to be put in Execution for repairing and diverting the Roads herein described.



through the Parish of *Saint Mary-on-the-Hill* within the Liberties of the said City of *Chester*; the Second of such Diversions or Alterations commencing from the present Road at or near a Fence dividing a Croft called *Duckworth's Croft*, in the Occupation of *George Bright*, in the Township of *Hawarden* in the County of *Flint*, from the Plantation of *Sir Stephen Richard Glynn* Baronet, and terminating at or near the *Bell* Public House in the Town of *Hawarden*, in the Occupation of *Mistress Catherine Ellis*, and there rejoining the present Road; and which said last-mentioned Diversion or Alteration will pass through the Parish, Township, or Place of *Hawarden* aforesaid in the County of *Flint*; and the Third of such Diversions or Alterations to commence at *Pentre Mock Bridge* in the Township of *Ewloe* in the said County of *Flint*, and then passing through the several Townships of *Ewloe*, *Soughton*, and *Northop*, and the Parish of *Northop*, in the said County of *Flint*, and terminating at a Place in the said Township and Parish of *Northop* called *Soughton Gate*, and there rejoining the present Road.

Term and  
Tolls granted  
by this Act  
made liable  
to the ori-  
ginal Debt.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls by the said former Acts authorized to be taken upon so much of the said *Chester* District of Roads therein mentioned as is comprised in the said *Chester* and *Northop* District hereby constituted, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit of this Act or of the Tolls hereby granted; and all and every Person and Persons who may owe any Money to the Trustees acting in the Execution of the said former Acts, or any of them, in respect of so much of the said *Chester* District of Roads as is comprised in the said *Chester* and *Northop* District hereby constituted, shall be liable to the Payment thereof to the Trustees for executing this Act, and such Money shall be applied by the said Trustees for executing this Act to the Purposes of this Act.

Securities,  
&c. under  
former Acts  
to continue  
in force.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, relating to such Part of the said *Chester* District of Roads as is comprised in the said *Chester* and *Northop* District hereby constituted, made or entered into by any Person or Persons to or with the Trustees for carrying into Execution the said former Acts, or to or with any Person or Persons on behalf of the said Trustees, according to the Provisions of such Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, or before all or any of His Majesty's Justices of the Peace having Jurisdiction, (as the Case may require,) until the same shall be fully satisfied and performed on account and for the Benefit of the Trusts created by this Act; and all Lettings of Tolls, Orders, Contracts, Conveyances, Bonds, Covenants, Agreements, Securities, and Notices, duly made, entered into, or given by the said Trustees, or by any Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered



altered or avoided by this Act, and as they respectively relate to the said *Chester* and *Northop* District hereby constituted, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, and by the other respective Parties thereto, according to the Terms and Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said former Acts.

V. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books containing the Accounts and Proceedings of the Trustees in the Execution of the former Acts hereby repealed, kept according to the Directions or Provisions of the said respective Acts, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all such Books shall be preserved and kept by the Clerk for the Time being to the Trustees for executing this Act, and shall at all seasonable Times be open to the Inspection of the said Trustees, and of any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees or Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for every such Offence.

Books kept  
under former  
Acts to be  
Evidence.

VI. And be it further enacted, That all Persons who are or have been employed or who have received any Tolls or other Money on account of the District of Road by this Act directed to be widened, improved, and kept in repair, or who have or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating solely to the said District of Road, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, or to such Person or Persons as they shall appoint, in like Manner and under the like Penalties and Forfeitures as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act, are by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty required to pay or account for the same.

Books of  
Proceedings,  
Accounts,  
&c. under  
former Acts,  
to be deli-  
vered to  
Trustees  
under this  
Act.

VII. Provided always, and be it further enacted, That the Treasurer, if appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and employed in the Execution of the said recited Acts hereby repealed, or any of them, so far as they relate to the said *Chester* and *Northop* District of Road, shall respectively continue to exercise their Offices under this Act until they shall be removed therefrom by the said Trustees; and each and every

Former  
Officers to  
continue.

[*Local.*]

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such



such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he and they had been appointed under or by virtue of this Act.

Extending  
the Powers  
of General  
Turnpike  
Acts to this  
Act.

VIII. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Acts passed in the Fifth and in the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

Trustees.

IX. And be it further enacted, That the Honourable *Richard Grosvenor* commonly called Viscount *Belgrave*, the Honourable *Robert Grosvenor*, the Honourable and Reverend *George Neville Grenville*, Sir *Stephen Richard Glynn* Baronet, Sir *Foster Cunliffe* Baronet, Sir *John Cotgreave* Knight, *William John Bankes*, *Roger Barnston*, *Roger Harry Barnston*, *James Boydell*, *James Boydell* the younger, *Samuel Bennett*, *Henry Bowers*, *Robert Bowers*, *Richard Barker*, *Richard Beresford*, *Thomas Bate*, *Foster Cunliffe*, *John Conway* Clerk, *Benjamin Conway* Clerk, *Lynch Sydney Cotton*, *Philip Davies Cooke*, *Offley Crewe* Clerk, *Robert Bryan Cooke*, *Samuel Gilbert Crompton* Clerk, *Charles Dundas*, *Thomas Evans*, *John Edwards*, *Thomas Eyton*, *Thomas Francis*, *John Feilden*, *John Fletcher*, *Henry Glynn*, *William Hancock*, *William Hancock* the younger, *Thomas Hancock*, *Peploe William Hamilton* Clerk, *George Harrison*, *Philip Humberston*, *Charles Hamilton*, *Henry Jones* Clerk, Vicar of *Northop*, *George Johnson*, *Trevor Owen Jones*, *Howell Wepre*, *Owen Jones* Clerk, *John Jones* Clerk, Vicar of *Holywell*, *James Knight*, *Henry Kelsall*, *John Larden*, *Thomas Lewis*, *Edward Lewis*, *John Finchett Maddock*, *Charles Morrall*, *Robert Morris*, *Thomas Finchett Maddock*, *William Newell*, *Charles Napier*, *Edward Freeman Parsons* Clerk, *William Pownall*, *Henry Potts*, *Charles Potts*, *William Richards*, *William Rigby*, *John Rigby*, *Honoratus Leigh Rigby*, *John Swarbreck Rogers*, *Hugh Roberts*, *George Roskell*, *Joshua Stringfellow*, *Edward Simon Snow*, *John Smalley*, *James Sedgwick*, *William Makepeace Thackeray* Doctor of Medicine, *Richard Willett*, *John Williamson*, *John Williams* of *Galehog*, *William Maddock Williams* Clerk, Curate of *Flint*, *William Aingier* Clerk, Doctor of Divinity, *Robert Aldersey*, *George Brooke*,  
*Richard*



*Richard Fosbrooke Buckley, George Blomfield, Samuel Nevett Bennett, Thomas Bagnall, Samuel Brittain of Upton, Robert Brittain, Unwin Clarke Clerk, Richard Congreve, William Wilson Currey, William Currie Clerk, Charles Butler Clough Clerk, George Cumming Doctor of Medicine, Thomas Dixon, James Dixon, Thomas Edwards Clerk, Hugh Maxwell Goodwin, Alderman George Harrison, John Harrison, Henry Hesketh the younger, James Hilton, Richard Howard Doctor of Divinity, Townsend Ince, James Thomas Law Clerk, James Mainwaring Clerk, Charles Mytton Clerk, Thomas Trevor Mather, Richard Gerrard Perryn, John Drake Rogers, Edward Roberts, James Slade Clerk, Thomas Sudworth, Edward Simon Snow, William Tomkinson, Richard Tyrwhitt, Robert Topham the younger, Francis Wrangham Clerk, William Wrench, William Ward, Edward Ommaney, Wrench Williams Clerk, Rector of Skeiviog, and their Successors, being duly qualified in manner directed by the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying this Act into Execution.*

X. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof at least Ten Days previous Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing 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 recited Act passed in the Third Year of the Reign of His present Majesty, in the Place or Stead of any Trustee or Trustees dying, resigning, or otherwise become incompetent or disqualified to act, (being duly qualified according to the Provisions of the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty,) shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to appoint additional Trustees.

XI. And be it further enacted, That the Meetings of the said Trustees shall be held alternately at *Chester* and *Hawarden* aforesaid, and their First Meeting shall be held at the Exchange in the City of *Chester* on the Fourth *Thursday* next after the passing of this Act, or as soon afterwards as conveniently may be; and such Meetings shall and may be adjourned from Time to Time as such Trustees may think fit.

First Meeting of Trustees.

XII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, to amend and improve and to render more commodious the said *Chester* and *Northop* District of Road, by widening certain narrow Parts of the Line of the

Certain Parts of the present Road to be widened.



9<sup>o</sup> GEORGE IV. Cap. lxxiv.

the same, which are described in the Maps or Plans and Books of Reference herein-after mentioned; and for the aforesaid Purpose or Purposes it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to purchase and take, and to pull down, use, and lay into the Line of the said Road, any of the Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and other Persons interested therein for the same, or for the Damage they may respectively sustain thereby.

Diversions  
may be made.

XIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make and maintain the said several Diversions herein-before mentioned or described, upon, in, over, or through any private Lands, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby; and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Land, of such Width or Dimensions 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 Diversions as they shall think necessary or expedient; and for such Purpose or Purposes to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, from Time to Time to enter upon the Lands, Tenements, and Hereditaments through which or whereupon such Road, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Maps or  
Plans of  
intended  
Alterations  
deposited at  
the Offices of  
the Clerks of  
the Peace to  
remain there,  
and be open  
to Inspection.

XIV. And whereas Maps or Plans, describing the Widenings of the present Road, and the intended Diversions thereof, and the Lands, Hereditaments, and Premises through which the same are to be carried, together with Books of Reference containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerk of the Peace for the said County of *Flint* and the Town Clerk of the City of *Chester*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace and Town Clerk respectively, to the end that all Persons may



may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at all seasonable Times, paying to such Clerk of the Peace and Town Clerk respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts: Provided always, that the said Trustees in making such Widenings and Diversions shall not deviate more than One hundred Yards from the respective Lines thereof described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over and through whose Lands, Tenements, or Hereditaments such Deviations shall be made.

Line not to vary therefrom more than 100 Yards.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to make any Deviation from the Line delineated upon the Map or Plan herein-before mentioned, so as to enter the Land or Grounds of the Reverend *John Conway Conway*, within the Township of *Northop* aforesaid, without the Consent of the said *John Conway Conway*, or other the Owner or Owners of such Lands or Grounds for the Time being.

Protecting Property of the Reverend John Conway Conway

XVI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Widenings or Diversions shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Dwelling Houses not to be taken, except such as are mentioned in the Schedule.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Widenings and Diversions into, through, across, or over the several Lands, Tenements, or Hereditaments of any Person or Persons who is or are or may be Owner or Owners or Occupier or Occupiers of Lands, Tenements, or Hereditaments over which the same is or are set out and described in the said Maps or Plans as being intended to be carried, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans and Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County wherein such Lands, Tenements, or Hereditaments may be situate, and be certified by Writing under their Hands, that such Error, Omission, or Mis-statement apparently proceeded from Mistake, and was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Misnomers not to prevent the Execution of this Act.



Unnecessary  
Roads may  
be stopped  
by Order of  
Trustees.

XVIII. And whereas by reason of the making the said Diversions certain Parts of the present Road may become useless and unnecessary; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting or Meetings to be held under this Act, when and so soon as such Diversions shall have been respectively completed fit for the Passage of Horses, Cattle, and Carriages, by any Order or Orders under their Hands to direct that such Parts of the said present Road as may in their Judgment become useless and unnecessary shall be stopped up and discontinued at the Expiration of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person whatsoever to use such Parts of the said Road as shall be so stopped up as aforesaid, but the same shall thenceforth cease to be Common Highways or a Common Highway, to all Intents and Purposes whatsoever, and shall be vested in the said Trustees, subject to the Conditions, Provisions, and Regulations in that Behalf contained in the said recited Act of the Third Year of the Reign of His present Majesty: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Roads or Road so ordered to be stopped up and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel belonging to the Parish or Parishes within which such Roads or Road shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be Twice inserted in some public Newspaper usually circulated in the Counties of *Flint* and of the City of *Chester*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same as herein after provided; nor shall any such Road be stopped up or discontinued, in case any such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until after the Determination of such Appeal.

Allowing  
an Appeal  
against the  
Order.

XIX. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing the said old Roads, or any or either of them, to appeal against the same at any General or Quarter Sessions of the Peace for the County within which such old Roads shall be situate, which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, (to be duly signed by such Appellant or Appellants,) or leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Ten Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall



shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

XX. Provided also, and be it further enacted, That in case no such Appeal shall be made within the Time aforesaid, the said Order or Orders shall be final and conclusive upon all Persons whomsoever.

If no Appeal,  
Order to be  
conclusive.

XXI. 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 as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase, the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them thereby and hereby granted for such Purpose shall cease, determine, and be utterly void and of no Effect, any thing herein contained to the contrary thereof in anywise notwithstanding.

Limiting the  
Period for  
purchasing  
Property.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue all and every or any of the Toll Gates or Turnpikes and Toll Houses now standing and being in, upon, or across such Parts of the said Roads as shall continue to be used, and shall not at the Time of the passing of this Act have been abandoned, or on the Sides thereof, and also to erect and set up and build, or cause to be erected, set up, and built, in lieu thereof or in addition thereto, in or across the said Roads so continued in use as aforesaid, or any Part thereof, or upon the Sides thereof, or any Part thereof, and also upon, in, or across the Diversions hereby directed to be made and maintained, or upon the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and from Time to Time to alter, take down, remove, or discontinue the same or any of them, as they the said Trustees shall think proper and expedient; and also to erect and provide One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre, as they shall think necessary.

Power to  
erect Toll  
Gates, Turn-  
pikes, Side  
Gates,  
Weighing  
Machines,  
&c.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or for any Person or Persons under their Authority, to demand and take the Tolls or Sums of Money herein-after mentioned at each and every such Turnpike, Toll Gate, Side Gate, and Chain to be continued or set up by virtue of this Act upon, across, or by the Side of the Road and Diversions respectively, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Trustees may  
take Tolls.

For



## Tolls.

For every Horse or Beast of Draught drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Caravan, Van, Hearse, Litter, or other such Carriage, any Sum not exceeding Sixpence :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Wheels of the Breadth of Six Inches or upwards on the Bottom or Soles thereof, any Sum not exceeding Sixpence ; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches and not less than Four and a Half Inches, any Sum not exceeding Sevenpence Halfpenny ; and in case the Fellies of the Wheels thereof are of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Ninepence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Twopence :

For every Score of Oxen or Neat Cattle, any Sum not exceeding One Shilling and Three-pence, and so on in proportion for any greater or less Number :

For every Score of Calves, Sheep, Lambs, or Swine, any Sum not exceeding Ten-pence, and so in proportion for any greater or less Number ;

And for every Waggon, Wain, Cart, or other such Carriage, having the Nails of the Tire or Tires of the Wheels projecting more than One Quarter of an Inch above such Tire or Tires, any Sum not exceeding Ten Shillings for each Time of passing through any of the said Turnpike Gates ; such last-mentioned Toll or Sum to be in lieu of any Penalty or Forfeiture to which by virtue of the said recited Act of the Fourth Year of the Reign of His present Majesty the Owner or Driver of any such last-mentioned Waggon, Wain, Cart, or other Carriage would be subject or liable by reason or on account of the Nails of the Tire or Tires of the Wheels thereof projecting more than One Quarter of an Inch above such Tire or Tires ; and an additional Toll not exceeding One Penny upon every Horse or other Beast drawing, and an additional Toll not exceeding One Halfpenny upon every Horse, Mule, or Ass, laden or unladen, and not drawing, shall be demanded and paid for watering any Part of the said Roads, during such Periods as the said Trustees shall direct :

Which said several Tolls or Sums of Money shall be vested in the said Trustees, and shall be applied for the Purposes of this Act.

Exemptions  
from Toll.

XXIV. And be it further enacted, in addition to the Exemptions from Toll contained in the several herein-before recited Acts of the Third and Fourth Years of the Reign of His present Majesty, That no Toll shall be demanded or taken by virtue of this Act for any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Lime or Limestone for improving any Lands ; or for any Horse or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from



from being shod or farried, such last-mentioned Horses or other Beasts not going or returning on those Occasions more than Three Miles on the Turnpike Road on which the Exemption shall be claimed; nor for any Horse or Beast drawing any Waggon, Wain, Cart, or other such like Carriage going empty to be repaired, or returning empty from having been repaired; and if any Person or Persons shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any Exemption from Toll in this Act contained, not being entitled to such Exemption, every such Person shall for every such Offence forfeit and pay such and the like Penalty, with such and the like Powers and Provisions for the Recovery and Application thereof, as are provided and contained in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, with respect to Persons fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll in the said last-mentioned Acts contained.

XXV. 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 or Beast of Draught drawing in any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building or repairing any Bridge, or with any Lime, Limestone, Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry, or any 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 or Tires of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire or Tires.

Exemptions not allowed to Carriages having the Nails of the Tires projecting more than a Quarter of an Inch.

XXVI. 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, Turnpikes, or Side Gates, or Chains, such Horse, Beast, or Cattle shall, at any Time or Times during the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night,) upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, or Chain, and also through any such other Toll Gates, Turnpikes, and Side Gates and Chains, (if any,) as the Ticket for such Payment shall free; provided that no Horse or other Beast of Draught for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, or Chains, drawing another or different Waggon, Wain, Cart, or other such Carriage, or drawing, for Payment, Hire, or Reward, a fresh or different Lading of the Weight of Two hundred and forty Pounds Avoirdupoise, in the same Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Turnpikes, Toll Gates, Side Gates, or Chains on the same Day without again paying Toll, if in so repassing such Horse or other Beast of Draught shall go or travel upon the same Road for the Distance of Three Miles.

No Toll to be paid for repassing on the same Day, unless with a new Lading.



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

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

Horses draw-  
ing Post  
Chaises to  
pay on every  
fresh Hiring.

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

Limiting the  
Number of  
Tolls.

XXIX. Provided always, and be it further enacted, That no more than Two full Tolls, except as herein-before provided to the contrary, shall be demanded or taken for or in respect of the same Horses or other Beasts or Cattle, or Carriages, in any One Day, to be computed as herein-before mentioned, for passing and repassing through all the several Toll Gates or Toll Bars erected between the City of Chester and the Town of Northop.

Weights  
allowed for  
One Horse  
Carts.

XXX. And for regulating the Weights to be allowed to all such Carts or other Carriages which shall be drawn by One Horse, Mule, or other Beast only, be it further enacted, That the Weights hereafter next specified shall be allowed to every Cart or other such Carriage drawn by One Horse, Mule, or other Beast only; (that is to say,) from the First Day of May to the Thirty-first Day of October (both Days inclusive), One Ton and Five 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.

One Horse  
Carts may be  
weighed.

XXXI. And be it further enacted, That all Carts or other such Carriages passing along the said Road, drawn by One Horse, Mule, or other Beast, shall and may be weighed at any Weighing Machine erected or to be erected on the said Road, and the like additional Tolls demanded, received, 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 Waggons, Carts, or other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Owners, and Masters thereof.

Application  
of Tolls.

XXXII. And be it further enacted, That the Monies already received by virtue of the said former Acts hereby repealed, with respect to the said Chester and Northop District of Road, and now in the Treasurer's Hands, and also all Monies which shall arise and be produced by or under this Act, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in manner following; (that is to say,) in the first place in Payment and Discharge of all Costs, Charges, and Expences

which



which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise incident thereto, with lawful Interest for the same; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls heretofore payable upon the same District of Road under the said former Acts hereby repealed, or to arise under this Act; thirdly, in defraying the Expences of widening, diverting, improving, repairing, and maintaining the said *Chester* and *Northop* District of Road, and of erecting, altering, and repairing Turnpikes, Toll Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the same Road, and otherwise in executing the Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed and secured upon the Credit of the Tolls arising upon the same District of Road in pursuance of and for the Purposes of the said former Acts, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

XXXIII. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said recited Acts, or any of them, or of this Act, shall be laid out in the repairing any Street in any Part of the said City of *Chester*, any thing herein contained to the contrary in anywise notwithstanding.

No Money to be laid out in repairing Streets, &c. in Chester.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at their First Meeting, or at any Adjournment thereof, to declare, order, and determine that all Demises, Leases, and Agreements for Leases of the existing Tolls heretofore granted and payable at the several Turnpikes and Toll Gates on the Roads in and by the said recited Acts directed to be improved and kept in repair, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be vacated from and after the Tenth Day next after such Meeting, and from and after such Declaration, Order, and Determination, the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive, recover, and compel Payment of all Rents and Arrears of Rent, and Payments due and to become due thereon; and the said Trustees shall and may and are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls for any Loss or Damage which he, she, or they shall or may respectively sustain thereby, to be paid at such Time and Times and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees respectively, his, her, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months after the same shall be due and demanded of the Clerk or Treasurer, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that in case the said Trustees and the Lessee or Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid; provided

Leases of Tolls may be vacated.



provided also, that nothing herein contained shall prevent the said Trustees, at their first or any other Meetings, if they shall think fit, from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls hereby granted and made payable, as they shall think reasonable and proper, for the unexpired Time of his, her, or their respective Leases or Terms.

No Priority  
of Mort-  
gages.

XXXV. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls arising on the said *Chester and Northop District of Road*, granted by the said recited Acts hereby repealed, or any of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or for advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

Commence-  
ment and  
Continuance  
of this Act.

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

Public Act.

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



## The SCHEDULE to which the foregoing Act refers.

*Second Deviation, commencing at the present Road near Duckworth's Croft, held by George Bright, and ending at the Bell Public House in Hawarden.*

No. of Plan.	Township.	Owners or reputed Owners.	Occupiers.	Description.
4 a.	Hawarden	Sir Stephen Richard Glynne, Baronet -	Sir Stephen Richard Glynne, Baronet -	Plantation.
8	Ditto	Mrs. Thropp -	Mrs. Thropp -	Garden.
8 a.	Ditto	Ditto -	Hon. and Reverend George Neville Granville -	Ditto.
9 a.	Ditto	Sir Stephen Richard Glynne, Baronet -	Ditto -	Ditto.
10	Ditto	Ditto -	Peter Jones -	Ditto.
	Ditto	Ditto -	Joseph Shone -	Ditto.
	Ditto	Ditto -	Francis Thornton -	Ditto.
	Ditto	Ditto -	Thomas Jones -	Slaughter-house, &c.
	Ditto	Ditto -	John Rigby -	Stable, &c.
11	Ditto	Ditto -	Samuel Davies -	Shop, &c.
	Ditto	Ditto -	Peter Jones -	House, &c.
	Ditto	Ditto -	Thomas Tyson -	House and Buildings.
	Ditto	Ditto -	William Urmston -	House, &c.
	Ditto	Ditto -	William Tudor -	House, &c.
	Ditto	Ditto -	Widow Taylor -	House, &c.
	Ditto	Ditto -	Vacant -	House, &c.
	Ditto	Ditto -	William Jones -	House, &c.
	Ditto	Ditto -	Morrice Griffith -	House, &c.
	Ditto	Ditto -	William Thomas -	House, &c.
	Ditto	Ditto -	John Bushell -	House, &c.
	Ditto	Ditto -	Peter Jones -	House and Garden.
	Ditto	Ditto -	Mary and Elizabeth Read -	House, &c.
	Ditto	Ditto -	Thomas Pemberton -	House, &c.
	Ditto	Ditto -	Thomas Cathrall -	House, &c.
12	Ditto	Ditto -	John Jones -	House, &c.
	Ditto	Ditto -	Thomas Bennett -	House, &c.
13	Ditto	Ditto -	Catherine Ellis -	House and Buildings.
	Ditto	Ditto -	John Rigby -	Yard.

*Property to be taken for straightening and improving the present Road.*

4	Broughton	Sir Stephen Richard Glynne, Baronet -	Sir Stephen Richard Glynne, Baronet -	Plantation.
14	Ewloe	Rev. Offley Crewe -	John Simnal -	Yard and Garden.
15	Ewloe Wood	Philip Davis Cooke, Esquire -	Jane Robarts -	Garden.
16	Ditto	Ditto -	Edward Williams -	Cottage and Garden.
17	Ditto	Ditto -	Philip Davis Cooke, Esquire -	Wood.
18	Ditto	Ditto -	Robert Morris -	Cottage and Garden.
19	Northop	Devises of the late Edward Jones, Esquire -	Edward Jones -	House.
19 a.	Ditto	Ditto -	Thomas Morris -	Garden and Wood.

[Local.]



No. of Plan.	Township.	Owners or reputed Owners.	Occupiers.	Description.
20	Northop	Devises of late Mr. Parry	Self	Wood.
21	Ditto	Ditto	Jane Rowland	Garden.
	Ditto	Ditto	Martha Jones	Ditto.
	Ditto	Ditto	Thomas Ingelby	Ditto.
	Ditto	Ditto	Benjamin Jones	Ditto.
	Ditto	Ditto	John Hughes	Ditto.
	Ditto	Ditto	John Jones	Ditto.
	Ditto	Ditto	John Jones	Ditto.
22	Ditto	Ditto	Anne Bolton	Ditto.
	Ditto	Ditto	Elizabeth Edwards	Ditto.
23	Ditto	Representative of the late Edward Lewis	John Edwards	Ditto.
24	Ditto	Representative of the late Parry	Maurice Searey, Esq.	Shed.
25	Ditto	Rev. Henry Jones	Rev. Henry Jones	Garden and Plantation.
26	Ditto	Robert Evans	Robert Evans	Garden and Land.
27	Soughton	William John Banks, Esquire	Edward Foulkes	Buildings, Barn, and Yard.

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