



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxxvii.

An Act for the Restoration of the Standard in the River *Dee*, and for granting further Powers to the River *Dee* Company. [24th July 1851.]

WHEREAS by an Act passed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, intituled *An Act to enable the Mayor and Citizens of Chester to recover and preserve the Navigation of the River Dee*, reciting that the said River *Dee* was theretofore navigable for Ships and Vessels of a considerable Burden from the Sea to the City of *Chester*, but by Neglect of the said River, and for Want of sufficient Banks, Works, and Fences on the Sides thereof against the Flux and Reflux of the Sea, the Channel of the said River was become so various and uncertain, that by Sands and otherwise the Navigation of the said City was almost lost and destroyed, the Mayor and Citizens of the said City of *Chester* and their Successors were empowered from Time to Time and at all Times thereafter to make and keep the said River navigable from the Sea to the said City of *Chester* for Ships of One hundred Tons Burden or upwards; and to enable them so to do they were thereby authorized to levy certain Duties in the said Act mentioned, and the Property of the Sand, Soil, or Ground therein mentioned was, immediately from and after such Time as the said

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River

The Dee Standard Restoration Act, 1851.

River and Channel should be made navigable and passable with and for such Ships and Vessels to land from the said City of *Chester*, to be vested in the said Mayor and Citizens and their Successors for ever, and they were thereby authorized to defend, enclose, and improve the same, and receive the Rents and Profits thereof, and apply the same for maintaining and repairing the intended Works and Fences, and for making, erecting, and doing such further and other Works, Fences, and Things from Time to Time as Occasion should require for making and keeping the said River navigable as aforesaid: And whereas by an Act passed in the Sixth Year of the

6 G. 2. c. 30. Reign of His Majesty King *George* the Second, intituled *An Act to recover and preserve the Navigation of the River Dee in the County Palatine of Chester*, reciting the said Act passed in the Eleventh and Twelfth Years of the Reign of *William* the Third; and also reciting, that considerable Sums of Money had been laid out and expended pursuant to the said Act, but the said River was not made navigable, the Provisions for making the same navigable by the said recited Act being insufficient, and that the Time thereby granted for making the same navigable had then expired; and further reciting, that the Sands, Soil, and Ground not bearing Grass, commonly called "The *White Sands*," from the City of *Chester* to the Sea, and lying between the County of *Chester* on the North Side and the County of *Flint* on the South Side, were of great Breadth in most Places, and the said River not being navigable was chiefly owing to the Breadth of the said Sands, and to the shifting of the Channel from the One Side thereof to the other, as the Winds and Tide varied; and also that the said Sands, Soil, and Ground commonly called "The *White Sands*" were not nor were likely to be of any Advantage or Benefit to any Person whatsoever, unless the said River was bounded in and made navigable by Sea-walls, Banks, and Fences, which would require a very great Expense as well to erect as to maintain and repair from Time to Time, and that if the said *White Sands* were recovered from the Sea by Sea-walls, Banks, and Fences, and the Channel of the said River *Dee* thereby confined to one certain Course, it would not only effectually make the said River navigable, but, vesting the said *White Sands* in the Undertakers of the said Navigation, would be a considerable Encouragement to the Undertaking; and also reciting, that the making the said River navigable would be a Means to advance the Trade of the said City of *Chester*, and that great Benefit would accrue thereby to the Inhabitants thereof, and to the Towns and Countries adjacent to or near the said River, and that it would also increase the Number of Seamen and Watermen, and promote the public Good of this Kingdom; it was enacted, that *Nathaniel Kinderley*, in the said Act named, his Heirs and Assigns, and such Persons as he, his Heirs and Assigns, should nominate and appoint under his or their Hand and Seal, should be and they were thereby appointed Undertakers

The Dee Standard Restoration Act, 1851.

of the said Navigation, and empowered, at their own Costs and Charges, to make and keep the said River *Dee* navigable from the Sea to a certain Point within the Liberties of the said City of *Chester* called "*Wilcox Point*," in such Manner that there should be Sixteen Feet Water in every Part of the said River at a moderate Spring Tide, for Ships and Vessels to come and go to and from the said City, and to that end to alter, direct, and make the Channel of the said River to run through such Part of the said *White Sands*, or the Common Salt Marshes thereunto adjoining, or other Marshes therein mentioned, and to make, set up, and erect such and so many Banks, Walls, Sluices, Works, and Fences, in, upon, and through the said Sands and Marshes, for making, securing, maintaining, preserving, and continuing the said Channel of the said River within proper Bounds, as to the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, should seem proper or convenient, and for that Purpose to cleanse, scour, open, and enlarge or straighten and confine the said River and Channel, and other Streams adjacent thereto, or any Part or Parts thereof, and to dig, get, cut, remove, and carry away and use such Materials in or upon the said *White Sands*, or Lands and Marshes therein mentioned, as he the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, should think fit or necessary, either for making of the said River navigable, or for keeping the same navigable, or for the bringing in any other Streams, Brooks, or Watercourses into the said River, for the better carrying on or effecting the said Undertaking; and by this Act now in recital, after reciting that the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, would necessarily be at considerable Charge and Expense in making the said River navigable, and in repairing and keeping up the same fit for such Navigation as aforesaid, they were empowered, so soon as the said River was made navigable and passable for Ships and Vessels, as in the said Act was expressed, to take and receive such Duties and Tonnage as in the said Act are mentioned; and for the better enabling the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, to make and keep the said River navigable as aforesaid, all that Sand, Soil, Ground, Marsh, and Salt Grass lying and being between the *New Tower* in or near the said City of *Chester* and the Marsh of *John Crew* Esquire commonly called *Blacon Marsh* and a certain Gutter called *Finchett's Gutter*, and between the enclosed Ground adjoining to the said Salt Grass and the said River, bounded upon the South by a Right Line to be drawn directly West from the said *New Tower* to the said River, and upon the South-west and West by the said River and the *White Sands*, and upon the North and North-east by the said *Blacon Marsh*, *Finchett's Gutter*, and the *Stone Bridge*, and upon the East by the *Starting Stone* and the enclosed Lands adjoining to the said Salt Grass, and all other the Sands, Soil, and Ground commonly called the *White Sands*, lying and being between the Common Salt Marshes on the South Side of the said River
and

The Dee Standard Restoration Act, 1851.

and the Hundred of *Wirral* in the said County of *Chester* on the North Side of the said River, and between the Marsh or Marshes of *John Wright* Esquire called *Brewers' Hall Marsh* and the Sea, (excepting as therein excepted,) should from and immediately after such Time as the said River should be made navigable and passable for Ships and Vessels in manner aforesaid be vested in the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for ever, to the Use of the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, for ever; and that it should and might be lawful to and for the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, to defend, enclose, and improve the said *White Sands*, Soil, and Ground, and to take the Rents and Profits thereof, to and for his and their proper Use and Uses, any Law, Statute, or Custom to the contrary in anywise notwithstanding, subject nevertheless to the Provisoes and Conditions in the said Act now under recital mentioned: And whereas by an Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Second, 14 G. 2. c. 8. intituled *An Act for incorporating the Undertakers of the Navigation of the River Dee*, it was amongst other things enacted, that the several Persons therein named Proprietors of the Undertaking for recovering and preserving the Navigation of the said River *Dee*, and the Representatives of such of the Subscribers to the Indenture or Deeds Poll therein mentioned as were dead, their several and respective Successors, Heirs, and Assigns, should be created into One Company for the Purposes aforesaid, and be incorporated by the Name of the Company of the Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, and have Power to do all such Acts as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, might have done or were empowered to do by virtue of the said last-recited Act, and to take and receive all such Duties, Tonnage Dues, and Payments whatsoever as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, were empowered to do by the said last-recited Act, and to embank, enclose, improve, and apply to the Use of the said Company the *White Sands*, Soil, and Ground and other Lands whatsoever by the said last-recited Act vested in the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, upon the Terms and Conditions in the said last-recited Act mentioned, in the same Manner as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, might have done, and also all the Lands, Soil, and Ground purchased or agreed for by the said Proprietors, and conveyed or to be conveyed to the said Proprietors or to the said Company thereby united, and also to execute all the Powers and Authorities given to and vested in the said *Nathaniel Kinderley*, his Heirs, Assigns, and Nominees, by or by virtue of the said last-recited Act, and in such Manner as the said *Nathaniel Kinderley*, his Heirs, Assigns, or Nominees, might have executed the same by virtue of the said last-recited Act, subject to the Limitations, Conditions, and Restrictions in the said

The Dee Standard Restoration Act, 1851.

said last-recited Act mentioned; and it was by the Act now in recital further enacted, that if any Doubts should arise about the Exposition of the Act now in recital, the same should be construed and taken in such Manner as should be most beneficial and advantageous for the Purposes aforesaid in making the said River navigable, and in preserving and continuing the Navigation thereof for ever, according to the true Intent and Meaning of the Act now in recital and of the said last-recited Act: And whereas by an Act passed in the Seventeenth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act for explaining and amending an Act passed in the* 17 G.2. c.28.
Sixth Year of His present Majesty's Reign, intituled 'An Act to recover and preserve the Navigation of the River Dee in the County Palatine of Chester,' and another Act passed in the Fourteenth Year of His present Majesty's Reign, intituled 'An Act for incorporating the Undertakers of the Navigation of the River Dee,' and for repealing the Tonnage Rates payable to the said Undertakers, and for granting to them other Tonnage or Keelage Rates in lieu thereof, and for other Purposes therein mentioned, after reciting, amongst other things, that the Undertakers of the said Navigation having been, by the said Act of the Sixth Year of the Reign of His Majesty King *George* the Second, directed and empowered to make and keep the said River navigable from the Sea to the said Point called *Wilcox Point*, in such Manner that there should be Sixteen Feet Water in every Part of the said River at a moderate Spring Tide, for Ships and Vessels to come and go to and from the said City, several Trials and Soundings were had and made in order to ascertain the Height the Water flowed to at a moderate Spring Tide, and thereby the same was ascertained and fixed to be level with the Height of Nine Feet above the Bottom Floor or Apron of the *Ten Gate Sluice* Part of the Works of Navigation erected by the said Undertakers, and as a Testimonial thereof a Pile was, in the Year One thousand seven hundred and thirty-eight, drove and fixed in the said River near the *Ten Gate Sluice* on which the said Height of Nine Feet from the Bottom Floor or Apron of the said *Ten Gate Sluice* was marked and set as and for the Standard Height of the Water at a moderate Spring Tide, and the same had since been commonly called the Standard, it was enacted, that the Tonnage Rates payable to the said Undertakers should cease and be no longer payable, and that other and easier Tonnage Rates and Duties should for ever thereafter be paid to the said Undertakers in lieu thereof; and it was by the said Act now in recital further enacted, upon the Recital that the said River was subject and liable in dry Seasons to be silted up with Sand, so that at a moderate Spring Tide it might frequently happen that there might not be Sixteen Feet Water in every Part of the said River until the said Sand should be removed by the Freshes coming down the said River, that instead of the said Depth of Sixteen Feet Water

Standard fixed in 1738.

17 G.2. c. 28. s. 12. Stipulated Depth reduced to 15 Feet.

The Dee Standard Restoration Act, 1851.

at a moderate Spring Tide the said Company and their Successors should from Time to Time and at all Times thereafter maintain and keep the said River *Dee*, from the Sea to the said Point called *Wilcox Point*, in such Manner that, on the Computation of a moderate Spring Tide as marked on the said Pile called the Standard, there should be Fifteen Feet Water in every Part of the Channel of the said River; and in order to ascertain the Depth of the said River *Dee* it was by the Act now in recital further enacted, that Two Supervisors should from Time to Time be appointed, the One by the Mayor, Aldermen, and Common Council of the said City of *Chester*, and the other by the said Company, with full Power and Authority to sound the said River or any Part or Parts thereof, and the said Supervisors were thereby directed to make such Soundings; and it was thereby provided, that if on any such Soundings made at Three successive Tides the Bottom or Channel of any Part of the said River should at any Time thereafter appear to be silted or choked up so that there would not at a moderate Spring Tide be in the Channel of every Part of the said River from the Sea to *Wilcox Point* Fifteen Feet Water, and in case the said Supervisors or either of them should make such Affidavit thereof as therein required, and the said Company should, for the Space of Four Calendar Months next ensuing the Delivery of a Copy of such Affidavit, suffer the said River to continue silted or choked up so that during any Part of that Time, on the Computation of a moderate Spring Tide as marked on the said Standard, there should not be Fifteen Feet Water in the Channel of every Part of the said River from the Sea to *Wilcox Point*, for Ships and Vessels to come and go to and from the City of *Chester*, that from thenceforth and from and immediately after the Expiration of the said Term of Four Months, as often as the said Event should happen, the Payment of the said Tonnage Duties by the now-reciting Act imposed should be suspended and cease, and not be collected or payable until the said Depth of Fifteen Feet should be regained, from which Time the said Tonnage Duties should be again revived and be collected and become payable as before, and so *toties quoties*; and in case the Company should for the Space of Eight Months next after the Expiration of the said Term of Four Months suffer the said River to continue silted and choked up, so that during any Part of that Time, on the Computation of a moderate Spring Tide, there should not be Fifteen Feet Water in the Channel of every Part of the said River from the Sea to *Wilcox Point*, for Ships and Vessels to come and go to and from the said City, it was by the now-reciting Act further enacted and declared, that thenceforth, and from and immediately after the Expiration of the said Term of Eight Months, from Time to Time as often as the said Event should happen, it should and might be lawful for the major Part of certain Commissioners originally appointed by the said recited Act of the Sixth Year of the Reign of His Majesty
King

The Dee Standard Restoration Act, 1851.

King *George* the Second, and which Commissioners, together with certain additional Persons, were re-constituted as Commissioners by the herein-after recited Act of the Thirty-first Year of the Reign of King *George* the Third, and which Commissioners are now known by the Name of the River *Dee* Commissioners, to authorize and empower such Person or Persons as they should nominate and appoint for that Purpose to enter into and upon the *White Sands*, Lands, Grounds, Marshes, and Salt Marshes by the now-reciting or by the said recited former Acts vested in the said Company, and to take Possession thereof, and to receive and take the Rents, Issues, and Profits thereof, and from Time to Time to distrain for the same as they should see Occasion, until they should have thereby raised and received so much Money as should from Time to Time be necessary to be expended and laid out for regaining the said Depth of Fifteen Feet; and it was by the Act now in recital further enacted, that in computing the Depth of the Water in the said River, and in determining all Questions relating thereto, the Height thereof at a moderate Spring Tide should be reckoned and ascertained to be level with the said Height of Nine Feet above the Bottom Floor or Apron of the said *Ten Gate Sluice* as the same was marked upon the said Pile called the Standard, any Custom, Practice, or Privilege to the contrary notwithstanding; and for the preventing Disputes that might thereafter arise concerning the Depth of the said River by reason of the Decay or Removal of the said Pile called the Standard, it was by the said Act now in recital further enacted, that the said Supervisors of the said Navigation should, at the Costs and Charges of the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, and their Successors, on or before the Twenty-ninth Day of *September* One thousand seven hundred and forty-four, erect or cause to be erected, in such Parts of the said River as the said Supervisors of the said Navigation should think fit, Two or more proper and convenient Piles of Timber or other durable Materials, so as the Tops or Surfaces thereof should be exactly level with the Height of Nine Feet above the Bottom Floor or Apron of the *Ten Gate Sluice*, as the same was then marked on the said Pile called the Standard, which said Piles and Standard should from Time to Time for ever after be maintained and kept in repair and renewed as Occasion should require by the said Supervisors, at the Costs and Charges of the said Company and their Successors: And whereas the said Check Piles so appointed to be set up on or before the Twenty-ninth Day of *September* One thousand seven hundred and forty-four, and to be thereafter maintained and kept in repair at the Costs and Charges of the said Company, were never set up, and the said Pile mentioned in the said last-recited Act as having been fixed in the River near the *Ten Gate Sluice*, and called the Standard, many Years ago either perished or was taken up, and it has consequently

Check Standards appointed to be set up.

No Check Standards ever set up, and the Standard has ceased to exist.

The Dee Standard Restoration Act, 1851.

consequently become impossible to compute the Depth of the Water in the River according to the said original Standard, and to determine thereby the Questions of Difference which have from Time to Time arisen or which may hereafter arise in relation thereto: And whereas it is expedient that a Standard should be set up and restored, for the Purpose of ascertaining the Depth of the said River *Dee*, according to the true Intent and Meaning of the said last-recited Act: And whereas, for preventing the Recurrence of such Disputes as were by the Erection of such Check Piles as aforesaid intended to be provided against, and as have actually occurred, it is expedient that Two or more Check Piles should be set up to correspond with such new Standard, and also that such Marks as are herein-after authorized should be at the same Time set upon the Piers of the Railway Bridge and the Castle Wall at *Chester*: And whereas an Act was passed in the Twenty-sixth Year of the Reign of His Majesty *George* the Second, 26 G. 2. c. 35. intituled *An Act for confirming an Agreement entered into between the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee and Sir John Glynne Baronet, Lord of the Manor of Hawarden, and several Freeholders and Occupiers of Land within the said Manor, and for explaining and amending Three several Acts of Parliament of the Sixth, Fourteenth, and Seventeenth Years of His present Majesty's Reign, for recovering and preserving the Navigation of the said River Dee*: And whereas an Act was passed in the Thirty-first Year of the Reign of *George* the Third, 31 G. 3. c. 88. intituled *An Act for confirming an Agreement entered into between the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee and certain Lords of Manors and other Persons entitled to Right of Common upon the Wastes and Commons and the Old Common Salt Marshes lying on the South Side of the said River below or to the North-east of Greenfield Gate in the County of Flint, and an Award made in consequence thereof*: And whereas it is expedient that the Rates or Duties payable under the said recited Act passed in the Seventeenth Year of the Reign of King *George* the Second should be repealed, and that in lieu thereof other easier and more uniform Rates or Duties should be authorized to be levied by the said Company, to be by the said Company applied for the Purposes of this Act, as herein-after provided: And whereas it is just and reasonable that the Expense of restoring the said Standard, and also of erecting such Check Piles and setting up such other Marks as aforesaid, should be borne and contributed by the said Company of Proprietors for recovering and preserving the Navigation of the River *Dee*: And whereas it is expedient that the Powers of the present River *Dee* Commissioners under the said recited Acts should be continued, and that additional Powers should be granted and intrusted to the said Commissioners: And whereas it is expedient, that for the further Improvement of the Navigation of the said River *Dee*, and the carrying

Expense how borne.

The Dee Standard Restoration Act, 1851.

carrying on the various Works authorized by the said recited Acts, the said Company should be authorized and empowered to borrow and raise and apply the Two several Sums of Twenty-five thousand Pounds each in manner herein-after provided : And whereas the several Objects aforesaid will be of great public Utility ; but the same cannot be effected without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; that is to say,

I. That so much of "The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the Collection and Recovery of Rates, and as is not inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act.

Certain Provisions of 10 & 11 Vict. c. 27. incorporated with this Act.

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

Interpretation of Terms.

Words importing the Masculine Gender only shall include Females :

Words importing the Singular Number only shall import the Plural Number, and Words importing the Plural Number only shall import the Singular Number :

The Word "Commissioners" shall mean the said River *Dee* Commissioners :

The Word "Company" shall mean the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee* :

The Words "Harbours, Docks, and Piers," used in "The Harbours, Docks, and Piers Clauses Act, 1847," shall be held respectively to apply to and include all Harbours, Havens, Inlets, Docks, or Piers existing in the River *Dee* on the South Bank thereof between the Town of *Flint* and the said City of *Chester*, and on the North Bank thereof between *Park Gate* and the said City of *Chester*, as well as those hereafter to be made or constructed thereon within the Limits aforesaid :

The Word "Vessel" shall include Ship, Boat, Lighter, and Craft of every kind, and whether navigated by Steam or otherwise :

The Word "Master," when used in relation to any Vessel, shall be understood to mean the Person having the Command or Charge of the Vessel for the Time being :

The Term "Harbour-master" shall be held to apply to and include Ballast Master, Water Bailiff, or other like Officer or Officers appointed by the said Company :

The Dee Standard Restoration Act, 1851.

The Word "County" shall include County of a City or County of a Town :

The Expression "Two Justices" shall be understood to mean Two Justices met together and acting in Petty Sessions.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Dee Standard Restoration Act, 1851.*"

Corporation of Chester to act as Commissioners.

IV. That the Mayor, Recorder, and Aldermen of the City of *Chester* for the Time being shall *ex officio* be entitled to act as such Commissioners as aforesaid, upon making a Declaration to the Effect prescribed by the Commissioners Clauses Act, 1847, with the same Powers and Privileges in all respects as the other Commissioners acting for the Time being in the Execution of the Powers of the said recited Acts.

First and other Meetings of the Commissioners.

V. That the Commissioners shall hold their First Meeting in the City of *Chester* in the Town Hall of the said City within a Month after the passing of this Act, and proceed to put this Act into execution ; and after such First Meeting a Meeting shall be held upon the First *Wednesday* in *August* One thousand eight hundred and fifty-one, and the First *Wednesday* in *August* in every succeeding Year, such Meetings to be held at such Place as the Commissioners shall from Time to Time appoint for that Purpose ; and it shall be lawful for the Commissioners present at such First Meeting and any subsequent Meeting to adjourn the same from Time to Time as they shall see fit ; and if at any Meeting there be not Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the Majority of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day ; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or their Clerk, to appoint a Meeting to be held at such Place or Places appointed as aforesaid at which a Meeting ought next to be held, and not less than Six Days Notice shall be given of such intended Meeting.

Special Meetings.

VI. That it shall be lawful for the Commissioners to hold Special Meetings at any Place they may think proper.

Quorum of Commissioners.

VII. That (except as herein-after excepted) all the Powers of the said recited Acts and of this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act ; and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at the Meeting.

VIII. That

The Dee Standard Restoration Act, 1851.

VIII. That the said Commissioners shall at their First Meeting after the passing of this Act, or at any Adjournment thereof, appoint a Committee of their Number, to consist of not more than Twelve nor fewer than Nine Members; and, except as herein-after excepted or provided, the said Committee, or their Quorum, until a fresh Committee shall be appointed in manner herein-after mentioned, shall have and be intrusted with, and be entitled to exercise, execute, and perform, all and every of the Powers and Authorities, Acts, Matters, and Things, by the several recited Acts or by this Act vested in or put under the Power, Direction; and Control of the said Commissioners, in the same Manner and as fully in all respects as the said Commissioners themselves; and all Acts and Resolutions done and made by such Committee in Execution and Fulfilment of the Purposes of such Appointment shall, except as aforesaid, have the like Force and Effect as if done by the said Commissioners; and such Committee shall remain in Office till the First *Wednesday* in *August* One thousand eight hundred and fifty-two; and the said Commissioners shall at their Annual Meeting in every succeeding Year elect a like Committee of their Number to act for the Year then next ensuing, and the Members of the Committee of the past Year shall be eligible for Re-appointment on the Committee for the Year then next ensuing: Provided nevertheless, that no Order for the making of which the Presence of Thirteen Commissioners was required in and by the said recited Act of the Seventeenth Year of the Reign of King *George* the Second shall be made by the said Committee, or otherwise than is in that Act provided.

Commissioners to have Power to appoint a Committee.

IX. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of this Act; but no Business shall be transacted at any Meeting of the Committee unless Five Members be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Committees to meet when they think proper.

X. That if any Person or Persons who shall be appointed a Member of such Committee as aforesaid shall refuse his Appointment, or shall die, or resign, or become disqualified to act, the Commissioners shall, at their First Meeting after the Occurrence of such Vacancy, appoint another Person or Persons to act in the Room and Stead of the Person or Persons so declining to act, or dying, resigning, or become disqualified as aforesaid; and every Member of Committee so appointed shall remain in Office until the next Annual General Meeting of Commissioners;

Providing for Supply of Vacancies in Committee.

The Dee Standard Restoration Act, 1851.

missioners; and no Proceeding of the said Committee shall be invalidated or be illegal in consequence of there being any Vacancy in the Number of such Committee by reason of any such Cause as aforesaid at the Time of such Proceeding.

Commissioners or their Committee to appoint a Clerk.

XI. That it shall be lawful to the said Commissioners or their Committee, and they are hereby authorized, from Time to Time to appoint and employ a fit and proper Person, at a yearly Salary not exceeding Twenty Pounds, to act and officiate as their Clerk, and from Time to Time to remove such Clerk, and to appoint another in his Room in the event of his Removal, Death, Resignation, or Discontinuance of Office.

Power to Admiralty to set up a new Standard, at the Expense of the Company.

XII. That it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, and they are hereby authorized and empowered, upon Requisition being made to them in Writing either by the said Company or by the said Commissioners or their Committee, and so soon thereafter as conveniently may be, to cause to be set up and fixed, at the *Sluicelhouse at Chester*, or as near thereto as may be, a Standard of Timber, Stone, or other durable Materials, and to place or cause to be placed upon such Standard a Mark corresponding with what the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall, after making such Investigation and Inquiry as to him or them shall seem proper, consider to have been a moderate Spring Tide when the original Standard was erected, and at the same Time to cause to be set up on the Piers of the said Railway Bridge and on the Castle Wall of *Chester* such and so many Marks as he or they may think fit, each such Mark to be at a Height of Ten Feet above the Mark so as aforesaid to be placed on such Standard; and the Costs of any Surveys, Investigations, Trials, and Observations which the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral shall deem requisite, previous to placing such Standard, and the Cost of placing the same, shall be Debts due to Her Majesty from the said Company, and be borne and defrayed by them; and such Standard and such other Marks shall from Time to Time be kept in repair and maintained by the said Commissioners, at the Cost and Charges of the said Company, and the whole Expense to be incurred in setting up and fixing, and from Time to Time maintaining and keeping in repair, the said Standard and Marks, or otherwise in relation thereto, shall be borne and defrayed by the said Company; and in computing the Depth of Water in the said River, and in determining all Questions relating thereto, the Height of a moderate Spring Tide shall be reckoned and taken to be level with the said Mark herein-before

The Dee Standard Restoration Act, 1851.

appointed to be placed upon the said Standard so to be set up as aforesaid, any Statute, Custom, Usage, or Privilege to the contrary notwithstanding.

XIII. That the said new Standard shall (except in so far as may be inconsistent with the express Provisions of this Act) be deemed to all Intents and Purposes whatsoever to be a Continuation of the said original Standard; and all the Provisions relating to such original Standard contained in the said recited Acts or in any of them, and all the Powers, Faculties, Provisions, and Authorities by the said recited Act of the Seventeenth Year of the Reign of King *George* the Second appointed to be exercised by the said Supervisors or by the said Commissioners, shall be deemed to apply to and shall be exercised with reference to the said new Standard, as fully and amply as if it were the said original Standard.

New Standard to be held and taken to be a Continuation of the original Standard.

XIV. And for the more effectually preventing such Disputes as have heretofore arisen and might otherwise again arise concerning the Depth of the said River, by reason of the Decay or Removal of the said Standard so to be restored as aforesaid, or the Effacement of the said other Marks, be it enacted, That the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall, at the Costs and Charges of the said Company, within One Calendar Month after the Erection in manner aforesaid of the Standard, erect or cause to be erected, in such Parts of the River as the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall think fit, Two or more proper and convenient Piles of Timber or other durable Materials, to be therein so fixed and placed that the Tops and Surfaces thereof respectively, or some Datum Line or Point to be marked thereon respectively, shall be exactly level with the said Mark on the said new Standard; and such Piles shall from Time to Time and for ever hereafter be maintained and kept in repair, and renewed as Occasion shall require, by the said Supervisors of the Navigation empowered by and acting under the said recited Act of the Seventeenth Year of the Reign of King *George* the Second, at the Costs and Charges of the said Company; and any Person or Persons wilfully breaking down or damaging the said Check Piles or the said Standard shall be liable to the Penalties imposed by the said recited Act of the Seventeenth Year of the Reign of King *George* the Second, which Penalties shall be taken and deemed to relate to the new Standard and to the Check Piles now to be set up, as fully and amply as if such new Standard and Check Piles had been set up on or before the Twenty-ninth Day of *September* One thousand seven hundred and forty-four.

Power to Admiralty to set up Check Standards, at the Expense of the Company.

[*Local.*]

14. P

XV. That

The Dee Standard Restoration Act, 1851.

Penalty on
Supervisor's
Failure to
fulfil Duties.

XV. That every Supervisor who shall make default in any of the Premises enjoined him by this Act, or by the said recited Act of the Seventeenth Year of the Reign of King *George* the Second, shall for every such wilful Default be liable to the Penalty by the said last-recited Act imposed on defaulting or negligent Supervisors.

Works in
tidal Waters
disused or
abandoned
may be re-
moved by the
Admiralty.

XVI. That if any Work to be constructed by the said Company in or across any tidal Water or navigable River, or if any Portion of the Work which affects 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 Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Company, and the Amount thereof shall be a Debt due from the said Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Rates and
Duties of
17 G. 2. c. 28.
repealed, and
new Rates
and Duties
to be taken
in lieu
thereof.

XVII. That the several Rates, Tonnage, Keelage, or Duties authorized to be levied by the said Company of Proprietors for recovering and preserving the Navigation of the River *Dee*, by the said recited Act of the Seventeenth Year of the Reign of King *George* the Second, are hereby repealed; and in lieu thereof the Company shall be and they are hereby authorized and empowered, by themselves or by such Person or Persons as they shall from Time to Time appoint, to demand, take, and recover, from every Master, Commander, and Owner of any Vessel drawing, when fully laden, more than Eight Feet of Water, coming to or going from the City of *Chester*, or to or from any other Place between the said City of *Chester* and *Parkgate* in the County of *Chester*, on the North Side of the said River, and between the said City of *Chester* and the Town of *Flint* in the County of *Flint* on the South Side of the said River, with any Goods or Merchandize (Lead, Oysters, Slates, and Paving Stones, excepted), the Rates or Duties herein-after particularly set forth; (that is to say,)

For every Vessel drawing more than Eight Feet of Water as afore-said, but not more than Ten Feet of Water, when fully laden, a Sum of Money not exceeding One Penny *per* Ton; for every Vessel drawing when fully laden more than Ten Feet of Water, but not more than Twelve Feet, a Sum of Money not exceeding Threepence *per* Ton; for every Vessel drawing when fully laden more than Twelve Feet of Water, a Sum of Money not exceeding Sixpence *per* Ton.

As to the
Collection
of Rates.

XVIII. That such Rates or Duties be paid to the Collector or Agent of the said Company by the Master or Owner, as the Case may be, of such Vessel importing any Goods or Merchandize, in respect of the same,

The Dee Standard Restoration Act, 1851.

same, at the Time of its discharging the same; and the like Rates or Duties to be paid to the Collector or Agent of the said Company by the Master or Owner, as the Case may be, of every such Vessel exporting any Goods or Merchandize, in respect of the same, at the Time of its taking the same on board; so that if such Vessel shall come and go with a Cargo instead of returning in Ballast, she shall pay as well in respect of the exported as of the imported Goods and Merchandize: Provided nevertheless, that no such Rates or Duties shall be levied and payable until the Supervisors shall have made such Affidavits as is by the herein-before recited Act of the Seventeenth Year of the Reign of King *George* the Second provided, that according to the Computation of a moderate Spring Tide as herein-before set forth, and as the same shall be marked upon the Standard hereby authorized and appointed to be set up and fixed as aforesaid, there shall be Fifteen Feet of Water in every Part of the said River at a moderate Spring Tide, according to the true Intent and Meaning of this Act and of the said last-recited Act, for Ships and Vessels to come and go to and from the said City of *Chester*; provided also, that the said Rates and Duties, after the same shall have become leviabie as aforesaid, shall not continue to be so levied or payable any longer or otherwise than the Rates or Duties by the said last-mentioned Act authorized would under the Provisions of such Act have been levied or payable if this Act had not been passed.

XIX. That for the Purpose of ascertaining the Tonnage Rates payable upon Vessels under this Act the Tonnage of *British* Vessels duly registered according to Law shall be ascertained according to the certified Tonnage in the Register of such Vessels, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement for the Time being established by Law for regulating the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom.

Tonnage of British registered Vessels to be ascertained according to Law; of other Vessels according to established Rules.

XX. That the Company may from Time to Time vary the said Rates and Duties, or any of them respectively, in such Manner as they may deem expedient, by reducing or raising the same; provided that the Rates and Duties do not in any Case exceed the Amount authorized by this Act to be taken; and provided also, that the Rates and Duties be at all Times charged equally to all Persons in respect of the same Description of Vessels and the same Description of Goods.

Company may vary Rates.

Same to be charged equally.

XXI. That the net Income arising from all such Rates and Duties as are by this Act authorized to be levied (after deducting the Costs of Collection, and the Payment of Interest on such Principal Sum or Sums of Money as may for the Time being be charged on the said Tolls, Rates, and Duties,) shall be solely applied by the said Company, either for connecting the existing Groins by continuous Face Walls,

Tolls to be applied solely to the Improvement of the Navigation.

or

The Dee Standard Restoration Act, 1851.

or for raising or extending the said Company's existing Causeways, or for the Repairs of all Additions and Extensions thereto, whether in Height or in Length, or for the Maintenance or Extension of any new Works which may be constructed for the Improvement of the Navigation of the said River *Dee*, after the Supervisors shall have made such Affidavit as aforesaid, or in carrying out any other Works which may after the making of such Affidavit as last aforesaid be adopted by the said Company for the further Improvement of the said River, without Limitation as to Depth of Water, and so that the said Rates and Duties shall not in anywise be applied to the Repairs of any of the said Company's Works as at present existing, nor be in any Manner divided among the Shareholders of the said Company.

Company to keep separate Accounts of Tolls, and to exhibit the same to Commissioners annually.

XXII. And for the Prevention of all Doubts and Questions as to the due Application of such Rates and Duties, be it enacted, That the said Company shall keep or cause to be kept separate and sufficient Accounts of all Rates and Duties under and by virtue of this Act levied and received by them or on their Behalf, together with like Accounts of all Costs incurred in collecting the same, and other like Accounts of the Manner in which the net Income derived from such Rates and Duties (after such Deduction as aforesaid) and every Part of such net Income is applied; and at each Annual Meeting of the said Commissioners such Accounts, in respect of all Receipts and Disbursements received or made between the First Day of *June* then next but One preceding and the First Day of *June* then next preceding, shall, together with sufficient Vouchers, be produced by the said Company or on their Behalf, for the Inspection of the said Commissioners.

Company to be entitled to take Credit for extra Expenditure on Works of Improvement beyond the Tolls.

XXIII. That the said Company may, in making out such Accounts as aforesaid in each successive Year, credit themselves, in addition to their actual Disbursements for the Year then last past, with so much of all such Sums of Money which they may, after the Supervisors shall have made such Affidavit as aforesaid, expend on the Improvement of the Navigation of the said River *Dee* (together with Compound Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Date at which each and every such Sum shall have been so disbursed), as shall not at the Date of such annual Account have been already repaid to them, with such Interest as aforesaid, out of the said Tolls, Rates, and Duties.

Power to borrow Money on Mortgage or Bond.

XXIV. That it shall be lawful for the said Company from Time to Time, as they shall think proper or see Occasion, but not further or otherwise, for all or any of the Purposes of this or the said recited Acts or any of them, to borrow at Interest upon Bond, or upon Mortgage of the Lands already recovered and enclosed or hereafter recovered and enclosed by the said Company, or otherwise belonging to them, or partly upon Bond and partly upon such Mortgage as aforesaid,

The Dee Standard Restoration Act, 1851.

aforesaid, any Sum or Sums of Money which shall from Time to Time, by an Order or Vote of a General Court of the said Company, be authorized to be borrowed, and which shall not exceed in the whole the Sum of Twenty-five thousand Pounds; and it shall also be lawful for the said Company, from Time to Time as they shall think proper or see Occasion, for the Purpose of improving the Navigation, or for reimbursing to the said Company any Sum or Sums of Money that may be due to them upon the Toll Account, to borrow at Interest, upon Mortgage of the Tolls, Rates, and Duties to be received by the Company under the Authority of this Act, any Sum or Sums of Money which shall in like Manner as aforesaid be authorized to be borrowed, and which shall not exceed a further total Sum of Twenty-five thousand Pounds; and in the event of any Part of such Money being repaid the Company may again in like Manner borrow any Sum or Sums of Money not exceeding the Amount of the Money repaid, and so *toties quoties*, but so nevertheless that there shall not be owing upon the Security of the said Lands so charged as aforesaid at any One and the same Time a greater Sum than Twenty-five thousand Pounds, nor upon the Security of the said Tolls, Rates, and Duties so charged as aforesaid at any One and the same Time a greater Sum than Twenty-five thousand Pounds: Provided always, that every such Mortgage as is herein-before authorized to be made shall be subject to the Annuities of Two hundred Pounds and Fifty Pounds payable respectively to the *Hawarden* Embankment Trustees, and of Two hundred and fifty Pounds payable to the *Dee* Ferry Road Trustees, so long as such Annuities or any Part thereof shall continue payable.

XXV. That so often as the said Company shall borrow Money under the Powers herein-before in that Behalf contained, it shall not be incumbent upon any Person or Persons advancing Money to the Company so borrowing to see that there is any Necessity for such Loan or Loans being negotiated, or in any way to see to the Application thereof.

Persons advancing Money to Company not liable for Application thereof.

XXVI. That every Bond or Mortgage for securing Money borrowed by the said Company shall be by Deed under the Common Seal of the said Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the appropriate Form in the Schedules A., B., or C., to this Act annexed, or to the like Effect.

Mortgages and Bonds to be by Deed duly stamped.

XXVII. That the respective Mortgagees of the Company's Lands shall be entitled one with another to their respective proportionate Interests in the Lands and corporeal Hereditaments, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond

No Priority of Mortgages.

The Dee Standard Restoration Act, 1851.

Creditors of the Company, by reason of the Priority of the Date of any such Mortgage, or of the Meeting or General Court of the said Company at which the same was authorized, or on any other Account whatsoever.

As to Rights of Obligees.

XXVIII. That the respective Obligees in such Bonds shall proportionally, according to the Amount of the Monies secured thereby, be interested in the said Company's Lands, and be entitled to be paid out of the Real Estate or other Property or Effects of the Company (their Tolls, Rates, and Duties excepted,) the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of Date of any such Bond, or of the Meeting or General Court at which the same was authorized, or otherwise howsoever; and that the Right, Title, Estate, Claim, and Interest of any such Mortgagees or Mortgagee in, to, or upon their or his respective Securities or Security shall be paramount to all Right, Title, Estate, Claim, and Interest whatsoever of the said Company or of the said Commissioners, or of any other Persons or Person whomsoever into or upon the same, any Statute or Privilege to the contrary notwithstanding.

Rights of Mortgagees of Tolls not interfering with ordinary Priorities.

XXIX. And for the better Security of any Mortgagee or Mortgagees who may advance Money to the said Company on the Security of the said Tolls, Rates, and Duties, be it enacted, That the said Tolls, Rates, and Duties shall, notwithstanding any other prior Debts of or Claims on the said Company, be primarily liable to and charged with the Repayment of any Sum or Sums borrowed on the Security of the same, but so that the legal and equitable Priorities of such last-mentioned Mortgagees, *inter se*, shall in nowise be altered or affected by this Act.

Register of Mortgages and Bonds.

XXX. That a Register of all such Mortgages and Bonds shall be kept by the Secretary of the said Company, and within Fourteen Days after the Date of any such Mortgage or Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Sums secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused, without Fee or Reward, at all reasonable Times, by any of the Shareholders or Proprietors, or by any Mortgagee or Bond Creditor of the said Company, or by any Person presenting a written Authority signed by such Mortgagee or Bond Creditor to peruse the same upon his Behalf.

Transfer of Mortgages and Bonds.

XXXI. That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Estate, Right, and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration

The Dee Standard Restoration Act, 1851.

tion shall be truly stated ; and every such Transfer may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

XXXII. That within Thirty Days after the Date of any such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary of the Company, and thereupon such Secretary shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Bond ; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects ; and no Party, having made such Transfer, shall, after such Entry, have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured ; and for such Entry the Company may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Entry of
Transfers of
Mortgages
and Bonds.

XXXIII. That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable to the Shareholders of the Company.

Payment of
Interest on
Loans.

XXXIV. That the Interest on such Mortgage or Bond shall not be transferable except by Deed duly stamped.

Transfer of
Interest on
Mortgage to
be stamped.

XXXV. That the Company may, if they think proper, fix a Period for the Repayment of the Money so borrowed, with the Interest thereof, and in such Case the Company shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond, unless both Parties shall agree to continue such Loan, in which Event such Mortgage or Bond shall subsist in full Force until the Sums thereby secured be paid.

Repayment
(where Time
fixed) of
Money bor-
rowed.

XXXVI. That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Company may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice ; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing

Repayment
(where no
Time fixed)
of Money
borrowed.

The Dee Standard Restoration Act, 1851.

Writing delivered to the Secretary of the Company, and if given by or on the Behalf of the Company shall be by Writing, signed by the Secretary or by any Two Directors of the Company, given either personally to such Mortgagee or Bond Creditor, or, if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette* and in some Newspaper published either in the said City of *Chester* or in the County of *Chester* or in the County of *Flint*; and at the Expiration of the said Notice, when given by or on behalf of the Company, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the Company fail to pay the same, pursuant to such Notice.

Arrears of Interest, &c. may be enforced by Appointment of a Receiver.

XXXVII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest or such Principal and Interest become due, be it enacted, That if such Interest or Costs or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may either sue for the Interest or Costs so in arrear by Action of Debt in any of the Superior Courts at *Westminster*, or he may require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Arrears of Principal, &c. may be enforced by Appointment of a Receiver.

XXXVIII. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same have become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any of the Superior Courts of Law or Equity at *Westminster*; or if his Debt amount to the Sum of Five hundred Pounds he may alone, or if his Debt do not amount to the said Sum of Five hundred Pounds he may in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear after Demand as aforesaid, shall, together with his, amount to the said Sum of Five hundred Pounds, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Appointment of Receiver.

XXXIX. That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Chester* or of the County of *Flint*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Rents and Profits of the said Lands, or the said Tolls, Rates, and Duties, (as the Case may be,) liable to the Payment of such Interest, or such Principal and Interest, and Costs (as the Case may be); and

so

The Dee Standard Restoration Act, 1851.

so often as any such Receiver of the said Tolls, Rates, and Duties shall be so appointed as aforesaid, then and in every such Case, until such Interest, or until such Principal and Interest, (as the Case may be,) together with all Costs, including the Charges of receiving the Tolls, Rates, and Duties aforesaid, be fully paid, all or a competent Part of such Tolls, Rates, and Duties shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, (as the Case may be,) shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease; and so often as any such Receiver of the Rents and Profits of the said Lands shall be so appointed as aforesaid, then and in every such Case all such Rents and Profits shall be paid to and received by the Person so to be appointed; and such Person shall be a Receiver, not only for and on behalf of the Person through whose Application he shall have been appointed, but also for and on behalf of every Bond Creditor and of every Mortgagee of the said Lands; and the Money so to be received shall be so much Money received by or to the Use of all and singular the Bond Creditors and Mortgagees of the said Lands who shall by the said Register of Mortgages and Bonds appear to be entitled to Payment out of such Rents and Profits; and such Money shall be applied, first, in paying to the Persons entitled thereto all Arrears of Interest for which the said Lands shall be liable, the Arrears of longest standing being discharged before the Arrears of more recent standing; secondly, in paying to every Bond Creditor and Mortgagee of the said Lands his current Interest, or, if the Money be insufficient to satisfy the whole, a proportionate Part or Share thereof; and lastly, in repaying to every such Bond Creditor and Mortgagee, *pari passu*, and without Preference or Priority, the Principal Money due to him, and the Time for the Repayment of which shall have arrived, or a proportionate Part or Share thereof; and when and so soon as every Bond Creditor and Mortgagee of the said Lands shall in manner aforesaid have received all Principal Monies and Interest and Costs due to him, and all the Costs of such Receivership shall have been discharged, the Power of such Receiver shall cease.

When Interest, &c. shall have been received, Power of Receiver to cease.

XL. That in order to discharge the Principal Monies borrowed as aforesaid on Security of the said Lands and of the said Rates, or on Security of either of them, the Company shall every Year appropriate and set apart, out of the Profits of such Lands and out of such Rates respectively, Sums equal to One Thirtieth Part of the original Sums respectively borrowed on the said several Securities, as distinct Sinking Funds, to be applied in paying off the respective

Certain Monies to be set apart by Company as a Sinking Fund.

[Local.]

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Principal

The Dee Standard Restoration Act, 1851.

Principal Sums so borrowed, and shall either pay the same at once, in part Liquidation of the respective Sums so borrowed, (such Payment to be made with respect to Priorities in manner herein-after provided,) and shall from Time to Time cause such Sinking Funds to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation, in the way of Compound Interest or otherwise, until the same respectively, or One of them, shall be of sufficient Amount to pay off the Principal Debt to which the same or such One of the same shall be applicable, or some Part thereof which the said Company shall think ought to be paid off, at which Time the same shall be so applied in paying off the same in manner herein-after provided.

Appropriation of Sinking Fund.

XLI. That whenever the Company shall be enabled to pay off One or more of the Mortgages or Bonds which shall then be payable, and shall not be able to pay off the whole of the Sums raised on the same Securities, then, in case the Fund for such Payment is applicable, under the Provisions herein-before contained, to paying off the Sums raised on the Security of the said Rates, the Company shall apply the same in Payment according to the ordinary legal and equitable Priorities of the Mortgagees of the said Rates; but in case the Fund for such Payment is applicable to paying off the Sums raised on Security of the said Lands, the said Company shall decide the Order in which such Mortgage or Bond Debts shall be paid off by Lot among the several Holders of the same, and shall cause a Notice, signed by their Clerk, to be given to every such Mortgagee or Bond Creditor, and such Notice shall express the Principal Sum to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified, at the Expiration of Six Months from the Date of giving such Notice.

Mortgagees not to vote.

XLII. That no Party shall in right of any Mortgage be deemed a Shareholder or Proprietor, or be capable of acting or voting as such at any Meeting of the Company or General Court.

Access to Account Books by Mortgagees and Obligees.

XLIII. That at all reasonable Times the Books of Accounts of the Company shall be open to the Inspection of the respective Mortgagees and Bond Creditors thereof, with Liberty to take Extracts therefrom without Fee or Reward.

Channel not to be diverted from the Flintshire Side of the said River.

XLIV. That in the Construction of any Works which may be hereafter executed to maintain and improve the Navigation of the said River *Dee* neither the said Company nor the said Commissioners shall so divert the Channel of the said River from the *Flintshire* Side thereof as in any way to impede or prevent the free Access for Vessels to and from the said Channel, and the various Ports, Piers, Works;

The Dee Standard Restoration Act, 1851.

Works, Shipping Places, or Landing Places now or hereafter to be constructed on the Banks or Shore of the said River on the *Flintshire* Side thereof.

XLV. That when and so often as any Vessel shall be sunk or stranded in the said River within the Limits aforesaid it shall be lawful for the Company, if they shall so think fit, in case the Master or Owner of such Vessel shall refuse or neglect to weigh and raise the same, to cause any such Vessel to be weighed and raised, or to cause such Vessel to be blown up or otherwise destroyed, so as to clear the River therefrom; and the Expense of removing such Vessel shall be repaid by the Owner of the same, and be recovered by the said Company by Action at Law in a Court of competent Jurisdiction, and the said Company may cause the same, and the Furniture, Tackle, and Apparel thereof, or any Part thereof respectively, and also all or any Part of any Goods, Wares, Merchandises, Chattels, and Effects which may be found on board the same, to be sold by public Auction or otherwise, and by and out of the Proceeds of such Sale to pay the Charges and Expenses of weighing and raising such Vessel, or the blowing up or otherwise destroying the same, and clearing the said River therefrom, and also the Charges and Expenses of such Sale, rendering any Overplus to the Owner or other Person who by Law shall be entitled to the same.

Power to Company to raise or destroy Ships sunk or stranded, charging the Owners with the Expense.

XLVI. That the said Company and their Successors shall be bound from Time to Time to pay the said Salary of the said Clerk of the said Commissioners; and the said Company or their Successors may be sued by the said Commissioners for the said Salary in any of Her Majesty's Courts of Record at *Westminster* or elsewhere, at the Discretion of the said Commissioners.

Salary of Clerk of Commissioners to be paid by the Company.

XLVII. That all the Powers and Authorities, Clauses and Things, in the said recited Acts relating to the said Undertaking for recovering and preserving the Navigation of the River *Dee*, which are not hereby repealed or varied, or which are not inconsistent herewith, shall be and the same are hereby ratified and confirmed, and the same shall continue in full Force, anything in this Act contained to the contrary thereof notwithstanding.

All Clauses, &c. of recited Acts not repealed, &c. to remain in force.

XLVIII. That nothing in this Act contained shall extend or be deemed or construed to extend to affect the Rights of the Mayor, Aldermen, and Burgesses of *Chester*, and their Successors, of, in, and to all or any of their Land, Soil, and Ground not vested by the said recited Acts or any of them in the said Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, or the Right of any Person or Persons claiming by, from,

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or

The Dee Standard Restoration Act, 1851.

or under them, or to obstruct the said Mayor, Aldermen, and Burgesses, or their Successors, from making or creating any Warehouses, Weighbeams, Cranes, Quays, Landing Places, or Wharfs upon the said River, in and upon their own Lands, Wastes, or Grounds, so that the erecting of such Warehouses, Cranes, or Wharfs does not obstruct or prejudice the Navigation or any of the Powers hereby given, and is and shall be subject always to the Provisions, Limitations, and Restrictions of this Act.

Saving the Rights of the Trinity House.

XLIX. That nothing in this Act contained shall abridge, alter, diminish, or take away any of the Jurisdictions, Powers, Rights, or Privileges of the Corporation of *Trinity House of Deptford Strond*.

Saving the Rights of the Crown, &c.

L. That, further or otherwise than as herein-before provided for the Purpose of carrying this Act into execution, nothing herein contained shall extend to divest, abridge, lessen, alter, or in any Manner to affect or prejudice the Seisin, Estate, Right, Title, or Inheritance of Her Majesty, Her Heirs and Successors, in respect of Her Crown, or of the Grantees of the Crown, or of the Mayor, Aldermen, and Burgesses of the City of *Chester*, or of any Corporation, Company, or Person, in or to the said River *Dee*, or the Ground or Soil and Bed of the same, or the Shores thereof, or the Prerogative or Authority therein respectively of Her Majesty, Her Heirs or Successors, or the Jurisdiction of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland* for the Time being, or of any Corporation, Company, or Person, but that all such Seisin, Estate, Right, Title, Prerogative, Authority, and Jurisdiction respectively shall continue and be preserved whole and unimpaired, as if this Act had not been passed.

The Dee Standard Restoration Act, 1851.

ditaments situate in the Parish of _____ in the County of _____ delineated in the Plan in the Margin of these Presents, and specified in the Schedule hereunder written, together with all Easements and Appurtenances belonging thereunto, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Heirs and Assigns, to the Use of the said *A.B.*, his Heirs and Assigns, until the said Sum of _____ Pounds, together with Interest for the same at the Rate of _____ for every One hundred Pounds by the Year, be paid by the said Company to the said *A.B.*, his Executors, Administrators, or Assigns [the Principal Sum to be repaid at the End of _____ Years from the Date hereof, *in case any Period be agreed upon for that Purpose*].

Given under our Common Seal, this _____ Day of _____ in the Year of our Lord _____ .

SCHEDULE (C.)

Form of Mortgage Deed of Tolls.

The River Dee Company.

Mortgage, No. _____ £

By virtue of an Act passed, &c., intituled, &c., we, "The River Dee Company," in consideration of the Sum of _____ Pounds paid to us by *A.B.* of _____ do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all the Tolls, Rates, Duties, and Sums of Money arising therefrom by virtue of the said Act, and all the Estate, Right, Title, and Interest of the Company in the same, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of _____ Pounds, together with Interest for the same at the Rate of _____ for every One hundred Pounds by the Year, be paid by the said Company to the said *A.B.*, his Executors, Administrators, or Assigns [the Principal Sum to be repaid at the End of _____ Years from the Date hereof, *in case any Period be agreed upon for that Purpose*].

Given under our Common Seal, this _____ Day of _____ in the Year of our Lord _____ .

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The Dee Standard Restoration Act, 1851.

SCHEDULE (D.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of _____ in consideration of the Sum of _____
 paid to me by *G.H.* of _____ do hereby transfer to the said
G.H. [*if a Mortgage of Lands*] his Heirs, Executors, Administrators,
 and Assigns, [*or if a Mortgage of Tolls, or a Bond,* his Executors,
 Administrators, and Assigns,] a certain [*Mortgage of Land or Tolls,*
or Bond, as the Case may be,] No. _____ made by "The River
 Dee Company" to _____ bearing Date the _____ Day
 of _____ for securing the Sum of _____ and
 Interest [*or, if such Transfer be by Endorsement,* the within Security],
 and all my Right [*Estate, if the Transfer be of a Mortgage,*] and
 Interest in and to the Money thereby secured [*and if the Transfer*
be of a Mortgage of Land or Tolls, and in and to the Land and
 Hereditaments, *or Tolls, Rates, and Duties, as the Case may be,*
 thereby granted or assigned].

In witness whereof I have hereunto set my Hand and Seal, this
 _____ Day of _____ One thousand eight hundred
 and _____

 LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1851.

