



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 39.

An Act for continuing the Term, and altering and enlarging the Powers of an Act, passed in the Twenty-second Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair, the Road from Wrexham in the County of Denbigh, to Barnhill in the County of Chester*; and for making, amending, and keeping in Repair, the Road branching out of the said Road at a Place called *Pwll-y-rbwyd*, in the said County of *Denbigh*, to the Borough of *Holt*, in the same County. [30th April 1802.]

WHEREAS an Act was passed, in the Twenty-second Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair, the Road from Wrexham in the County of Denbigh, to Barnhill in the County of Chester*: And whereas the Trustees appointed in or by virtue of the said Act, have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit thereof, which are still due and owing, and cannot be paid off, nor the said Road effectually amended
[Loc. & Per.] 7 E and ^{22 Geo. 3.}

and kept in Repair, unless the Term of the said Act be continued, and some of the Powers and Provisions thereof altered and enlarged; and it is necessary that the Tolls thereby granted should be increased: And whereas the Road branching out of the said Road at a Place called *Pwll-y-rbwyd*, along a certain Highway, over a Piece of Land formerly a Common, called *Rhos Nessney*, to *Pwll-y-warren*, and from thence by a Farm House, called *Borras Head*, through Part of the Township of *Gresford*, over *Common Wood*, down *Frog Lane*, to the said Borough of *Holt*, is much out of Repair, narrow, and incommodious, and cannot be effectually amended, widened, altered, and kept in Repair by the ordinary Course of Law; and it would be a great Convenience to the Neighbourhood, and of publick Utility, if the same were made Turnpike, and included under the Powers and Provisions of the said recited Act and this Act: 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 the said recited Act of the Twenty-second Year of the Reign of His present Majesty, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things therein contained (except so far as the same are hereby varied, altered, or repealed, and also except such as relate to Exemptions from Stamp Duties), shall be and continue in full force, and be executed for and during the Term herein-after mentioned, for the Purpose from Time to Time of repairing, widening, and keeping in Repair, the Road now included in the said recited Act; and also for making, widening, turning, altering, improving, and keeping in Repair, the said Road branching out of the said Road, at a Place called *Pwll-y-rbwyd*, along a certain Highway, over a Piece of Land formerly a Common, called *Rhos Nessney*, to *Pwll-y-warren*, and from thence by a Farm House called *Borras Head*, through Part of the Township of *Gresford*, over *Common Wood*, down *Frog Lane*, to the said Borough of *Holt*, as fully and effectually, to all Intents and Purposes, as if the said Act, Clauses, and Powers were repeated and re-enacted in the Body of this Act, and if the said additional Branch of Road had originally been Part of the Road included in the said recited Act, in case the Trustees for the Time being, or the major Part of them, not being less than Five in Number, to be assembled at any Meeting of the said Trustees, whereof Ten Days Notice at the least shall be given by an Advertisement, specifying the Intention of such Meeting, to be inserted in One or more Newspaper or Newspapers published or circulated within the City of *Chester*, and at which Five Trustees at the least shall be present, shall think proper, and order and direct such Branch of Road to be made, repaired, widened, and kept in Repair as aforesaid, but subject nevertheless to the Provisions, Amendments, and Alterations herein contained, and which shall commence and take Effect from the passing of this Act; and that this Act, and the additional Term and Tolls hereby granted, shall be subject and liable to the Payment of all the Money now due on the Credit or on Account of the said recited Act, or which shall be borrowed on the Credit of the said Act and this Act, and the Interest due and to grow due thereon respectively:

Trustees may
erect Turn-
pikes.

II. And be it further enacted, That the said Trustees, or any Five, or more of them, shall and may from Time to Time cause to be erected, set up,

up, and provided (in Addition to the Toll Gate, Turnpike, and Toll House now erected upon a certain Bridge over the River *Dee* called *Holt Bridge*), One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, Toll House or Toll Houses, in, upon, or across any Part of the said Road, or the said Branch of Road, or in, upon, or on the Side or Sides, or across any Lane or Way leading out of the same Road or Branch of Road; any Thing in the said former Act contained to the contrary notwithstanding.

III. And whereas the Tolls by the said recited Act granted are insufficient, be it therefore enacted, That the said Tolls shall, from and after the passing of this Act, cease, determine, and be no longer paid or payable; and that instead thereof the respective Tolls following shall be demanded, taken, collected, and paid, at the several and respective Gates or Turnpikes which have been or shall be erected in or upon the said Roads included in the said recited Act and in this Act; (that is to say),

Former Tolls repealed.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage whatsoever, the Sum of Four-pence Half-penny:

For every Horse, Mare, Gelding, or other Beast, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number.

Which said several Tolls by this Act authorized to be taken, shall be, and the same are hereby vested in the Trustees for putting the said recited Act and this Act in Execution; and the same, and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said recited Act with respect to the Tolls thereby authorized to be taken, but subject nevertheless to this Act, and the Provisions and Regulations herein contained.

IV. Provided always, and be it further enacted, That no Person shall have or be entitled to any of the Exemptions from Toll granted by the said recited Act, for or in respect of any Waggon, Cart, or other such Carriage, having at the Time of using thereof, Wheels of less Breadth than Six Inches on the Sole or Bottom of the Fellies thereof, and upon which the Tire doth not lie flat, or so as not to deviate more than One Quarter of an Inch from a flat Surface, or which shall not have the Nails countersunk so as not to rise above the Surface, or for or in respect of any Cart or other Carriage, which, together with the Loading thereof, shall be of greater Weight than is allowed by an Act passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, to Waggons, Carts, or Carriages of the same Kind respectively, and laden with such Goods as do not exempt the same from the Tolls hereby imposed; and it shall be lawful for the said Trustees, or

No Exemption to be taken for narrow-wheeled Waggons and Carts.

any

any Five or more of them, to order all such Waggons, Carts, or other Carriages, to be weighed in like Manner, and with the same Powers and Authorities, as are directed for weighing Carriages by the last mentioned Act.

Tolls on Coals and Lime in certain Months repealed.

V. And whereas it is by the said recited Act provided and enacted, that during the Months of *June*, *July*, and *August* in every Year, no more than Two-pence shall be demanded or taken for or on Account of any Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage employed only in the Carriage of Coals or Lime: And whereas the same hath been found prejudicial to the said Road, be it therefore further enacted, That from and after the passing of this Act, so much and such Part of the said recited Act as above mentioned, shall be, and the same is hereby declared to be repealed.

Trustees not to take down any Building nor take in any Gardens, etc. except as specified.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Trustees, or any other Person or Persons, to take down any Dwelling House or other Building, or to take in any Ground planted or set apart as a Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners or Proprietors thereof respectively; other than and except a Piece or Parcel of Land or Ground, now or lately used as an Orchard, belonging to *Thomas Matthews of Borrass* aforesaid, and in the Occupation of *Ann Roberts*; and also a certain other Piece or Parcel of Land or Ground, formerly used as a Garden to a Cottage, commonly called or known by the Name of *Craven's Cottage*, and now or late belonging to *Bryan Cooke Esquire*, and in the Occupation of *Thomas Roberts* or his Under Tenants; for which said Gardens or Orchards, or for such Part or Parts thereof respectively as the said Trustees, or any Five or more of them, shall think necessary to be made Use of for the Purpose of making, widening, and keeping in Repair the said Branch of Road, and for this Purpose it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized to treat, contract, and agree with the Owners, Proprietors, and Occupiers of, and Persons entitled to or interested in such Gardens or Orchards, for the Purchase thereof, or of any Part thereof respectively, in such Manner, and under the same Powers and Provisions as are given and granted in and by the said recited Act, for ascertaining and settling the Value of any Lands, not being Common or Waste Land, to be taken or made Use of for the Purposes thereof.

Misnomer not to prevent the Execution of the Act.

VII. Provided always, and be it further enacted, That if any or either of the above mentioned Premises, or of any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, or the Owner or Owners thereof, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be sold, conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same were more particularly named or described.

VIII. And

VIII. And be it further enacted, That in case the said Trustees shall, at any Meeting to be held as aforesaid, think proper to order and direct the said Road branching out of the said Road in Manner aforesaid, to be made, widened, altered, improved, and kept in Repair, and shall have caused the same to be made and done fit for the Passage of Cattle, Carts, and Carriages along the same, then, and in such Case the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered to surrender and give up so much and such Part of the Road by the said recited Act directed to be made, widened, and repaired, as extends from the said Place called *Pwll-y-rhwyd* to the Borough of *Holt* aforesaid, to the respective Townships through which the same passes, and which shall from thenceforth be repaired and maintained by the said respective Townships.

Old Road to be given up to the respective Townships if the new Branch is repaired.

IX. Provided always, and be it further enacted, That all the Inhabitants of the several Townships of *Borras Howah*, *Borras Riffrey*, *Acton*, *Erlas*, *Abingbury Vawr*, and *Bieston*, in the said County of *Denbigh*, and also all the Inhabitants of a certain District in the said County, called or known by the Name of *The Chapelry of Issacoed*, shall, when and as often as he, she, or they may think proper, be permitted and are hereby declared to be entitled to pass through all and every Gate and Gates, Bar and Bars, Chain and Chains, which shall or may be hereafter erected, put, or placed in, upon, or across the present Turnpike Road from the Borough of *Holt* to the Town of *Wrexham*, or in, upon, or across the Turnpike Road intended to be made by virtue of this Act, and also through all and every Gate and Gates, Bar and Bars, Chain and Chains, which shall or may hereafter be erected, put, or placed on the Side or Sides of the present Turnpike Road, or across any Lane or Way leading out of the present Turnpike Road, or the said intended Turnpike Road or Branch of Road, or any Part or Parts thereof, between the said Town of *Wrexham* and the said Borough of *Holt*, with Horses and all other Cattle whatsoever, Waggon, Carts, and all other Carriages, free and exempt from the Payment of any Toll or Tolls whatsoever; and also that all the Inhabitants of the Township of *Wrexham Regis*, in the said County of *Denbigh*, shall be permitted and are hereby declared to be entitled to pass through all and every the Gate and Gates, Bar and Bars, Chain and Chains, herein-before mentioned, with Horses and all other Cattle whatsoever, Waggon, Carts, and all other Carriages, upon Payment of One Half of the Tolls directed to be taken by virtue of this Act, so as all and every such Horses, Waggon, Carts, and Carriages, be not carrying or conveying any Goods or Materials for Hire, or for any Person or Persons not residing in any of the Townships herein-before mentioned; and so that such Carriages conveying Coal and Lime have, at the Times of using thereof, Wheels of the Breadth of Six Inches on the Sole or Bottom of the Fellies, with the Tire lying flat, or not deviating more than One Quarter of an Inch from a flat Surface, or having the Nails countersunk so as not to rise above the Surface.

Exempting certain Townships and District from Toll and Half Toll.

X. Provided always, and be it further enacted, That the Treasurer or Treasurers, for the Time being, of the Monies arising by virtue of this Act, shall, and they are hereby required to settle his or their Account or Accounts with the said Trustees, or any Five or more of them, on the last Friday in the Month of *August* in every Year during the Continuance

Treasurers to make up their Accounts annually.

[Loc. & Per.]

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of this Act, in such Manner as is directed in and by the said recited Act.

Application of
Compensation
Money where
amounting to
200 l

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Act and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
where the
Compensation
Money
is less than
200 l. and ex-
ceeds 20 l.

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased,

purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

XIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Act and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20^l.

XIV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid and discharged by the Trustees for putting the said former Act and this Act in Execution, or any Five or more of them, out of any Money which hath arisen by virtue of the said recited Act, or out of the First Money which shall arise by virtue thereof and of this Act, in Preference to all other Payments whatsoever.

For defraying the Expences of the Act.

XV. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

XVI. And be it further enacted, That the Term granted by the said recited Act shall, upon the passing hereof, cease and determine, and that the said Act (subject to the Alterations herein before mentioned), and this Act shall from thenceforth continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Term of the Act.

