



ANNO QUADRAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. 67.

An Act for continuing the Term, and altering and enlarging the Powers of Two several Acts of His late and present Majesty, for amending the Road from *Shrewsbury* to *Wrexham*, in the County of *Denbigh*, and from *Wrexham* to *Chester*, and several other Roads therein mentioned, so far as respects *The Chester District* of the said Roads.

[27th May 1808.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of his late Majesty King *George the Second*, intituled, *An Act for repairing the Roads from the Town of Shrewsbury through Ellesmere, in the County of Salop, and Overton, in the County of Flint, to Wrexham, in the County of Denbigh*: And whereas a certain other Act was passed in the Twenty-ninth Year of the Reign of his late Majesty King *George the Second*, intituled, *An Act for enlarging the Terms and Powers of the said first mentioned Act, and for repairing and widening the Road from Wrexham to Chester, and from thence to Penfordd y Waen, in the Parish of Whitford, and also the Road from Broughton to Mold, in the County of Flint*; and it was thereby enacted, that the Roads in the said last-mentioned Act comprized should be divided into several Districts or Divisions, and that the several Roads herein described should be called *The Ellesmere District* or Division of the said Roads; and that the Road from *Wrexham* through *Pulford*, and a Lane called *Wrexham Lane* to *Dee Bridge* in the City of *Chester*, and from the North End of the said Lane called *Wrexham Lane*,

[Loc. & Per.] 14 O within

within the Liberties of the said City, over *Saltney Marsh*, through *Bretton* to the Town of *Northop*, should be called *The Chester District* or Division of the said Roads; and that certain other Roads therein also described should be respectively called *The Flint and Mold Districts* or Divisions of the said Roads: And whereas an Act was made in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act passed in the Twenty-ninth Year of the Reign of King George the Second, for repairing the Road from Shrewsbury to Wrexham, in the County of Denbigh, and from Wrexham to Chester, and also from Broughton to Mold, in the County of Flint, and several other Roads therein mentioned; and for making and repairing a Road from the said Wrexham and Chester Road to the Wrexham and Ruthin Road in the said County of Denbigh, which Road when made, and the several Branches therefrom, it was enacted, should be deemed and taken to be Part of The Chester District* or Division of the Roads in the said Act comprized: And whereas the Trustees appointed by the several before-mentioned Acts for amending, widening, and keeping in Repair *The Chester District* of the Roads therein comprized, have proceeded to put the same Acts into Execution so far as respects the same District, and have borrowed considerable Sums of Money upon the Credit of the Tolls arising upon the same District which still remain due; and by reason of the great Length of the Road within the same District, and the Expence of procuring Materials proper for the Repair thereof, and other Circumstances, the said several Sums and the Interest thereof cannot be paid off, nor can the said District of Roads be effectually amended, improved and kept in Repair, unless the Term granted by the said several Acts be further continued, and some of the Powers and Provisions therein contained be altered and enlarged so far as respects the said *Chester District* of the said Roads, and unless the Tolls granted by the said Act within the said *Chester District* of the said Roads be increased: And whereas it is expedient that *The Chester District* of the Roads comprized in the said several Acts should be separated from the other Districts of the same Roads: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, passed in the Twenty-ninth Year of the Reign of his late Majesty King George the Second, and in the Twenty-eighth Year of His present Majesty's Reign, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses therein contained, so far as the same relate to *The Chester District* of the said Roads (except such Parts thereof as relate to Exemptions from Stamp Duties, and except such as are hereinafter varied or repealed) subject to the Provisions, Alterations and Amendments herein-after contained, shall be and continue in full Force for and during the Term herein-after mentioned, in as full and ample a Manner and as effectually, to all Intents and Purposes, as if the said several recited Acts of the Twenty-ninth Year of the Reign of his late Majesty King George the Second, and of the Twenty-eighth Year of the Reign of His present Majesty, were repeated and re-enacted in the Body of this present Act; and that this Act and the additional Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing within the said *Chester District* of the said

28 G. 3. c. 112.

Reciting that the Trustees of The Chester District have proceeded in Execution of the several recited Acts,

That it is necessary to separate the Districts.

Former Acts further continued, so far as relates to The Chester District,

Roads upon the Credit or on Account of the said several recited Acts or either of them, and that shall be hereafter borrowed upon the Credit thereof and of this Act, together with the Interest thereupon due and to become due respectively.

II. And be it further enacted, That the Mayor and Aldermen of the City of Chester for the Time being, the Dean and Prebendaries of the Cathedral Church of Christ and the Blessed Virgin Mary in Chester for the Time being, Samuel Aldersey, Edward Atherton, William Atherton, the Honourable Richard Grosvenor commonly called Viscount Belgrave, Sir Richard Brooke Baronet, Thomas Brooke, Henry Brooke, Charles Trelawney Brereton, Brereton, John Buckley, George Bowen the younger, Roger Barnston the younger, John Boydell, Richard Barker, Francis Edge Barker, James Bennett, Samuel Bennett, John Delves Broughton, Samuel Broadhurst, Samuel Brittain of Upton, Thomas Bradford, Thomas Brown, Stapleton Cotton, Lynch Cotton, Lynch Cotton, the Honourable John Crewe, Charles Cholmondeley, Robert Foulkes Currie Doctor of Physic, William Currie the younger, Philip Davies Cooke, Ellis Cunliffe, John Cotgreave, Samuel Cooper, Charles Cottingham, Edward Davenport, Walter Davenport, John Drake, John Egerton, Charles Egerton, Thomas Egerton, Richard Edwards, Richard Edwards of Wrexham, Owen Ellis of Eyton, William Edwards Banker, Kenrick Eyton of Eyton, John Edgworth, Thomas Edgworth, Thomas Edwards, Philip Fletcher, Thomas Fletcher, John Fletcher, Lloyd Fletcher, Leonard Fosbrooke, Thomas Fosbrooke, Thomas Fluitt the younger, John Fielden, Robert Fielden, John Baskervyle Glegg, John Baskervyle Glegg of Neston, Harry Grey, the Honourable Thomas Grosvenor, the Honourable Robert Grosvenor, John Goulborne, Thomas Griffiths of Holt-street, Thomas Hanmer, Walden Hammers, John Hignett, Philip Humberston, Henry Hesketh the younger, Peter Heron, John Stewart Hughes, William Haygarth, John Haygarth the younger, Hugh Robert Hughes, John Sorton Hughes, Thomas Hughes, John Hill of Chester, Samuel Humphreys, William Hancock, Townsend Ince, Bell Ince, William Fossey Jenkins, David Francis Jones the younger, Edward Jones of Wepre, Arthur Jones, Valentine Jones, Thomas Jones of Bersham, Roger Jackson the younger, George Jackson, the Honourable Thomas Kenyon, George Kenyon, James Kelsall, James Kirk, George Kirk, Edward Lloyd Lloyd of Pen y Llan, Kenrick Lloyd, Llewellyn Lloyd, Samuel Leach of Broughton, John Larden Doctor of Physic, Egerton Leigh the younger, John Lyon, Joseph Lyon, William Lloyd, Richard Lloyd the younger, John Stanley Massey, Charles Stanley Massey, James Stanley Massey, Henry Stanley Massey, the Honourable Edward Massey, Sir Thomas Mastyn Baronet, John Moulson, George Moulson, James Mainwaring the younger, Thomas Spurstow Moulson, Charles Morrall the younger, Hugh Maxwell, John Matthews, William Newell, William Nicholls, John Oliver, George Oxred, James Okell, Peter Patten, Francis Richard Price, William Prescott, Richard Puleston, Henry Potts, John Pryce, Charles Psyser, Philip Parry, Charles Potts the younger, Richard Gerrard Perryn, Domville Poole, William Richards, Griffith Rowlands, John Swarbrick Rogers, William Rigby, John Rigby, John Rowland, Edward Rowland the younger, Sir Thomas Stanley Massey Stanley Baronet, Sir John Thomas Stanley Baronet, Thomas Stevenson, William Skelkorne, William Lewis Salisbury Trelawney, Hamelin Trelawney, Edward Venables Townshend, John Troughton, William Makepeace Thackray Doctor of Physic, Richard Twiss, Edward Vernon the younger, William Henry Worthington, Joshua Walker, William Wynn of Pickhill, George Wilbrabam the younger,

Additional
Trustees in
The Chester
District.

Edward

Edward Ommaney-Wrench the younger, Thomas Ward, Robert Williams, Richard Willett, Gwyllym-Saint John Wardle, Edward Lloyd-Gwyllym Wardle, William Lloyd-Gwyllym Wardle, John Lloyd-Gwyllym Wardle, Edwin Wardle, Alfred Wardle, Timothy Whitby, Edward Wynne, Thomas Watkin Youde, Edward Youde, Esquires, George Bonner, William Cotton, James Cotton, Charles Crewe, William Wickham Drake, Thomas Davies, Philip Egerton, Rowland Egerton, Thomas Edwards, Rowland Hill, Peter Leigh, Richard Masie, Charles Mytton, Richard Perryn, Masie Taylor, James Tomkinson the younger, Robert Twiss, Maurice Wynne Doctor of Laws, Reploe William Ward, and James Ward, Clerks, and their Successors, to be hereafter elected and chosen under the Direction and in the Manner appointed by the said Act of the Twenty-ninth Year of the Reign of his late Majesty King George the Second, shall, from and after the passing of this present Act, be added to and joined with the Trustees appointed or elected by or in pursuance of the said former Act or Acts, or either of them; and the said Trustees hereby appointed, and their Successors, together with the Trustees appointed or elected by or in pursuance of the said former Act or Acts, are hereby constituted and appointed Trustees for amending, widening and keeping in Repair the several Roads comprized within the said *Chester District* or Division of the Roads in the said several recited Acts mentioned, and also for putting into Execution the said several recited Acts and this Act, and the several Powers and Authorities therein and herein contained or referred to, so far as the same relate to *The Chester District* of the said Roads.

Meetings on
Emergencies.

III. And be it further enacted, That if after any Adjournment of the said Trustees, it shall upon any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the last Meeting of the said Trustees shall have been adjourned, the Clerk to the said Trustees, by an Order in Writing signed by Five or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place and Purpose of such Meeting, shall forthwith give Notice thereof in Manner in the said recited Act directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the Trustees at such Meeting shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment: Provided always, that no further or other Business shall be entered upon or taken into Consideration at any such Meeting, so to be called upon an Emergency as aforesaid, than such as shall have been signified and particularly set forth in the Order or Notice for calling such Meeting.

Repealing
former Tolls
and granting
new ones.

IV. And whereas the several Tolls granted by the said several recited Acts of the Twenty-ninth Year of the Reign of His late Majesty King George the Second, and the Twenty-eighth Year of the Reign of His present Majesty, within *The Chester District* of the said Roads, are insufficient for the Purpose of paying the Annual Interest of the several Sums of Money borrowed on the Credit of the said Acts within the same District, and for repairing, widening and amending the Roads comprized therein; be it therefore further enacted, That all and singular the said several Tolls shall, from and after the Third *Monday* next after the passing of this Act, cease, determine, and be no longer paid or payable, and that in lieu thereof the respective Tolls following shall be demanded, taken, collected

and

and paid at each and every of the several and respective Toll Gates, Toll Bars and Turnpikes, which have been or shall be placed, set up, and erected in or upon *The Chester District* of the said Roads, or in or upon the Side or Sides thereof, or across any Lane or Way leading out of the same under and by virtue of the said several recited Acts and this Act, any or either of them; (that is to say),

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricule, Caravan, Chair, Calash, or other such Carriage, Hearse or Litter, the Sum of Six-pence: Tolls.

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, not laden with Coal or Cannel only, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule or other Beast, not laden with Coal, Cannel or Lime only, and whether laden with other Goods, Wares and Merchandizes, or unladen and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows or Neat Cattle (Calves excepted) the Sum of One Shilling and Three-pence *per Score*; and so in Proportion for any greater or less Number:

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

For every Drove of Hogs or Swine, the Sum of One Shilling and Three-pence *per Score*; and so in Proportion for any greater or less Number:

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Waggon, Cart, Wain, Tumbril or other such like Carriage, laden with Coal or Cannel only, and drawn by One Horse, Mare, Gelding, Mule or other Beast only, the Sum of Five-pence:

For every Horse, Mare, Gelding, Mule or other Beast, drawing any Waggon, Cart, Wain, Tumbril or other such like Carriage, laden with Coal or Cannel only, drawn by more than One Horse, Mare, Gelding, Mule or other Beast, and having the Fellies of the Wheels thereof of a less Breadth at the Bottom or Sole thereof than Six Inches, the Sum of Three-pence Halfpenny:

For every Horse, Mare, Gelding, Mule or other Beast, drawing in any Waggon, Cart, Wain, Tumbril or other such like Carriage, laden with Coal or Cannel only, and drawn by more than One Horse, Mare, Gelding, Mule or other Beast, and having the Fellies of the Wheels thereof of the Breadth of Six Inches at the Bottom or Sole thereof, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule or other Beast, laden with Coal, Cannel, Grit, Stone, or Lime only, and not drawing, the Sum of One Penny:

Which said several and respective Tolls by this Act authorized to be taken shall be and the same are hereby respectively vested in the said Trustees for putting the said several recited Acts and this Act in Execution, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, varied, reduced, assigned and disposed of, in such and the same Manner and by such and the same Ways and Means, and with such Remedies for securing and enforcing the due Payment thereof, and with such Penalties for the Non-payment or Evasion of the same, and with such

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Powers,

Tolls vested in the Trustees.

Powers, Provisions, Regulations, and Exemptions as are contained in the said several Acts with respect to the Tolls thereby authorized to be taken, except so far as the same Provisions, Regulations, Remedies, Penalties, and Exemptions are by this present Act varied and altered, and with such additional Powers, Provisions, Regulations, and Exemptions as are herein-after contained.

General
Exemptions.

V. And be it further enacted, That none of the Tolls granted by this Act shall be demanded or taken at any Gate within the Limits of the said *Chester District* of Roads, for any Horse, Cattle or Beast, employed only in drawing any Cart or Carriage laden with any Dung, Soil or Compost of any Kind, or Lime or other Manure to be used for the manuring of any Garden or other Land or Ground; nor shall any Toll be demanded or taken for any Waggons, Wains, Carts, Carriages or Horses, employed in carrying or conveying, or going to carry or convey; or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Brick, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie, or Hay, Straw, or Corn in the Straw, Potatoes, Turnips, Parsnips and Carrots not sold or disposed of but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; nor for any Waggon, Wain, Cart, Carriage or Horse employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Thing employed in the Management of any Farm or Lands; nor for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to or returning from being shod or farried; nor from any Person going to or returning from his or her proper Parochial Church, Chapel or other Place of Religious Worship tolerated by Law, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person who shall die and be buried in any of the said Parishes; nor from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horses, Cattle or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching or guarding such Mails or Expresses, or in returning back from conveying the same; nor for any Horses, Carts or Waggons attending any Soldiers upon their March, or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture and Accoutrements according to the Regulations provided by such Corps respectively, at the Time of claiming such Exemptions as aforesaid; nor for any Horses, Carts or Waggons employed in the Conveyance of Vagrants sent by legal Passes; nor for any Horse, Cattle or Beast drawing any Coach, Landau, Berlin, Calash, Chair, or Passenger on Horseback going to or returning from any Election of a Knight

Knight or Knights of the Shire to serve in Parliament for the said County of *Chester*, or for the City of *Chester*, or for the Counties of *Denbigh* and *Flint*, or the Boroughs of *Denbigh* and *Flint*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of the said Acts and this Act.

VI. Provided always, and be it further enacted, That as often as any Collector of the said Tolls, or other Officer, shall die, or misbehave himself or herself, or become incapable of performing his or her Duty, it shall be lawful for any Five or more of the said Trustees, though not assembled at a public Meeting in pursuance of this Act, by any Writing under their Hands to displace such Collectors and other Officers so misbehaving or becoming incapable of performing their Duty, and appoint others in their Stead, and also in the Stead of such of them as shall so die; and all such Collectors and other Officers so appointed shall have the same Authority to act in the Execution of their respective Offices as the Person or Persons whom they shall so succeed was or were vested with, until the said Trustees or any Five or more of them shall, at a Meeting to be held by virtue of this Act, appoint a Collector or other Officer as aforesaid.

For appointing Collectors occasionally.

VII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, or the Recovery thereof, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her or their being appointed to collect such Tolls, or by reason of his, her or their acting under the Authority of the said Trustees.

Collectors of Tolls competent Witnesses.

VIII. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, from Time to Time, at their General Annual Meeting to compound, for any Term not exceeding One Year at any one Time, with any Person or Persons for any Carriages, Horses, Beasts or Cattle travelling on the said Road, for all or any of the said Tolls to be paid in respect of such Carriages, Horses, Beasts or Cattle, and such Composition Money shall be paid in Advance Quarterly or otherwise as the said Trustees shall think fit; and in Default thereof, the Composition or Agreement with the Person or Persons making Default shall be void, and all such Composition Monies shall be applied in such Manner as the Tolls in respect whereof such Composition is ordered to be made are directed to be applied.

Trustees may compound for Tolls.

IX. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize the said Trustees or any other Person or Persons to take down any Dwelling House or other Building, or to take in any Ground which for One Year immediately preceding the passing of this Act was made, planted, or set apart as a Yard, Garden, Orchard,

Trustees not to take down any Buildings, nor take in any Garden, &c. other than those specified, &c.

Park,

Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners or Proprietors thereof respectively, other than and except a Smithy and Garden in *Marford* in the County of *Denbigh*, in the Occupation of *Thomas Zachary* and *John Davies*, or one of them; another Garden in *Marford* aforesaid, in the Occupation of *Matthew Roberts*; another Garden in *Marford* aforesaid, in the Occupation of *William Roberts*; a Garden in the Township of *Burton* in the said County of *Denbigh*, in the Occupation of *Thomas Finchitt*: Provided also, that if any of the before-mentioned Premises, or the Parishes or Townships wherein they are situate, or the Persons in whose Possession they are stated to be, shall happen to be misnamed or improperly described, it shall not prevent or retard the making the respective Roads through or over any such Premises, but the same may be taken and used for the Purposes of this Act, in such and the same Manner as if the same was or were more properly named or described.

Justices to determine Differences touching the Statute Duty.

X. And be it enacted, That it shall and may be lawful to and for Two or more Justices of the Peace for the said County Palatine of *Chester*, or for the said City of *Chester*, or the several Counties of *Denbigh* and *Flint*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places within the respective Jurisdictions of such Justices in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer,

at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said several recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending of the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or willingly give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XI. And be it further enacted, That if any Horse or Horses, Asses or Affes, Cattle or Swine, shall be found wandering or depasturing upon or on the Sides of any Part of the said Road, the Owner or Owners of such Horse or Horses, Asses or Affes, Cattle or Swine, shall respectively forfeit and pay for every such Offence any Sum not exceeding Ten Shillings, to be recovered in such Manner as the other Penalties are by the said several recited Acts directed to be recovered and levied; and the Surveyor and Surveyors of the said Roads, and all and every other Person or Persons, is and are hereby authorized to cause all such Horse or Horses, Asses or Affes, Cattle or Swine, as shall be found wandering or depasturing upon the said Road or on the Sides thereof to be impounded, until the Complaint against the Owner or Owners thereof can be heard before some one of His Majesty's Justices of the Peace acting for the County, City or Place wherein such Offence shall happen to be committed, or until the Owner or Owners of such Horse or Horses, Asses or Affes, Cattle or Swine, shall pay the said Penalty, without having such Complaint heard before such Justice of the Peace; and in case such Complaint shall be heard before such Justice of the Peace, and such Justice shall convict such Owner or Owners, and order such Penalty or Penalties to be paid, then such Horse or Horses, Asses or Affes, Cattle or Swine, shall remain impounded until the Penalty or Penalties shall be paid, over and above

Penalty on Cattle being found wandering or depasturing in the Highways

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the usual Fee to the Proprietor or Keeper of the Pound where such Horse or Horses, Asses or Asses, Cattle or Swine, shall be so impounded; and if any Proprietor or Keeper of any such Pound shall release any such Horse or Horses, Asses or Asses, Cattle or Swine, which shall be so impounded as aforesaid, without the Consent of such Surveyor or Surveyors, or other Person or Persons so impounding, or until such Penalty or Penalties shall be paid, every such Proprietor or Keeper shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case any Person or Persons shall disturb or molest the said Surveyor or Surveyors, or any other Person or Persons leading or driving such Horse or Horses, Asses or Asses, Cattle or Swine to Pound as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, which said several Penalties before-mentioned shall be applied towards the repairing of the said Roads, and to or for no other Purpose whatsoever.

For securing
transient
Offenders.

XII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, and take him, her or them, before any Justice of the Peace for the County, City or Place, or near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint; and upon Conviction of the Offender or Offenders by the Justice before whom he, she or they shall be taken, it shall be lawful for the said Justice to commit him, her or them to the Common Gaol or House of Correction of the same County, City or Riding or District, there to remain for any Time not exceeding Twenty-one Days, unless he, she or they shall sooner pay the respective Penalties by him her or them incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Application
of Compensation
Money
when
exceeding
200^l.

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Cottages, Gardens, Lands, Tenements or Hereditaments, purchased, taken or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said several recited Acts 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 Acts 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

ments, or Hereditaments, in the Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Cottages, Gardens, Lands, Tenements, or Hereditaments, or affecting other Messuages, Cottages, Gardens, 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, Cottages, Gardens, Lands, Tenements and 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, Cottages, Gardens, 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, Issues and Profits of the Lands, Tenements, and Hereditaments so hereby or by the said recited Acts directed to be purchased, in case such Purchase or Settlement were made.

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Cottages, Gardens, Lands, Tenements or Hereditaments, purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any 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 any such Case 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, 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 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 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.

Where less than 200 l. and exceeding 20 l.

XV. Provided

Application
where less
than 20 l.

XV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 several recited Acts 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, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, &c.;

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments, to be purchased by virtue of the said several recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [*describing them*] subject to the Order, Controul and Disposition of the said Court of Chancery, which said Court of Chancery on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier and Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, to be purchased in pursuance of the said several recited Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have

have been in Possession of such Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons; or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession and that some other Person or Persons was or were lawfully entitled to the Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of the said several recited Acts and this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts and this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said Acts and this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of the said Acts and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences to be paid by the Trustees.

XIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall immediately after the passing thereof be paid and discharged by the Trustees for putting the said recited Acts and this Act in Execution, or any Five or more of them, out of any Money which hath arisen by virtue of the said several recited Acts or out of the first Monies which shall arise by virtue thereof and of this Act upon the said *Chester District* of the said Roads or out of any Money borrowed or to be borrowed on the Credit thereof respectively, and in preference to all other Payments whatsoever, in the Proportions following; (that is to say) one equal Half Part thereof by and out of the Tolls arising on that Part of thy said *Chester District* which lies between *Wrexham Lane*, within the Liberties of the City of *Chester* and *Northop* aforesaid, and the Remainder thereof by and out of the Tolls arising on the Road from *Wrexham* to *Chester*, and the new Road of Communication authorized to be made by the said herein-before recited Act of the Twenty-eighth Year of the Reign of His present Majesty.

Expences of the Act.

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

Public Act.

XXI. And be it further enacted, That the Term granted by the said several recited Acts shall upon the passing hereof cease and determine;

Term of the Act.

[*Loc. & Per.*]

14 R

that

that the said Acts (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.

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