



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 11.

An Act to continue the Term, and alter the Powers of an Act of His present Majesty, for repairing the Road from the Township of *Saltney*, in the County of *Flint*, to the Town of *Flint*. [24th March 1809.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for repairing, widening, turning, and altering the Road from the Township of Saltney, in the County of Flint, to the Town of Flint, in the said County*: And whereas the Trustees appointed in or by virtue of the said Act have made great Progress in making and repairing the said Road, and have for that Purpose borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted, which still remains due, with a considerable Arrear of Interest, and cannot be repaid, and the said Road effectually amended, improved, and kept in Repair, unless the Term granted by the said Act be continued, and some of the Powers of the said Act altered, amended, and enlarged: 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, and all the Powers, Provisions, Matters, and Things therein contained, (except such as are hereby varied, altered, or repealed,) shall be and continue in

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in full Force, and be executed for and during the Term hereinafter mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this present Act, but subject, nevertheless, to the Amendments and Alterations herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be, and are hereby declared to be, subject and liable to the Payment of all the respective Sums of Money now due and owing on the Credit, or on account of the said recited Act; and also of such other Sum or Sums of Money as may be borrowed for the Purposes of the said former Act, or of this Act, and of all Interest now due and to grow due for the same respectively.

Repealing the former Act so far as relates to the Township of Saltney.

II. And be it further enacted, That so much of the said recited Act as relates to the Road within the Township of *Saltney*, shall be and the same is hereby repealed, and that none of the Powers or Clauses herein-contained shall extend or be construed to extend to, or in anywise affect the said Township, but nothing herein contained shall prevent the said Trustees from continuing the present Turnpike Gates at *Wevre Brook* on the said Road, and collecting Tolls thereat.

General Exemptions.

III. And be it enacted, That the Exemptions granted by the said Act shall be, and the same are hereby repealed, and that from and after the passing of this Act no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, 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, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Out-houses, or on the Lands of the Owners or Occupiers thereof; or for any Corn, Grain, Meal or Malt carrying to or from any Mill within the Distance of One Mile from the said Road, for the Owner or Owners' Use, and not for Sale; or for any Horse or Cattle drawing or carrying to *Chester Market* any Corn or Grain threshed, winnowed, and cleaned, being the actual Produce of Lands in any of the Townships through which the said Road passes, or the actual Produce of Lands in the Townships of *Sbotton, Aston, Mancott, The Manor, Rake, or Moor*; or 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 Mould, Dung, Compost, or Manure employed in Husbandry, for manuring or improving Lands, or for any Horses or Cattle going to, or returning from Pasture, or Watering Places; or going to be, or returning from being shod or farried; or from any Person going to or returning from his 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 that shall die and be buried in any of the said Parishes;

or

or 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; or for any Horses, Cattle, or Carriages, of whatever 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; or for any Horses, Carts, or Waggon, 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 of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for any Horses, Carts, or Waggon, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast, drawing any Coach, Landau, Berlin, Chariot, Calash, or Chair, or any Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the County of *Flint*, or for the Borough of *Flint* and the contributory Boroughs thereof, 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 or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions, by this Act granted, 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 to the Purposes of the said Act, and this Act.

IV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour, on the said Road, shall be and the same is hereby repealed, and that all Persons, who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the County of *Flint*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road doth 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 their Treasurer or Treasurers; and in order thereunto, it shall be lawful 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 Fourteen Days after the serving of such Summons),

Statute
Work.

mons), of the Names of the several Persons, who within such Parish or Place are by Law subjected 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 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 Road, as the said Justices shall think reasonable, and the same shall be done at such Days, and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road 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 recited Act 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 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 or 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 Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge 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 Road, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Highways; and if any Surveyor 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 and wilfully 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.

Application
of Compen-

V. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased,

chafed, 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, Lunatic, or Person or Persons under any other 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 recited 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 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 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 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.

sation where exceeding 200l.

VI. 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 amount to 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 Lands, Tenements, or 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

Application where the Compensation does not exceed 200l. nor less than 20l.

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to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

VII. 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 Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and this Act, in such Manner as the said Trustees 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,

or if Persons cannot be found, Purchase-Money to be paid into the Bank,

subject to the Order of the Court of Chancery, or Motion or Petition

VIII. 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 Act, 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 of Money 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 same 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 or 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

Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

IX. Provided always, and be it 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 Privy of the Accountant-General of the Court of Chancery; in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act, 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 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 such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

X. Provided also, and be it 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 recited Act, 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 Act, 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 Act, and this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said Act, 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 of Purchases to be paid by the Trustees.

XI. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act shall be paid out of any Monies already raised by virtue of the said recited Act, or out of the first Monies to arise by virtue of the said Act, and this Act, in preference to all other Payments whatsoever.

For paying the Expences of this Act.

XII. 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.

XIII. And

Continuance
of the Act.

XIII. And be it further enacted, That the said recited Act (subject to the Alterations and Amendments herein contained) shall continue and be in force, and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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