Anno ſecundo

Georgii III. Regis.

An Act to enlarge the Term and Powers, and alſo to render more effectual an Act for amending, widening, and keeping in Repair, the ſeveral Roads from the Town of *Pool* in the County of *Montgomery*, to *Wrexham* in the County of *Denbigh*; and alſo the Road from *Knockin* in the County of *Salop*, to *Llanrhaiader* in *Mochnant*, in the County of *Denbigh*; and to repair and widen ſeveral other Roads therein mentioned.

WHEREAS by an Act made in the Twenty ninth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for amending, widening, and keeping in Repair, the ſeveral Roads from the Town of *Pool* in the County of *Montgomery*, to *Wrexham* in the County of *Denbigh*; and alſo the Road from *Knockin* in the County of *Salop*, to *Llanrhaiader* in *Mochnant*, in the County of *Denbigh*; ſeveral Tolls and Duties were granted, and divers Powers given for repairing the ſaid Roads, for the Term of Twenty one Years, from the Ninth Day of June, One thouſand ſeven Preamble.

ſeven hundred and fifty ſix: And whereas the Truſtees appointed to put the ſaid Act in Execution, have cauſed a great Part of the ſaid Roads to be repaired, and for that Purpoſe have borrowed a very conſiderable Sum of Money upon the Credit of the ſaid Tolls and Duties; which Money ſo borrowed, and alſo the ſaid Tolls and Duties, have been duly applied, but the ſame Roads cannot be effectually amended, and the Money borrowed repaid, unleſs the ſaid Act is further continued, and made more effectual: And whereas the ſeveral Roads branching out of the ſaid Turnpike Road, leading from Oſweſtry to Wrexham aforeſaid, namely, from Goe Bowen through Whittington, over Babby's Wood, to the Turnpike Road leading from Oſweſtry to Shrewſbury; and likewiſe a Road from the Croſs in Oſweſtry through the Willow Street there, over Pont Vane to Pont Cyſyllte; and likewiſe another Road from the ſaid Croſs in Oſweſtry, through the ſaid Willow Street over Kyrn y Bwch, otherwiſe Kefn y Bwch, to Rhyd y Croeſan; and likewiſe other Roads branching out of the ſaid Turnpike Road leading from Oſweſtry to Pool aforeſaid, near the ſaid Town of Oſweſtry, namely the Road to Llanfylling; and alſo another Road to Pentre Shannell beyond the Coal Pits, are in a ruinous Condition, narrow in many Places, and dangerous to Travellers, and the ſame cannot be effectually repaired and widened by the preſent Methods preſcribed by Law; 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 the Tolls thereby granted, and all and every the Authorities, Powers, Articles, Rules, Penalties, Exemptions, Proviſoes, and Clauſes, therein contained, (except ſuch Tolls, Clauſes, Matters, and Things, as are hereby explained, altered, amended, or repealed) ſhall be and continue in Force, and be executed as well for the Purpoſes in the ſaid recited Act contained, as for the ſurveying, ordering, amending, keeping in Repair, and widening the ſaid additional Roads herein before mentioned, for the Term by the ſaid recited Act granted, 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, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein again repeated and re-enacted.

Powers, &c. of the recited Act continued and extended to the additional Roads to be repaired by virtue of this Act,

for the further Term of 21 Years.

And whereas by the former Act no Turnpike or Toll-gate was allowed to be erected on certain Parts of the ſaid Road therein mentioned; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, appointed or to be appointed purſuant to the ſaid herein before recited Act, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, to erect Turnpikes or Toll-gates on any Part of the ſaid Road (except on ſuch Part thereof which lies at or near Pen y Bont, or in the Townſhip of Bryn, ſo as to intercept the Road that leads from Oſweſtry to Llanfylling) any thing in the ſaid former Act contained to the contrary notwithſtanding. Turnpikes and Toll-gates may be erected on any Part of the ſaid Road, except at *Pen y Bont*, or *Bryn*, &c.

Provided always, That in caſe any additional Turnpikes or Toll-gates to thoſe now erected, ſhall, in purſuance of the Powers given by this Act, be erected in any Part of the ſaid Road, where by the former Act no Turnpikes or Toll-gates were allowed to be erected; namely, On that Part of the Road leading from Oſweſtry to Wrexham, which lies between the Bowling Green Hill and the Eagles in Ruabon; then, and in that Caſe, all Carriages and Horſes travelling with Coals or Coke only, ſhall be permitted to paſs through ſuch additional Turnpikes or Toll-gates ſo to be erected, at all Times, with ſuch Horſes and Carriages Toll-free. If any additional Gate be erected between the *Bowling Green Hill* and the *Eagles* in *Ruabon*, Coals and Coke are to paſs Toll-free.

Provided alſo, and be it enacted, That in caſe any additional Turnpikes or Toll-gates to thoſe now erected, ſhall, in purſuance of the Powers given by this Act, be erected in any Part of the ſaid Road between Oſweſtry and Chirk; then, and in that Caſe, Three Fourth Parts of the Toll which ſhall be collected at any Turnpike or Toll gate on the Road between Oſweſtry and Chirk ſhall be laid out and applied in repairing and widening that Road only; and the other One Fourth Part of ſuch Tolls ſhall be paid to the Truſtees, or any Five or more of them, who are nominated and appointed, or who ſhall hereafter be nominated and appointed, for putting in Execution a certain Act paſſed in the Twenty ninth Year of the Reign of His late Majeſty King George the Second, intituled, An Act to enlarge the Terms and Powers of an Act for repairing the Road from *Shrewsbury* to *Wrexham*, in the County of *Denbigh*, and to repair and widen ſeveral other Roads therein mentioned, and the Road from *Wrexham* to *Cheſter*, and from thence to *Pen Fordd y Waen*, in the Pariſh of *Whitford*, and alſo the Road from *Broughton* to *Mold*, ſo far as the ſame relates to a certain Diſtrict therein called by the Name of The Elleſmere Diſtrict or Diviſion of Roads, If any be erected between *Oſweſtry* and *Chirk*, Three Fourths of the Tolls thereat to be laid out in Repair of the ſaid Road; and 1 Fourth to be paid over to the Truſtees for the *Elleſmere* Diſtrict of Roads.

or to such Person as the said Trustees, or any Five or more of them, shall appoint, to be by them laid out and applied in repairing and widening the Road between Oswestry and Ellesmere aforesaid; and from and after the said Road leading from Oswestry to Chirk, shall be well and sufficiently repaired and amended, then the Whole of the Tolls which shall be collected at any Turnpike or Toll-gate erected or to be erected on the said Road between Oswestry and Chirk, shall be paid to the said Trustees of The Ellesmere District, or as they, or any Five or more of them, shall appoint, to be by them applied in repairing and widening the Road leading out of the said Turnpike Road from Oswestry to Chirk, by the Finger Post near Oswestry to Ellesmere, till the Whole of that Road shall be well and sufficiently repaired and amended; and from and after the last mentioned Road shall be so sufficiently repaired and amended, then that the Whole of such Tolls shall be applied in repairing the said several Roads, in the Proportions herein before directed; any thing in the said recited Act for repairing the Road from Pool to Wrexham, contained to the contrary thereof, in any wise notwithstanding.

After Repair of the Road from *Oswestry* to *Chirk*, the Whole of the Tolls to be paid over to the said Trustees, for repairing the Road by the *Finger Post* to *Ellesmere*;

and afterwards for Repair of the Roads in general.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees nominated and appointed in pursuance of the said herein before recited Act, or any Five or more of them, shall meet on Wednesday the Second Day of June, One thousand seven hundred and sixty two, in the Town Hall of Oswestry, for the Care and Service of the several and respective Roads hereby, and by the said recited Act, intended to be repaired; and that, from and after such Meeting had, shall and may adjourn themselves to such Time and Place, in or near the said Roads, as the said Trustees, or any Five or more of them, shall think proper, as often as it shall be necessary for the carrying into Execution the several Powers and Authorities in the said recited Act, and this Act, granted: And if it shall happen that there shall not appear at any such Meeting or Meetings, a sufficient Number of Trustees to act, and adjourn to another Day; then the Clerk of the said Trustees, by Ten Days Notice at least in Writing under his Hand, to be fixed on all the Toll-gates erected, or to be erected, by virtue of the said recited Act, or in pursuance of this present Act, shall appoint the said Trustees to meet at the Place where the last Meeting was appointed to be held, on that Day Three Weeks on which the said last Meeting was to have been held; and the said Trustees shall, at all their Meetings, pay their own Charges and Expences; and

In Default of a sufficient Number of Trustees to act,

Notice to be given of another Meeting.

Trustees to bear their own Expences.

and any Two or more of them ſhall be deemed a ſufficient Number for the Purpoſe of adjourning only.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall or may continue the preſent Toll-gates, or erect others, on the Roads by the ſaid Act intended to be repaired; and alſo ſhall or may cauſe to be erected One or more Toll-gates and Toll-houſes in, upon, acroſs, or on the Sides of, the ſaid Roads leading from Goe Bowen, through Whittington, over Babby's Wood, to the Turnpike Road leading from Oſweſtry to Shrewſbury; and from the Croſs in Oſweſtry, through the Willow Street there, over Pont Vane, to Pont Cyſyllte; and from the ſaid Croſs in Oſweſtry, through the ſaid Willow Street, over Kyrn y Bwch, otherwiſe Kefn y Bwch, to Rhyd y Groeſan; and from Oſweſtry aforeſaid, to Llanfylling; and likewiſe from Oſweſtry to Pentre Shannell, beyond the Coal-pits; and ſhall demand and take the following Tolls, before any Cattle or Carriage ſhall be permitted to paſs through any of the ſaid Toll-gates; that is to ſay,

Truſtees may continue the preſent Toll-gates, or erect others;

and may alſo erect Side-gates,

and take Tolls thereat.

At the ſeveral Toll-gates erected or to be erected on the Roads in the ſaid recited Act mentioned, for every Cattle and Carriage, the ſeveral and reſpective Sums therein ſpecified; and at the ſeveral Toll-gates erected or to be erected on the ſeveral Roads intended to be repaired by virtue of this Act, the ſeveral Tolls and Duties following; that is to ſay,

The Tolls.

On the Road leading from Pool to Oſweſtry, the ſame Tolls as by the ſaid former Act are directed to be taken; and on all the other Roads intended to be repaired, purſuant to the ſaid former or this preſent Act, the Tolls following; that is to ſay,

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing in any Carriage whatſoever, Three Halfpence.

For every Ox or other Neat Cattle, drawing any Carriage whatſoever, One Penny.

For every other Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, One Halfpenny.

For every Ox, Bull, Cow, or Heifer, One Halfpenny.

For every Sheep, Calf, or Pig, One Farthing.

Provided nevertheleſs, That the Tolls hereby impoſed ſhall be taken no more than Twice between Oſweſtry and the Bowling Green, near Ruabon; nor between the ſaid Bowling Green and Wrexham: But if only One Gate ſhall

Tolls to be paid between *Oſweſtry* and the *Bowling Green*; and between the ſaid *Green* and *Wrexham*.

ſhall be erected between the ſaid Bowling Green and Wrexham, then the ſame Tolls ſhall be taken at ſuch Gate as by the ſaid former Act are directed to be taken.

Application of the Monies.

And be it further enacted by the Authority aforeſaid, That out of the firſt Money ariſing by the Tolls hereby, or by virtue of the ſaid recited Act, granted, or out of ſo much Money as ſhall be borrowed upon the Credit thereof, the ſaid Truſtees, or any Nine or more of them, ſhall in the firſt Place pay and diſcharge all the Expences and Coſts of procuring and paſſing this Act, in ſuch Order and Manner as the ſaid Truſtees, or any Nine or more of them, ſhall, at a publick Meeting to be held at Oſweſtry for that Purpoſe, apportion and appoint, and ſhall apply the Remainder of the Money ſo raiſed, in erecting Toll-gates and Toll-houſes, and repairing and widening the ſeveral Roads therein and herein mentioned, and defraying the neceſſary Coſts, Charges, and Expences attending the ſame.

If a Gate be erected between *Oſweſtry* and *Kyrn y Bwch*, the Inhabitants of *Oſweſtry*, *Llanfylling*, and *Kefn-y-maes*, to pay a certain Sum annually in lieu of Tolls.

Provided always, and be it enacted, That if any Gate ſhall be erected between Oſweſtry and Kyrn y Bwch, otherwiſe Kefn y Bwch, the Inhabitants of the Pariſh of Oſweſtry, who ſhall inhabit and dwell on the North Side of the ſaid Gate, and the Inhabitants of the Pariſh of Llanfylling, together with the Inhabitants of the Township of Kefn-y-maes, ſhall, during the Continuance of this Act, be permitted to paſs and repaſs with their Horſes, Beaſts, and Carriages, through the ſaid Gate, upon Payment annually of the Sum of Two Shillings and Six Pence for every Perſon keeping a Team, and the Sum of One Shilling by every other Perſon not keeping ſuch Team as aforeſaid, in lieu of all Tolls whatſoever impoſed by virtue of this Act.

Welſh Flannels and Webbs to paſs Toll-free.

Provided always, and it is hereby declared, That no Perſon or Perſons whatſoever, carrying Flannels and Welſh Webbs, or either of them, only of the Manufactory of Wales, to Market, ſhall be charged or chargeable with any of the Tolls aforeſaid, on paſſing or going through any Turnpike or Toll-gate to be erected purſuant to this Act, on that Part of the Road leading from the ſaid Croſs in Oſweſtry, through the ſaid Willow Street over Kyrn y Bwch, otherwiſe Kefn y Bwch, to Rhyd y Croeſan; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

And whereas there is a Lane leading from Whitehurſt Houſe, in the Townſhip of Pen y Clawdd in Chirk Pariſh, to Croes y Street, and likewiſe one other Lane leading from the Sun in the ſame Townſhip to the ſame Place,

Place, and which, if not ſtopped up, the Payment of the ſeveral Tolls and Duties impoſed by this Act may be avoided, or greatly leſſened; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, at any Meeting to be held purſuant to this Act, to authorize and impower the Surveyor or Surveyors of the Roads ſo intended to be repaired as aforeſaid, to ſtop up the ſaid Lanes herein before mentioned, by ſuch Ways and Means, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, ſhall think proper: Saving, nevertheleſs, to all and every Perſon and Perſons whatſoever, their Heirs, Executors, Adminiſtrators, and Aſſigns, his, her, and their Right of Paſſage, into and through the ſaid Ways hereby intended to be ſtopped up, to go and return from, and for the Uſe and Enjoyment of, their Fields or private Property, by and through a convenient Gate or Gates to be erected in and upon the ſaid Ways, hereby intended to be ſtopped up by the ſaid Truſtees for that Purpoſe.

The Lanes from *Whiteburſt Houſe* and from the *Sun* to be ſtopt up;

ſaving to the Proprietors of the Lands there, a Paſſage to the ſame.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done or to be done, either in purſuance of the ſaid former Act, or this preſent Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months after the Fact committed, and not afterwards; and ſhall be laid, brought, and tried, in the County or City where the Offence ſhall be committed, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit, may plead the General Iſſue, and give the ſaid recited Act and this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of the ſaid former or this preſent Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be ſo brought ~~in any other County~~ or Place, then and in ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, upon a Certificate from the Judge before whom ſuch Cauſe ſhall be tried, whereby it may appear that ſuch Suit was proſecuted againſt the Defendant or Defendants, for Matters

Limitation of Actions.

General Iſſue.

Treble Coſts.

contained in the ſaid recited Act, or this Act, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſe by Law.

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

FINIS.