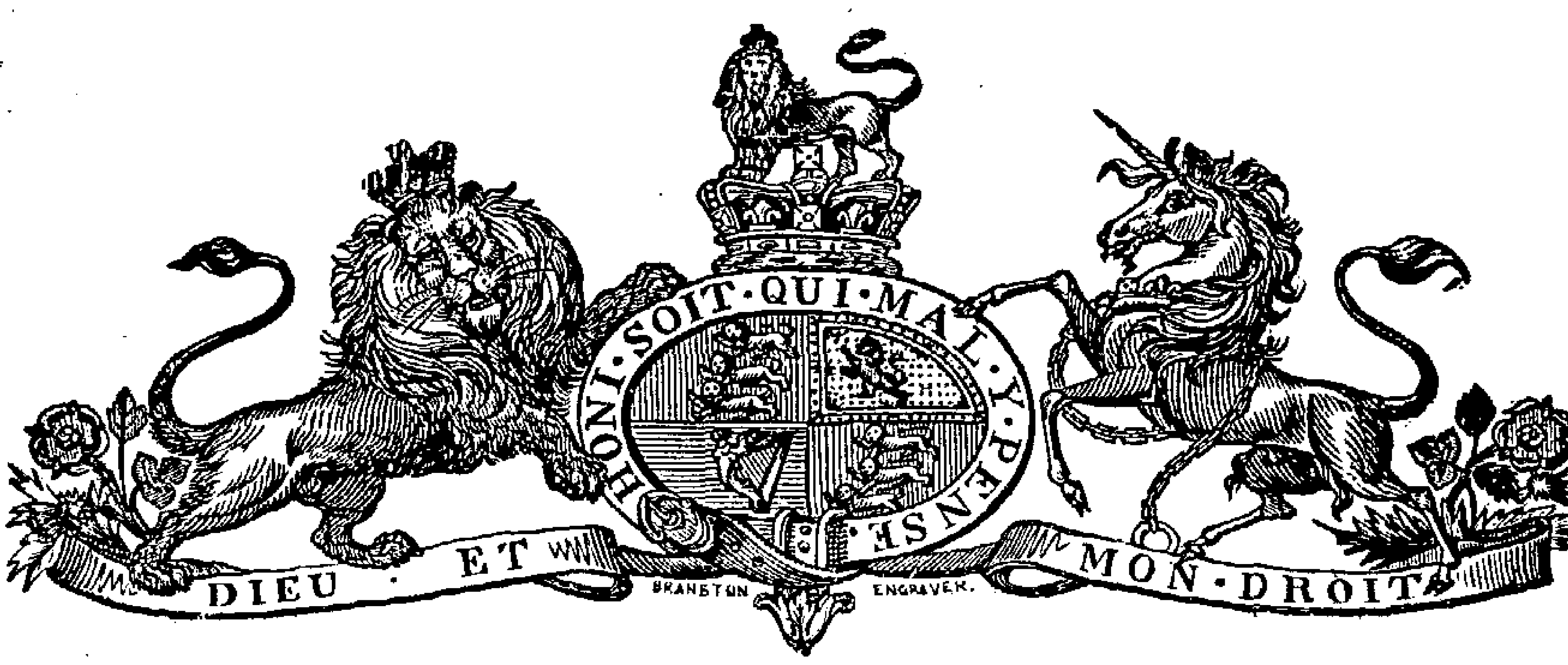


ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxii.

An Act for maintaining certain Roads in the County of *Salop* called The *Church Stretton* and *Longden* Roads. [18th *June* 1842.]

WHEREAS an Act was passed in the Second Year of the Reign of King *George* the Fourth, intituled *An Act to* 1 & 2 G. 4.
continue the Term and alter and enlarge the Powers of c. 101.
several Acts passed for repairing the Road from Coleham Bridge *in* Shrewsbury *to the Market Place in* Church Stretton, *and several other Roads therein described, all in the County of* Salop: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off, nor can the said Roads be effectually improved and kept in repair, unless the Tolls are increased or altered, further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for improving, maintaining, and keeping in repair the said Roads; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore

please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Fourth *Monday* next after the passing of this Act the said recited Act of the Second Year of the Reign of King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

All Arrears of Tolls and Monies due under recited Act vested in the Trustees under this Act.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Salop*, together with *Moses George Benson*, *John Boothby*, *Edward Bather* (Archdeacon of *Salop*), *Edward Bather* the younger, *John Bather*, *William Brayne*, *Robert Burton*, *Henry Burton* Clerk, *Nathaniel Betton*, *Panton Corbett*, *Richard Corbett*, *Uvedale Corbett*, *Richard Corfield*, *Joseph Corbett* Clerk, *Waties Corbett* Clerk, *William Cooper*, *Thomas Farmer Dukes*, *Edward Dicken*, *John Thomas Smitheman Edwardes*, *James Freme*, the Honourable and Reverend *Everard Robert Bruce Fielding* Clerk, the Honourable *Henry Wentworth Powys*, *Thomas Reader Gleadow* Clerk, *William Gilpin* Clerk, *Thomas Groves*, Sir *Henry Hawley*, *John Hazledine*, *Thomas Harries*, *William Hopkins* Clerk, *William Harley*, *Edward Haycock*, *John Thomas Hope*, *Thomas Henry Hope*, *Francis Blithe Harries*, *George Hunt* Clerk, the Honourable and Reverend *Richard Noel Hill*, *Noel Hill*, *Thomas Hunt* Clerk, *Francis Harries*, *George Hayward*, *William Wybergh How*, *William Egerton Jeffrys*, *George Jeffrys*, *Thomas Kynnersley*, *Henry Lyster*, *Thomas Loxdale*, *James Loxdale*, *Joseph Loxdale*, *John Loxdale*, *Robert Bridgman More*, *Edward Muckleston*, *Edward William Smythe Owen*, the Right Honourable Lord *Ossulston*, *Edward Price Owen* Clerk, *Thomas Parr*, *Thomas Parr* Clerk, *Robert Norgrave Pemberton* Clerk, *William Pinches*, *John Rocke* Clerk, *John Rocke* the younger, *Thomas Salt*, Sir *Edward Joseph Smythe* Baronet, *George Jonathan Scott*, *Humphrey Sandford* Clerk, *Humphrey Sandford*, *Joseph Sheppard*, *Richard Scott* Clerk, *Samuel Tudor*, *Henry Digory Warter*, *James Watkins*, *Robert Wilding*, *William Wolryche Whitmore*, *Rice Wynne*, *John Wingfield*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Appointment of Trustees.

IV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding

Power to appoint additional Trustees.

exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the Guildhall in *Shrewsbury*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Fourth *Monday* next after the passing of this Act, between the Hours of Eleven and One of the Clock, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times, and at such Places in the Neighbourhood of the said Roads, as they shall think proper.

Roads to which this Act is applicable.

VI. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the several Roads herein-after mentioned; (that is to say,) the Road leading from *Coleham Bridge* in the Town of *Shrewsbury* into and through the several Parishes or Places of *Coleham*, *Holy Cross*, and *Saint Giles*, *Meole Brace* otherwise called *Brace Meole*, *Sutton*, *Pulley*, *Bayston*, *Norton*, *Condover*, *Lythwood*, *Little Lyth*, *Great Lyth*, *Hunger Hill*, *Chatford*, *Stapleton*, *Dorrington*, *Longnor*, *Leebotwood*, *Lydleys Hays*, *Dudgley*, *All Stretton*, and *Church Stretton*, to the Market Place in the Town of *Church Stretton*; the Road leading from and out of the said Road at or near a Place called *Pulley Common*, in the Parish of *Condover*, into and through the said Parish of *Condover*, to the *Maypole* in *Condover*; the Road leading from *Coleham Bridge* aforesaid, into and through the several Parishes or Places of *Coleham*, *Meole Brace* otherwise called *Brace Meole*, *Saint Chad*, *Nobold*, *Whitley* and *Wilbatch*, *Hook-a-Gat*, *Great Hanwood*, *Little Hanwood*, *Longden*, *Longden's Wood*, *Pontesbury*, *Wrentnall*, *Castle Pulverbatch*, and *Church Pulverbatch*, to or near to the Turnpike Gate at *Castle Pulverbatch* in the Parish of *Church Pulverbatch*, all in the County of *Salop*, and which said Roads shall be called "The *Church Stretton* and *Longden* Roads."

Present Tolls continued for Three Months.

VII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on, or on the Sides of the said Roads until the Expiration of Three Calendar Months from the passing of this Act.

Power to take new Tolls.

VIII. And be it enacted, That upon and after the Expiration of Three Calendar Months from the passing of this Act it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Landaulet, Phaeton, Hearse, Curricle, Chair, Gig, Caravan, Taxed Cart, or other Carriage of a like Description, the Sum of Nine-pence:

For

For every Horse or other Beast or Cattle drawing any Waggon, Wain, Cart, Timber Carriage, Tumbril, or other Carriage of a like Description, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Seven-pence Halfpenny; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not less than Four and a Half Inches, the Sum of Nine-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four and a Half Inches, the Sum of Twelve-pence:

For every Horse or other Beast (not drawing), laden or unladen, the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in proportion for any greater or less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of One Shilling *per* Score, and so in proportion for any greater or less Number:

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of Sixpence *per* Wheel for each Wheel thereof:

For every Waggon, Wain, Cart, or other such like Carriage having the Nails of the Tire of the Wheels projecting more than One Quarter of an Inch above such Tire, a Sum not exceeding the Sum of Ten Shillings;

Which said Tolls shall be taken before any Horse, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Toll Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Fraction of a Halfpenny in Tolls.

IX. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting Number of Tolls to be payable on the Roads.

X. And be it enacted, That no more than Two full Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through the Toll Gates erected or to be erected or continued on the said Roads between *Coleham Bridge* and *Church Stretton*, and between *Pulley Common* and the *Maypole* in *Condover*, nor more than One full Toll on the said Road between *Coleham Bridge* and the Turnpike Gate at *Castle Pulverbatch*.

Persons having paid Toll to return Toll-free.

XI. And be it enacted, That all Horses and Animals (except as herein-after mentioned), in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar on any of the said Roads or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Toll Gate or Toll Bar (if any) as

as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay every Time of passing with fresh Hiring.

XII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Cattle had been made on the same Day.

Horses, &c. drawing different Carriages to pay every Time of passing.

XIII. Provided also, and be it enacted, That no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through such Toll Gate or Toll Bar on the same Day without again paying Toll.

Regulations as to Stage Coaches, &c.

XIV. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate or Toll Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Toll Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Trustees may reduce the Tolls for Lime for Manure.

XV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall in respect of the Matters last-mentioned be payable.

Respecting Toll Gates.

XVI. And be it enacted, That the several Toll Gates, Toll Bars, and Toll Houses now standing or being upon the said Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in or across the said Roads or on the Sides thereof any Toll Gate, Toll Bar, or Toll House, and to remove the present or any future Toll Gates, Toll Bars, or Toll Houses, as they shall think proper.

Penalty on Lessees of Tolls compounding for Overweight.

XVII. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition, by the Year or otherwise, with any Person whomsoever, for or in lieu of the Tolls of any Carriage, of whatever Description, liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof, by Confession, or on the Oath of any Witness, before any Two or more of Her Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum of Money not exceeding Twenty Pounds, and shall also forfeit his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and one Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied in the Repair of the said Roads.

Application of Monies.

XVIII. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the Roads comprised therein shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expences of obtaining and passing this Act, or incident thereto:

Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed:

Thirdly, in paying the Expences of improving, maintaining, and keeping in repair such Roads, and in putting this Act into execution with reference thereto:

Fourthly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may hereafter be borrowed on the Credit of the Tolls authorized to be taken by virtue of this Act:

Fifthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed:

Sixthly, in reducing, paying off, and discharging the several Principal Sums which may hereafter be borrowed on the Credit of the Tolls authorized to be taken by virtue of this Act.

No more Money to be laid out than taken on any Road.

XIX. And be it enacted, That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

No Money to be laid out or Tolls taken in Towns.

XX. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament

liament passed for the Improvement of any Town, nor shall any be collected therein.

Trustee or Clerk competent Witness in Actions.

XXI. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

The Roads not to be exempt from any general Act.

XXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXIII. And be it enacted, That this Act shall commence on the Fourth *Monday* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Act.

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

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall be understood to include Females.

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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