ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. civ.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Cleobury North and Ditton Priors* District and the *Cleobury Mortimer* District of Turnpike Roads in the Counties of *Salop* and *Worcester*.

[21st *July* 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for amending, maintaining, and* 6 G. 4. c. xlix.
improving the Roads from Bridgnorth *to* Cleobury North, *and also through* Ditton Priors *to the* Brown Clee Hill, *and from* Cleobury Mortimer *to several Places therein mentioned, and other Roads branching therefrom, in the Counties of* Salop *and* Worcester: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-six: And whereas considerable Sums of Money have been advanced and are now due upon the Credit of the Tolls authorized to be taken by the said Act, and such Sums cannot be paid off, or the Interest thereof discharged,

unless further Powers are granted, and the Term of the said Act be further continued: And whereas it is expedient that the said recited Act should be repealed or amended, and that further and more effectual Powers should be granted in lieu thereof; but the same cannot be done without the Authority of Parliament: May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, as follows:

Interpretation of Terms.

I. 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,)

The Word "Person" shall include Corporation:

The Expression "the Trustees" or "the said Trustees" shall mean the respective Trustees for the Time being acting in the Execution of this Act:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments:

The Expression "the Roads" shall mean the Roads to which this Act relates respectively:

The Word "Toll-gate" shall include any Turnpike Gate, Turnpike Bar, Toll Bar, Side Gate, Side Bar, or Chain set up and erected or to be set up or erected upon or across or by the Side of any of the said Roads to which this or the recited Act relates, or across any Highway or Lane communicating therewith respectively.

Recited Act repealed.

II. Upon the First Day of *November* One thousand eight hundred and fifty-six, the recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Roads shut up under recited Act to remain shut up.

III. All Parts of Roads diverted or discontinued or shut up under or by virtue of the Powers and Provisions of the said recited and repealed Act, or either of the Acts thereby repealed, shall remain and continue diverted and discontinued or shut up in such and the same Manner as if the said recited Act had not been repealed.

Monies and Property to vest in new Trustees.

IV. All Money due to, and all Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action vested in or belonging respectively to the Trustees of the *Cleobury North and Ditton Priors* District and the *Cleobury Mortimer* District of Roads respectively

respectively under the recited Act shall immediately on the Commencement of this Act be vested in and belong to the Trustees of such Districts respectively for executing this Act, and such Trustees respectively may sue for and recover the same respectively, and act in respect thereof as effectually as if the same had been vested in and belonged to them under the recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees of their particular District under the recited Act shall have been liable at the Repeal thereof, except such as may be hereby barred or extinguished.

Conveyances, &c. under former Act to continue in force.

V. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the said recited Act shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed, on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Act with or to any Person for any Purpose relating to the Roads therein comprised respectively, or to the Execution of the said recited Act shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said recited Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Former Books to be Evidence.

VI. All Books of Proceedings which have been kept by the Trustees acting in execution of the said recited Act, or by their Treasurers, Clerks, or Surveyors respectively under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Trustees for the Cleobury North and Ditton Priors District.

VII. All Her Majesty's Justices of the Peace acting for the County of *Salop* for the Time being, together with *William Angeworth*, Sir *Edward Blount* Baronet, *Thomas Whitmore*, *Wylde Browne*, *John Baker*, *Thomas Bolton*, *Thomas Bache*, *William Lacon Childe*, *Edmund Carr* Clerk, *John Henry Cooper*, *Thomas Crump*, *John Dalloway*, *John Jasper*, *William Jones*, *Thomas Mytton*, *Thomas Pardoe Purton*, *William Purton*, *George Phillips*, *George Pritchard*, *John Pritchard*, *Thomas Rowley* Clerk, *Samuel Ridley*, *Thomas Smith*, *John*

John Smith, *William Sing*, *John Sing*, *Valentine Vickers*, *Charles Blayney*, *Cavendish Whitmore* Clerk, *William Woolmyche Whitmore*, *Thomas Wilson*, *Thomas Deighton*, *William George Leigh Wasey* Clerk, *James Wall*, *Henry Slater Richards*, *Richard Boycott*, *James Brasier*, and *Joseph Thomas Parkes*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution with respect to the said *Cleobury North and Ditton Priors* District of Roads.

Trustees for the Cleobury Mortimer District.

VIII. All Her Majesty's Justices of the Peace acting for the Time being for the Counties of *Salop* and *Worcester* respectively, together with Sir *Edward Blount* Baronet, *Thomas Whitmore*, *Wylde Browne*, *William Lacon Childe*, *Thomas Crump*, *John Cooke*, *David Davies* Clerk, *Edward George Childe* Clerk, *William Severne* Clerk, Sir *Thomas Edward Winnington* Baronet, *Charles Wicksted*, *Charles Richard Somers Cocks* Clerk, *John Lateward*, *Lambert Lateward*, *Thomas Crump* the younger, *Henry Onians Backhouse*, *William Weaver Jones*, *Hugh McLaughlin* Clerk, *James Wayland Joyce* Clerk, *George Rushout*, *George Wheeler*, *John Downes*, *Thomas Clutton Brock*, *William Davies* Clerk, *Francis Severne* Clerk, *John Wheeler*, *John Hincksman*, *Richard Hodges Gwynn*, *Thomas Walker*, *Thomas Deighton*, *William Purton*, *John Henry Cooper*, *Thomas Smith*, *William George Leigh Wasey* Clerk, *John Purton* Clerk, and *Henry Slater Richards*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution with respect to the said *Cleobury Mortimer* District of Roads.

Power to appoint additional Trustees.

IX. It shall be lawful for the Trustees hereby appointed for the *Cleobury North and Ditton Priors* District of Roads and for the Trustees hereby appointed for the *Cleobury Mortimer* District of Roads respectively, and they are hereby authorized and empowered, from Time to Time 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 Three in the *Cleobury North and Ditton Priors* District of Roads, and not exceeding Three for the *Cleobury Mortimer* District of Roads, to be Trustees for the said respective Districts for the Purposes of this Act, in addition to the Trustees hereby nominated for the said Districts respectively, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to appoint Committees.

X. The Trustees of each said District may appoint Committees out of their own Number to execute any of the Purposes of this Act, so far as relates to their District, according to such Instructions and Regulations

Regulations as shall be laid down by such Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Officers to be continued.

XI. The Clerks, Treasurers, Surveyors, and all other Officers who have been appointed under and employed in the Execution of the said recited Act shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be deposed or removed by the Trustees, or be incapable of executing such Offices, and be subject to the like Rules and Regulations and Pains and Penalties in all respects whatsoever as if they had been appointed under or by virtue of this Act.

First Meeting of Trustees.

XII. The Trustees of the said *Cleobury North and Ditton Priors* District shall hold their First Meeting under the Provisions of this Act at the Town Hall in *Bridgnorth* in the County of *Salop*, or at some convenient House in the Town of *Bridgnorth* aforesaid, on the First *Monday* in *November* next after the passing of this Act, or as soon after as conveniently may be; and the Trustees for the said *Cleobury Mortimer* District shall hold their First Meeting at the Court House in the Town of *Cleobury Mortimer* in the said County of *Salop*, or at some other convenient House or Public Room in *Cleobury Mortimer* aforesaid, on the First *Monday* in *November* after the passing of this Act, or as soon after as conveniently may be; and the said respective Meetings shall and may be adjourned from Time to Time to such Times and Places on or near the said respective Districts as the said respective Trustees shall think proper; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, the Meeting shall be adjourned, and Two Trustees shall be sufficient for the Purposes of Adjournment only.

Roads to which this Act is applicable.

XIII. This Act shall be put into execution for the Purpose of discharging the Debts incurred in making and maintaining the Roads herein-after mentioned, and for the Purpose of maintaining, repairing, amending, and improving the same Roads respectively; (that is to say,)

First. The Roads leading from the Town of *Bridgnorth* in the County of *Salop* to the Village of *Cleobury North* in the same County, and from *Bridgnorth* aforesaid through *Ditton Priors* to the Foot of the *Brown Clee Hill* in the said County of *Salop*, and such Roads shall be and be called "The *Cleobury North and Ditton Priors* District of Roads:"

Secondly. The Roads following, (that is to say,) the Road leading from *Cleobury Mortimer* in the County of *Salop* through the

the *Wall Town* by the Vicarage in the Parish of *Kinlet*, and through the Parishes of *Billingsley*, *Deuxhill*, and *Glazeley* by the *Cross Houses* to the Village called *Morville* in the said County of *Salop*, and from *Cleobury Mortimer* to *Glazeley*, and through *Oldbury* to the Town of *Bridgnorth* aforesaid; and also the Road leading from *Cleobury Mortimer* aforesaid through *Milson* and *Spirtree Lane* and the Parish of *Burford* to the *Ludlow* Turnpike Road in the Road to *Tenbury*; and also the Road from the Summit of *Abberley Hill* at its Junction with the *Tenbury and Worcester* Road by the Turnpike Gate on *Abberley Hill* to a Place called *Poulters* in the Turnpike Road from *Cleobury Mortimer* to *Bewdley* in the County of *Worcester*; and also the Road leading from and out of the Turnpike Road at or near *Abberley* Turnpike Gate in the Parish of *Abberley* into the *Tenbury* Turnpike Road in the said Parish of *Abberley* in the County of *Worcester*; and also the Road branching out of the Turnpike Road leading from *Cleobury Mortimer* to *Bridgnorth* aforesaid, at or near a Place called the *Six Ashes* in the Parish of *Neen Savage* in the County of *Salop*, leading into the *Bewdley* Turnpike Road at *Mawley Town* in the Parish of *Cleobury Mortimer* in the said County of *Salop*; and the Road branching out of the Turnpike Road leading from *Cleobury Mortimer* to *Bridgnorth* aforesaid at or near the *Six Ashes* aforesaid, and leading by *Elcot* and the *Hall Orchard* in the Parishes of *Neen Savage* and *Stottesdon* into the Turnpike Road on *Bagginswood Common* leading from *Bewdley* to *Prescott* in the said County of *Salop*; and also the Road branching out of the Turnpike Road leading from *Cleobury Mortimer* through *Milson* and *Spirtree Lane* to the Turnpike Road from *Ludlow* to *Tenbury* in the County of *Salop*, and extending from the said Turnpike Road in the Village of *Milson* into and through the Parish of *Neen Sollers* in the same County, and from thence into the Parish of *Mamble* in the County of *Worcester*, and joining or uniting with the Turnpike Road leading from *Bewdley* to *Tenbury* at or near to a Place called the *Round Bush*; which said several last-mentioned Roads shall be and be called "The *Cleobury Mortimer* District of Roads."

Power to take Tolls on the Cleobury North and Ditton Priors District.

XIV. Upon and after the First Day of *January* One thousand eight hundred and fifty-seven, it shall be lawful for the Trustees of the said *Cleobury North and Ditton Priors* District of Roads to demand and take, at the several and respective Toll Gates, Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains which are or shall be standing, being, or continued or erected by virtue of this Act in, upon, or across any Part of the said District of Roads, or on the Sides thereof,

thereof, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, Stage Coach, Caravan, or Van, or other such like Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Felloes of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards from Side to Side at the Bottom or Sole thereof, the Sum of Fourpence; and of the Breadth of Four-and-a-Half Inches or more, and less than Six Inches, the Sum of Fivepence; and of less Breadth than Four-and-a-Half Inches, the Sum of Sixpence:

For every Carriage moved or propelled by Steam or other Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel:

For every Horse, Mule, or Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

For every Horse or other Beast drawing any Carriage laden with any Timber or Stone (not for the Repair of the Roads or Bridges erected or to be erected thereon) on any Part of the Roads within the *Cleobury North and Ditton Priors* District, between the First Day of *October* and the First Day of *April* following in every Year, both Days inclusive, double the respective Tolls herein-before made payable for the same: Provided always, that in all Cases where any Waggon, Wain, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat Cattle shall be considered as One Horse: Which said respective Tolls and Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain.

Power to take Tolls on the Cleobury Mortimer District.

XV. Upon and after the First Day of *January* One thousand eight hundred and fifty-eight, it shall be lawful for the Trustees of the said *Cleobury Mortimer* District of Roads to demand and take at the several and respective Toll Gates, Turnpikes, Toll Houses, Side Gates, Side Bars, or Chains which are or shall be standing, being, or continued or erected by virtue of this Act in, upon, or across any Part of

of the said District of Roads, or on the Sides thereof, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, Stage Coach, Caravan, or Van, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Felloes of the Wheels thereof of the Broad Gauge of Six Inches or upwards from Side to Side at the Bottom or Sole thereof, the Sum of Fourpence; and having the Felloes of the Wheels thereof of the Breadth of Four-and-a-Half Inches, and less than Six Inches, the Sum of Sixpence; and of less Breadth than Four Inches and a Half, the Sum of Sevenpence:

For every Carriage moved or propelled by Steam or other Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel:

For every Horse, Mule, or Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

For every Horse or other Beast drawing any Carriage laden with any Timber or Stones (not for the Repair of the Roads or Bridges erected or to be erected thereon) on any Part of the Roads within the *Cleobury Mortimer* District, between the First Day of *October* and the First Day of *April* following in every Year, both Days inclusive, double the respective Tolls herein-before made payable for the same: Provided always, that in all Cases where any Waggon, Wain, Cart, or other such Carriage shall be drawn by Oxen or other Neat Cattle, Two such Oxen or Neat Cattle shall be considered as One Horse: Which said respective Tolls and Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain:

Provided also, that from and after the Thirty-first Day of *December* One thousand eight hundred and fifty-seven, no more than One Half of the Tolls hereby made payable in respect of the said *Cleobury Mortimer* District of Roads shall be taken at the Gate called or known by

by the Name of the *Oldbury* or *Eardington* Side Bar, or any other Gate or Side Bar erected in lieu of or in addition thereto on the said District of Roads between the said *Oldbury* or *Eardington* Side Bar and the Town of *Bridgnorth*.

As to the Fraction of a Halfpenny in Tolls.

XVI. In all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once a Day at the same Gate, except, &c.

XVII. Every Horse, Beast, Animal, and Carriage in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the Roads respectively, shall, upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through the same Toll Gate or any other Toll Gate which the Ticket for such Payment shall free, except in the Cases herein-after mentioned, and the Day shall be computed from Twelve o'Clock at Night to Twelve o'Clock on the next succeeding Night.

Stage Coaches, &c. to pay every time of passing.

Postchaises on every new Hiring.

XVIII. The Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, Stage Waggon, or other Stage Carriage, carrying or conveying Passengers or Goods for Pay, Hire, or Reward, every Time of passing or repassing along the Line of either of the said Districts of Roads, and also for or in respect of all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire every Time of passing and repassing as aforesaid upon every new Hiring of such Postchaise or other Carriage.

Tolls on Horses drawing different Carriage.

XIX. The Tolls by this Act made payable in respect of Horses, Beasts, or Animals drawing any Carriage or Vehicle whatsoever shall be paid for every Time during the same Day that any such Horse, Beast, or Animal shall pass through any Toll Gate on the Roads respectively drawing any laden Carriage or Vehicle other than that which such Horse, Beast, or Animal shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse, Beast, or Animal.

Limiting Number of Tolls on the Cleobury North District.

XX. No more than the Tolls following shall be demanded or taken for or in respect of the same Horses, Beasts, or Cattle for passing or repassing at any Time or Times in any One Day through all or any of the Toll Gates erected or to be erected upon the whole Line of the said *Cleobury North and Ditton Priors* District; (that is to say,) no more than Two Tolls between *Cleobury North* and *Bridgnorth*, nor more than Two Tolls between *Bridgnorth* and the Foot of the *Brown Clee Hill*.

Limiting Number of Tolls on the Cleobury Mortimer District.

XXI. No more than the Tolls following shall be demanded or taken for or in respect of the same Horses, Beasts, or Cattle for passing or repassing at any Time or Times during any One Day through all or any of the Toll Gates erected or to be erected upon the whole Line of the said *Cleobury Mortimer* District; (that is to say,) no more than Three Tolls between *Cleobury Mortimer* and *Bridgnorth*, nor more than Three Tolls between *Cleobury Mortimer* and *Morville*, nor more than Two Tolls between *Abberley Hill* and *Poulters*, nor more than One Toll between the *Six Ashes* and *Mawley Town*, nor more than One Toll between the *Six Ashes* and *Bagginswood Common*, nor more than Two Tolls between *Cleobury Mortimer* and the *Ludlow and Tenbury* Turnpike Road through *Milson*, nor more than Two Tolls between *Cleobury Mortimer* and the *Round Bush* in the *Bewdley and Tenbury* Turnpike Road.

Exemptions from Toll.

XXII. No Toll shall be demanded or taken for any Horse, Beast, or other Cattle or Carriage used or employed in carrying or conveying or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not hereby exempted from Toll), or any Hay, Straw, Fodder for Cattle, Corn in the Straw, threshed Corn, Potatoes, or other agricultural Produce, which has grown or arisen on Land or Ground in the Occupation of the Owner or Owners of any such Hay, Straw, Fodder, Corn in the Straw, threshed Corn, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, nor for any Horses or other Beasts used or employed in Husbandry in going to or returning from Plough, Harrow, tilling or sowing of Land, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried, or for any Sheep or Lambs going to or returning from Fold, Pasture, or Watering Place, such Horses or other Beasts, Sheep, or Lambs not going or returning on any or either of the Occasions aforesaid more than Two Miles on either of the said respective Districts of Roads on which the Exemptions shall be claimed, nor for any Horse, Beast, or other Cattle or Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Bricks, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll House or Toll or other Gate now erected and continued or hereafter to be erected by virtue of this Act on the said Roads, nor for any Horses, Beasts, or other Cattle or Carriage which shall only cross any of the said Roads or shall not pass above One hundred Yards thereon.

XXIII. If

Powers for the Trustees to exempt Lime wholly or partially.

XXIII. If the Trustees for the said *Cleobury North and Ditton Priors* District, or the Trustees for the said *Cleobury Mortimer* District, shall at any of their Meetings respectively to be held by virtue of this Act think proper to order that the Tolls hereby granted for Horses or other Beasts drawing any Waggon, Cart, or other Carriage shall be wholly remitted, or partly reduced, for Horses or other Beasts drawing any such Waggon, Cart, or other Carriage employed in carrying or conveying or going to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime for manuring or improving Lands, then and in each and every such Case no Toll, or no more than the reduced Toll mentioned in such Order, shall be demanded or taken for the same according to such Order or Orders.

Present Tolls may be continued for a Term.

XXIV. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable in respect of the said *Cleobury North and Ditton Priors* District of Roads shall continue to be paid at the Toll Gates belonging to the Trustees of such District of Roads until and inclusive of the Thirty-first Day of *December* One thousand eight hundred and fifty-six, and the several Tolls thereby granted and made payable in respect of the said *Cleobury Mortimer* District of Roads shall continue to be paid at the Toll Gates belonging to the Trustees of such last-mentioned District of Roads until and inclusive of the Thirty-first Day of *December* One thousand eight hundred and fifty-seven.

Respecting Toll Gates.

XXV. The several Toll Gates and Toll Houses now standing or being upon the said Roads, or on the Sides thereof, shall be continued until removed by an Order of the Trustees, and it shall be lawful for the Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up on or across the said Roads, or on the Sides thereof, any Toll Gates, Toll Houses, or Weighing Machines as they shall think necessary, and from Time to Time to take down and remove or alter or discontinue the same, or any of them, as they the said respective Trustees shall think proper and direct or appoint: Provided always, that no such Toll Gate, Toll Houses, Weighing Machines, or Gardens shall be so removed or set up, inclosed or discontinued, except the same shall be ordered to be removed or set up, inclosed or discontinued, at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

9 G. 4. c. 77.

XXVI. It

Power to Trustees to sell and convey Toll Houses, and the Ground on which they stand.

XXVI. It shall and may be lawful for the said Trustees, where any Toll Houses, or the Gardens and Appurtenances thereunto belonging, shall not encroach on the said Roads, or Branches, or the Sides thereof, to sell and dispose of any such Toll Houses as may become useless, and the Land or Ground upon which they stand or may be erected, together with any Gardens and Appurtenances belonging thereto, as they shall think proper, if the Site of such Toll Houses, Lands, or Gardens shall have been purchased by the said Trustees under the said recited Act or any former Act, and shall be vested in the Trustees under this Act, either by Public Sale or Private Contract, for the best Price that may be obtained for the same, and to convey the same to the Purchaser or Purchasers thereof, and such Conveyance under this Act may be executed by any Three of the said Trustees, and such Conveyance shall be in the Form contained in the First Schedule to this Act annexed, or as near thereto as Circumstances will admit, and the Purchase Money shall be paid to the Treasurer or Treasurers of the said Trustees for the Time being, and the Receipt of such Treasurer or Treasurers alone shall be a good and valid Receipt to such Purchaser for the Purchase Money expressed therein: Provided always, that such and the like Preference and Priority of purchasing at a fair Valuation the Premises so to be sold shall always be given to the Owner of the Land immediately behind the said Toll Houses or Gardens, whose Frontage to the said Roads or Branches shall be obstructed or interfered with by such Toll Houses and Gardens as aforesaid, as is by the Statutes for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road; but in case any such Toll Houses shall encroach on the said Roads or Branches, or any Part thereof, so as not to leave the said Roads or Branches of the clear Width of Thirty Feet, the same, when they shall become useless, shall be pulled down by the said Trustees, and the Site of the said Toll Houses and Gardens shall be laid into the Road or Roads and form Part of the same.

Power to make Causeways, Bridges, Drains, &c.

XXVII. It shall be lawful for the Surveyor or Surveyors of the said Roads, and such Persons as he or they shall appoint by Order of the said Trustees, to make and keep in repair, or cause to be made and kept in repair, within their respective Districts, any Causeway or Causeways for the Use of Foot Passengers in, upon, or on the Sides of the said Roads, in such Manner as they shall think proper, and also the Ditches or Drains in or upon the said Roads, and also such Ditches or Drains through any Ground lying contiguous or near thereto (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), and to erect, rebuild, and keep in repair all Bridges,

Bridges, Culverts, and Arches upon the said Roads, or across any of the Ditches, Watercourses, or Drains, where necessary; and the said Trustees shall make such Recompence to the Owners and Occupiers of such Grounds respectively for the Damage they shall or may thereby sustain as shall be adjudged reasonable by the said Trustees; and in case of any Difference concerning such Damage between such Owners or Occupiers and the said Trustees, then it shall be lawful for any Two or more Justices acting for the County of *Salop*, in the Case of the *Cleobury North* District of Roads, and for the Counties of *Salop* and *Worcester*, or either of them, in the Case of the *Cleobury Mortimer* District of Roads, on Ten Days Notice in Writing being given by either Party to the other, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid; and all new Ditches, Drains, Bridges, Culverts, and Arches to be made in pursuance of this Act, when so made and completed by the said respective Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Lands or Grounds, but all such new Bridges, Arches, or Culverts as shall cross or pass through, in, or under the said Roads shall be repaired and maintained by the said respective Trustees.

Trustees may let Tolls by Tender.

XXVIII. Notwithstanding anything in this Act or in any General Act of Parliament to the contrary contained, it shall be lawful for the Trustees, if they shall think fit, to let the Tolls of either of the said Trusts respectively at any Meeting to be held for the Purpose of letting the same by Auction, at which no Bidding by Auction for the same respectively shall have been accepted for any Term not exceeding Three Years, subject to such Terms and Conditions as they shall think proper, to the Person who shall tender in Writing the highest Amount to be paid for the same, such Amount not being less than the Amount at which the same Tolls respectively shall have been let for the then past Year: Provided always, that Notice of the Intention of the Trustees to receive Tenders for such Tolls, specifying the Amount at which such Tolls were let for the then past Year, shall be duly given in manner provided by the General Turnpike Act for giving Notice of the Intention to let the Tolls by Auction: Provided also, that the respective Trustees shall be at liberty to tender once as a reserved Tender for the Tolls of the said Trusts respectively, and shall not be bound to let the Tolls to any Person who shall tender for the same, unless such Person shall give satisfactory Security for the Payment of the Amount of Tolls so tendered for; and provided lastly, that the Amount at which such Tolls shall have been so let by Tender shall be published by Advertisement in some Newspaper published and circulated in the County of *Salop* within Three Weeks of the Time of such Tender being accepted.

Trusteesmay accept an Offer for extended Period for Lease of Tolls.

XXIX. If before the Expiration of any Lease or Agreement to take to farm the Tolls respectively by this Act granted, or any of them, the Trustees shall receive an Offer for a Lease or Agreement to take to farm such Tolls for a further Period not exceeding Three Years at a Rent or yearly Payment exceeding the Rent or yearly Payment then paid for such Tolls respectively, and if the Trustees shall be of opinion and resolve that in their Judgment it will be more beneficial to the Trust that such Offer should be accepted than that the said Tolls should be put up to Auction in the Manner provided by Section Fifty-five of the General Turnpike Act, Third *George* the Fourth, Chapter One hundred and twenty-six, the Trustees may accept such Offer and carry the same into effect, anything contained in such Fifty-fifth Section to the contrary notwithstanding.

Mortgagees to take possession for Arrears of Interest only.

XXX. Whenever and so long as the Interest, at the Rate hereby authorized, upon the Mortgages made under the Powers of the recited Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, and Buildings upon the Line of either of the said Districts of Roads respectively, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and if such Mortgagee shall enter into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he shall pay the Interest from Time to Time due and becoming payable upon all such existing Mortgages without any Priority or Preference, and may reimburse himself any Costs to which he may be entitled; and such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the respective Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgage up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the respective Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to all respective Trustees, or any Person appointed by them respectively to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

XXXI. All

Application of Monies.

XXXI. All Moneys which shall come to the Hands of the Trustees of the *Cleobury North and Ditton Priors* District of Roads by virtue of this Act shall be applied as follows:

First, In paying and discharging Half the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, In paying the Costs and Expenses attending the Management of the Trust, including the necessary Expenses of erecting or providing, altering, and repairing Toll Gates, Toll Houses, and Weighing Machines, and the Salaries of Officers, provided that such Expenses shall not exceed in any One Year the Sum of Thirty Pounds, exclusive of the Rent of Toll Houses, Salaries, or Payments to Toll Collectors for collecting Tolls, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace, or any other Proceeding for maintaining and protecting the Trust:

Thirdly, In paying off and discharging the Sum of Two hundred and six Pounds Six Shillings and One Penny now due and owing to the Treasurer of the said Trust:

Fourthly, In paying Interest after the Rate of Three Pounds *per Centum per Annum* on the several Sums mentioned in the Second Schedule to this Act annexed, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fifthly, In paying the Expenses of maintaining and repairing the said Roads within the said *Cleobury North and Ditton Priors* District, not exceeding One hundred and forty Pounds *per Annum*:

Sixthly, In reducing, paying off, and discharging in manner hereinafter provided the several Sums mentioned in the said Second Schedule, or so much thereof respectively as shall for the Time being be unpaid:

Seventhly, In paying the Expenses of further maintaining, improving, and keeping in repair the said Roads, and in putting this Act into execution with reference thereto.

All Moneys which shall come to the Hands of the Trustees of the *Cleobury Mortimer* District of Roads by virtue of this Act shall be applied (as follows):

First, In paying and discharging Half the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, In paying the Costs and Expenses attending the Management of the Trust, including the necessary Expenses of erecting or

or providing, altering, and repairing Toll Gates, Toll Houses, and Weighing Machines, and the Salaries of Officers, provided that such Expenses shall not exceed in any One Year the Sum of One hundred and twenty Pounds, exclusive of the Rent of Toll Houses, Salaries, or Payments to Toll Collectors for collecting Tolls, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace, or any other Proceeding for maintaining and protecting the Trust:

Thirdly, In paying Interest after the Rate of Two Pounds Ten Shillings *per Centum per Annum* on the several Sums mentioned in the Third Schedule to this Act annexed, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fourthly, In paying the Expenses of maintaining and repairing the said Roads within the said *Cleobury Mortimer* District, not exceeding Two hundred and eighty Pounds *per Annum*:

Fifthly, In reducing, paying off, and discharging in manner hereinafter provided the several Sums mentioned in the said Third Schedule, or so much thereof as shall for the Time being be unpaid:

Sixthly, In paying the Expenses of further maintaining, improving, and keeping in repair the said Roads, and in putting this Act into execution with reference thereto.

Interest not to accrue until the Expenses of this Act are paid.

XXXII. No Interest shall accrue due on the said Principal Sums owing on the Credit of the Tolls authorized to be taken on the said Roads respectively until the Trustees shall have received sufficient Sums to pay and discharge, and shall have paid and discharged, the Expenses of obtaining and passing this Act and incident thereto.

Defining the Amount of the Principal Debt.

XXXIII. After the Commencement of this Act the Principal Moneys owing on the Security of the Tolls respectively taken on the said Roads shall consist of the several Sums mentioned in the Second and Third Schedules to this Act annexed, amounting together to the Sums of Three thousand one hundred and ninety Pounds and Four thousand nine hundred Pounds respectively; provided, that if the several Sums of Fifty Pounds and Two hundred Pounds in the said Schedules respectively specified as due to the Representatives of *Knight* and *Charles Holland* respectively shall not be claimed within the Space of One Year next after the passing of this Act, then the same, or either of them which shall not be so claimed, shall, upon the Expiration of such Time, be wholly extinguished, together with all Interest thereon respectively, and no Interest shall be

be taken to be due thereon respectively at the Time of the passing of this Act.

As to Mode of discharging Debt.

XXXIV. When and so often as the Sum applicable to the Discharge of the Principal Moneys for the Time being owing on Mortgage of the *Cleobury North and Ditton Priors* or of the *Cleobury Mortimer* District, as the Case may be, shall amount to the Sum of Two hundred Pounds, the Trustees of such District respectively shall, at any General or Annual Meeting, apply such Sum in Payment of a proportionate Part of the said Principal Moneys to the Persons entitled thereto, and shall Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof so far as the same relate to the Application of such Sum, by Letter sent by Post to such Mortgagee, directed to his usual or last known Place of Abode, or by Notice in some Newspaper published in the County of *Salop*; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Principal Moneys owing on Mortgage of such Toll to the Mortgagee who shall, by Proposal in Writing transmitted to the Clerk of the Trustees for such District before such Meeting, have offered to accept the lowest Composition in respect of such Moneys, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, as the Case may require, in or towards the Discharge of other Principal Moneys owing on Mortgage of the said Tolls to the Mortgagee who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Moneys due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Mortgagees by such Proposal as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and that if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same so far as may be necessary in or towards the Discharge of the Moneys to which any such Proposals relate, the Trustees shall apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Mortgagees of the said Tolls for the respective District, or shall pay the same to such of them as may be determined by Lot, as the Trustees shall think fit, and such Mortgagee or Mortgagees respectively shall be compelled to receive the same, or the Interest thereafter to accrue due on their respective Mortgages shall thereupon cease and determine.

When the Debts paid paid off, the Toll Gates to be removed.

XXXV. If the whole of the said several Principal Sums mentioned in the Second and Third Schedules to this Act annexed shall be paid off before the Expiration of the Term by this Act granted, then from and immediately after the Determination of such Debts the Toll Gates then standing and being on the said Roads shall be removed, and such Roads shall thenceforth cease to be Turnpike Roads.

Road not exempt from Provisions of present and future General Acts.

XXXVI. Nothing in this Act contained shall be deemed to exempt either of the said Districts of Roads 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, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

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

XXXVII. The Trustees shall not levy Tolls or lay out Money within the Limits of any Act of Parliament for the Improvement of any Town.

Term of Act.

XXXVIII. This Act shall commence on the First Day of *November* One thousand eight hundred and fifty-six, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow, and

Short Title.

shall for all Purposes be sufficiently described or referred to as "The *Cleobury* Districts Roads Act, 1856."

SCHE-

SCHEDULES referred to by this Act.

THE FIRST SCHEDULE.

By virtue and in pursuance of an Act passed in the Nineteenth and Twentieth Years of the Reign of Her Majesty Queen Victoria, intituled "The Cleobury Districts Roads Act, 1856," in consideration of the Sum of to , the Treasurer appointed by the Trustees for putting the said Act into execution with respect to the District of Roads, having been this Day paid by , of

We, whose Names are hereunto subscribed and Seals affixed, being Three of the said Trustees, do hereby grant, release, and convey unto the said , his Heirs and Assigns, all [*describe the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, to hold the Premises to the said , his Heirs and Assigns for ever, according to the true Intent and Meaning of the said Act.

In witness whereof we have hereunto set our Hands and Seals the Day of , 18 .

THE SECOND SCHEDULE.

Debts secured by Mortgages of the Tolls of the Cleobury North and Ditton Priors District.

Name of Mortgagee.	Amount. £	s.	d.
Barker, , Widow - - - -	800	0	0
Blue Coat School (Trustees of) - - -	340	0	0
Minton, John (Representatives of) - - -	100	0	0
Purton, Thomas Pardoe - - - -	500	0	0
Purton, William (Trustees of) - - -	1,200	0	0
Vickers, Ann, Widow - - - -	200	0	0
[Knight, , the Representatives of, if claimed with Effect within One Year next after the passing of this Act] - - - - -	50	0	0
	£3,190	0	0

THE THIRD SCHEDULE.

Debts secured by Mortgage of the Tolls of the Cleobury Mortimer District.

Name of Mortgagee.	Amount. £	s.	d.
Blount, Sir Edward - - - - -	330	0	0
Cleobury Mortimer Market House (Trustees of) -	70	0	0
Childe, William Lacon - - - -	500	0	0
Deighton, Thomas (Executor of Thomas Milner) -	1,300	0	0
Grove, Thomas (surviving Executor of Ann Milner)	1,300	0	0
Stevens, James - - - - -	100	0	0
Stevens, James - - - - -	300	0	0
Ullathorne, Right Rev. Dr. - - - -	800	0	0
[Holland, Charles, the Representatives of, if claimed with Effect within One Year next after the passing of this Act] - - - - -	200	0	0
	£4,900	0	0

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