ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxxvii.

An Act for repairing and maintaining several Roads leading from the Town of *Kington*, and other Roads branching therefrom, in the County of *Hereford*. [18th *June* 1842.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for repairing and widening the Roads leading from the Town of* Kington *in the County of* Hereford, *through the* Welch Hall Lane, *as far as the same County extends, and the several Roads leading from* Kington *aforesaid to* Brilley's Mountain, *to* Eardisley, *to* Almeley, *to* Eckley's Green, *to* Eardisland, *to* Staple Bar, *and to* Milton House, *in the said County of* Hereford: And whereas another Act was passed in the Thirteenth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Twenty-ninth Year of the Reign of His late Majesty, for repairing and widening the Roads leading from the Town of* Kington *in the County of* Hereford, *through the* Welch Hall Lane, *as far as the said County extends, and the several Roads leading from* Kington *aforesaid to* Brilley's Mountain, *to* Eardisley, *to*

29 G. 2. c. 65.

13 G. 3. c. 95.

Almeley, *to* Eckley's Green, *to* Eardisland, *to* Staple Bar, *and to* Milton House, *in the said County; and for amending the Road from the Turnpike Road in the Parish of* Eardisley *to* Willersley *Turnpike Gate in the said Parish:* And whereas another Act was passed in the Thirty-
34 G. 3. c. 119. fourth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of the Twenty-ninth Year of King* George *the Second and the Thirteenth Year of His present Majesty, for repairing and widening several Roads leading from the Town of* Kington *in the County of* Hereford, *and other Roads within the said County; and also for making, amending, widening, and keeping in repair certain other Roads within the said County adjoining or lying near to the Roads comprised in the said Acts:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of King
59 G. 3. c. 82. *George* the Third, intituled *An Act for continuing and amending Three Acts of His late and present Majesty, for repairing several Roads leading from the Town of* Kington *in the County of* Hereford, *and for repairing several other Roads in the said County communicating with the Roads comprised in the said Acts:* And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts, which Money stills remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off or the Interest thereof be discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Acts is further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted for repairing and improving the present 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

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

by the Authority of the same, That upon the Fourth *Monday* next after the passing of this Act the said recited Acts of the Twenty-ninth Year of the Reign of King *George* the Second, and of the Thirteenth, Thirty-fourth, and Fifty-ninth Years of the Reign of King *George* the Third, shall be repealed, and that this Act shall thereafter be put in execution during the Term and for the Purposes herein-after mentioned.

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

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Acts 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 Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Hereford*, and also *Charles Williams Allen*, the Right Honourable Sir *Harford Jones Brydges*

Brydges Baronet, *Richard Banks*, *William Griffiths Bevan*, *Samuel Bevan*, *Benjamin Boddington*, *James Cheese*, *John Cheese*, *John Altham Graham Clarke*, *George Coke* Clerk, *Joshua Cross*, Lieutenant-Colonel *James Davies*, *William Domvile* Clerk, *William Davies*, *Tomkins Dew*, *William Edward Evans* Clerk, *Henry Evans* Clerk, *William Edwards* Clerk, *Samuel Evans* Clerk, the Honourable *Alfred Harley* commonly called Lord *Harley*, *John Hardwicke*, Sir *Thomas Hastings* Knight, *John Smith Hill*, *Francis Lloyd Harris*, *Walter Henry Hill* Clerk, *Thomas Jeffries*, *Maurice James* Clerk, *James King* Clerk, *James King King*, *Thomas King* Clerk, *John Kempson* junior, the Right Honourable *Thomas Frankland Lewis*, *Thomas Lewis*, *Gilbert Frankland Lewis* Clerk, *John Meredith* Ironmonger, *John Meredith* Esquire, *John Muscott*, *Peter Rickards Mynors*, *Robert Mc. Murdo*, *Thomas Monington*, *Henry William Maddock* Clerk, *William Moore*, *Henry Meredith*, *Samuel Peploe*, *Thomas Perry*, *Richard Parkinson*, *Thomas Stevens Rogers*, *Thomas Bourke Rickett*, *William Romilly*, *John Randall* Clerk, *Morris Sayce*, *William Sayce*, *John Robert Smythies* Clerk, *John Trumper* Clerk, *William Unett*, *John Whittaker*, Sir *John Walsham* Baronet, Sir *John Benn Walsh* Baronet, *Arthur Henry Wall*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional 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 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: Provided always, that Twenty-one Days Notice shall be given of an Intention to elect such additional Trustees as aforesaid.

First Meeting of Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at some convenient Place in the Town of *Kington*, and shall then and from Time to Time thereafter adjourn to and meet at such Times and Places in the said Town of *Kington* as they shall think proper.

Roads to which this Act is applicable.

VI. And be it enacted, That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the Town of *Kington* aforesaid, through the *Welch Hall Lane*, by the *Weaver's Cottage*, along the Line of the Tram Road towards *Stanner Rock*, so far as the County of *Hereford* extends:

Also the present Turnpike Road leading from the Town of *Kington* aforesaid, towards *Brilley's Mountain*, so far as the Parish of *Huntington* in the said County of *Hereford* extends:

Also the present Turnpike Road leading from *Kington* by *Hergest* towards *Gladestry*, so far as the said County of *Hereford* extends:

Also the present Turnpike Road branching out of the Turnpike Road to *Brilley's Mountain*, over *Mahollam Bridge*, through *Huntington*,

Huntington, towards *Newchurch* in the County of *Radnor*, so far as the said County of *Hereford* extends:

Also the present Turnpike Road leading from the Town of *Kington* aforesaid, by the *Tadpoles*, through *Woodbrook* and the Village of *Eardisley* to *Willersley* Turnpike Gate in the Parish of *Willersley*:

Also the present Turnpike Road leading from *Whitney* by the *Mill Half* to the Village of *Eardisley*:

Also the present Turnpike Road leading from *Eardisley* by *Upcott*, along the Line of the Tram Road, through *Almeley*, to *Woonton*:

Also the present Turnpike Road leading from *Almeley* by the *Holme's Marsh* into the present Turnpike Road near the *Holme* in the Parish of *Lyonshall*:

Also the present Turnpike Road leading from *Almeley* aforesaid, by *Newton*, into the *Leominster* Turnpike Road at or near *Kinnersley*:

Also the present Turnpike Road leading from the Town of *Kington* aforesaid, through *Lyonshall*, *Woonton*, and *Sarnesfield*, to *Eckley's Green*:

Also the present Turnpike Road leading from the Town of *Kington* aforesaid, through *Pembridge* and by *Legions Cross*, to the County Bridge at *Eardisland*:

Also the present Turnpike Road leading from *Legions Cross* aforesaid to *Stretford's Bridge*:

Also the present Turnpike Road leading from *Kington* aforesaid, through *Titley* and *Stansbach* under *Wapley Hill*, to *Staple Bar*:

Also the present Turnpike Road leading from *Stansbach* aforesaid, by *Stockley's Cross*, *Milton Cross*, and *Milton House*, to the Confines of the Parishes of *Pembridge* and *Shobdon* at a Cottage called *Canterbury*:

Also the present Turnpike Road leading from *Pembridge* aforesaid to *Milton's Cross* aforesaid:

Also the present Turnpike Road leading from *Bollingham* Chapel to the Village of *Lyonshall*, and from the Village of *Lyonshall* aforesaid to the *Two Miles Gate*, and from the *Two Miles Gate* over *Noke Bridge*, by *Milton Cross* aforesaid, to *Milton House*:

Also the present Turnpike Road leading from *Lyonshall* Pound by the Park to *Titley*.

Present Tolls continued until 1st Jan. 1843.

VII. And be it enacted, That, notwithstanding the Repeal of the said recited Acts, 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 First Day of *January* in the Year One thousand eight hundred and forty-three.

Power to take Tolls.

VIII. And be it enacted, That upon and after the First Day of *January* in the Year One thousand eight hundred and forty-three 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, any Sum not exceeding the following Tolls; (that is to say,)

For

For every Horse or other Beast (except as herein-after is excepted) drawing any Hearse, Coach, Chariot, Landau, Chaise, Chaise Marine, Car, Calash, Berlin, Barouche, Chair, or other such light Carriage, Eight-pence:

For every Horse or other Beast, except as aforesaid, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of less Breadth than Four and a Half Inches, the Sum of Nine-pence:

For every Horse or other Beast, except as aforesaid, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of Four and a Half Inches and less than Six Inches Breadth, the Sum of Eight-pence:

For every Horse or other Beast, except as aforesaid, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of the Breadth of Six Inches and less than Nine Inches, the Sum of Sixpence:

For every Horse or other Beast, except as aforesaid, drawing any Waggon, Wain, Cart, Car, or other Carriage with Wheels of the Breadth of Nine Inches and upwards, the Sum of Four-pence:

For every Ox, Neat Cattle, Ass, or Dog drawing any Waggon, Wain, Cart, Car, or other Carriage, the Sum of Three-pence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Penny *per* Head:

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

For every Horse or other Beast of Draught drawing any Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Sole thereof, which shall be employed in carrying any Timber in the rough, or Timber squared or rough planked, a Toll equal to Double the Toll which might otherwise be demanded and taken for such Horse or Beast of Draught.

Fractional Part 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.

No Second Toll to be collected within Four Miles.

X. Provided always, and be it enacted, That nothing herein contained shall extend to empower the said Trustees, or any Collector of Tolls employed by them, to levy and collect a Second Toll on any of the said Roads respectively within the Distance of Four Miles of any Gate or Bar upon the said Roads at which any Toll shall have been paid.

Persons having paid Toll to return Toll-free.

XI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized

authorized to be taken shall have been paid at any Toll Gate or 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 Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

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

XII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses 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 or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XIII. 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, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or 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 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.

Each Load of Timber to pay.

XIV. Provided also, and be it enacted, That the Tolls hereby made payable for the Horses or other Beasts drawing Carriages when laden with Timber shall be paid for and in respect of such Horses or other Beasts drawing and laden as aforesaid for every Time of passing along the said Roads or any of them.

Materials for the Repair of Roads or Bridges to be exempt from Toll, as also Bones and Salt for Manure.

XV. And be it enacted, That no Toll shall be demanded or taken for any Horses or other Beasts, Carts or Carriages, when employed only in carrying or conveying any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads, or any Bridges thereon, or any of the Roads or Bridges in the Townships or Parishes in which any Part of the said Road lies, or Bones or Salt to be really and truly used solely for Manure; and no Toll shall be taken for such Horses, Beasts, Carts, or Carriages when going empty to fetch, carry, or convey, nor when returning empty from carrying or conveying, such Timber, Wood, Gravel, or other Materials, or Bones, or Salt, whether the same shall go and return the same Day or not: Provided always, that no such Exemption shall be claimed unless the Fellies of the Wheels of such Carts or Carriages shall be of the Breadth or Gauge of Four and a Half Inches or upwards: Provided also, that if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every Person so offending shall forfeit for every such Offence a Sum not exceeding Forty Shillings, and the Proof of the Exemption shall lie on the Person claiming the same.

XVI. And

Lime and Limestone subject to Toll.

XVI. And be it enacted, That the Tolls hereby made payable shall be paid for and in respect of any Horses or other Beasts, Carts, or Carriages employed in carrying or conveying Lime or Limestone, whether for Manure or improving Land or any other Purpose whatsoever.

Trustees may reduce the Toll for Lime for Manure.

XVII. 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 Manure, 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 Matter last-mentioned be payable; and afterwards, at any Meeting to be held as aforesaid, from Time to Time as they shall see occasion, to advance the Tolls so reduced to any Sum or Sums of Money not exceeding the Tolls hereby granted.

Respecting Toll Gates.

XVIII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being on the said present Turnpike 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 present Turnpike Roads, and also upon any Roads to be made or repaired by virtue of this Act, or on the Sides thereof, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar, as they shall think proper.

Application of Tolls arising on the Roads.

XIX. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act upon the Roads included in this Act 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 Acts 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 on Money which may hereafter be borrowed on the Credit of the Tolls to be taken on the said Roads; 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 Acts hereby repealed; and lastly, in reducing, paying off, and discharging all Principal Sums of Money which may hereafter be borrowed, and which shall be due and owing, on the Credit of the Tolls to be taken on the said Roads.

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

XX. 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.

XXI. And

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

XXI. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits prescribed by any Act of Parliament passed for the Improvement of any Town, nor shall any be collected within such Limits.

Trustee or Clerk to be a competent Witness in Actions.

XXII. 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 in this Act not to be exempt from any general Act.

XXIII. 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.

Commencement of Act.

XXIV. 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.

Construction of certain Terms in this Act.

XXV. 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 include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.