ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxxii.

An Act for repairing and improving the Road from *Ternhill* to *Newport* in the County of *Salop*.

[1st *June* 1832.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act for* 33 G. 2. c.51. *repairing and widening the Road from the Bars at* Boughton *within the Liberties of the City of* Chester *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *to* Ivetsey Bank *in the County of* Stafford, *and from thence to* Castle Bromwich *and* Stone Bridge *in the Parish of* Hampton on Arden *in the County of* Warwick, *and from* Castle Bromwich *to* Birmingham *in the same County:* And whereas another Act was passed in the Eighteenth Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and* 18 G. 3. c.86. *Powers of an Act passed in the Thirty-third Year of King* George *the Second, for repairing and widening the Road from the Bars at* Boughton *within the Liberties of the City of* Chester *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *and other Roads in the said Act mentioned; and for making a Road of Communication from the said Road between* Whitchurch *and* Newport *to the present Turnpike Road from* Newport *aforesaid to* Eccleshall *in the County of* Stafford: And whereas another Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act to* 41 G. 3. c.90. *continue for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and alter and enlarge the Powers, of Two Acts passed in the Thirty-third Year of the Reign of His late Majesty King* George *the Second and in the Eighteenth Year of the Reign of His present Majesty, for repairing and widening the Road from the Bars at* Boughton *within the Liberties of the City of* Chester *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *and several other Roads therein mentioned, so far as the said Acts relate to the Road leading from* Whitchurch *aforesaid through* Ternhill *to* Newport *aforesaid, being the Second District of Roads in the said Act mentioned:* And whereas another Act was passed in the Fifty-

52 G. 3. c.89.

Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts of His late and present Majesty, for repairing the Road from* Ternhill *to* Newport *in the County of* Salop: And whereas by the said Act of the Forty-first Year of the Reign of King *George* the Third the said Second District of Road was divided into Two distinct and separate Divisions; the First of which Divisions was to extend from the Town of *Whitchurch* aforesaid to an Inn or Public House situate at a certain Place there called *Ternhill*, then known by the Sign of the *Queen's Head*, and then in the Occupation of *John Swinchett*, but now known by the Sign of the *Castle*, and in the Occupation of *Henry Wheeler*, and to be called the *Whitchurch* Division of the said District of Road; and the Second Division of the said District was to extend from the said Inn or Public House at *Ternhill* aforesaid to the Town of *Newport* aforesaid, and to be called the *Newport* Division of the said District of Road: And whereas the Trustees acting for the said *Newport* Division of the Second District of Road before mentioned have proceeded in the Execution thereof within the said Division, and have expended more than the Tolls granted by the said Acts have hitherto amounted to therein, and there is now a considerable Sum charged upon and due and owing from the Tolls arising within the said *Newport* Division: And whereas by reason of the great and heavy Carriage upon the said *Newport* Division of Road, the Distance of Materials fit or proper for the Repair thereof, and the Inadequacy of the Tolls granted by and the Insufficiency of the Powers and Provisions contained in the said Acts, the said Debt cannot be paid off, nor the said Road be effectually amended and kept in repair, unless the Term granted by the said Act of the Fifty-second Year of King *George* the Third is extended, and the Powers and Provisions of the said Acts are altered and enlarged: And whereas sundry Improvements in widening and altering the said District of Road from *Ternhill* to *Newport* are required; but inasmuch as it will be necessary to take down and remove some Buildings and to cut through Gardens for that Purpose, those Improvements cannot be effected without the Authority of Parliament: And whereas it is expedient that the said recited Acts should be repealed, so far as the same relate to the Road from *Ternhill* to *Newport*, and that further and other Provisions should be granted and made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Third *Monday* next after the passing of this Act the said recited Acts of the Thirty-third Year of the Reign of King *George* the Second, and of the Eighteenth, Forty-first, and Fifty-second Years of the Reign of King *George* the Third, so far as the same Acts relate to the Turnpike Road from *Ternhill* to *Newport* in the County of *Salop*, shall be and the same are hereby declared to be repealed.

Recited Acts repealed, so far as relates to the Ternhill and Newport Road.

This Act to be put in execution for repairing the same Road.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of repairing and improving the Road from *Ternhill* to *Newport* in the County of *Salop*.

III. And

Trustees. III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Salop*, together with *Thomas Bayley* of *Edgmond*, *John Bayley* of *Edgmond Hall*, *Thomas Bernard Baddeley*, *John Biddle*, *Thomas Blakemore*, *John Blunt* Clerk, *Thomas Borough*, *Thomas Charles Burton Borough*, Sir *Thomas Fletcher Fenton Boughey* Baronet, *John Fenton Fletcher Boughey*, *George Fenton Fletcher Boughey*, *William Fenton Fletcher Boughey*, *Thomas Boultbee*, *Thomas Stonhewer Bright* Clerk, *William Briscoe*, *George Briscoe*, *Ambrose Brookes*, *Thomas Higgins Burne*, *Thomas Jukes Collier*, *Thomas Collier*, Sir *Andrew Corbet* Baronet, *Richard Corbet*, *John Cotes*, *Charles Grey Cotes* Clerk, *Edward Scott Dickenson* Clerk, *William Evans*, *Robert Fisher*, *Robert Fisher* junior, *Richard Heber*, *Thomas Higgins*, *Robert Higgins*, *John Higgins*, Sir *Rowland Hill* Baronet, Sir *Robert Chambre Hill*, *John Hill* Clerk, *John Horton*, *William Howard*, *Robert Hughes*, *William Jellicorse*, *Thomas Leeke*, *Ralph Harvey Leeke* Clerk, *Ralph Meyrick Leeke*, *William Lewis*, *James Loch*, *Robert Masefield*, *William Masefield*, *Edward Meredith* Clerk, *Charles Morris*, *John Morris*, *Edward Morris*, *Richard Mountford*, *Mathew Mountford*, *Arthur Mountford*, *William Otter* Clerk, *John Cressett Pelham*, *Thomas Parsons*, *Thomas Parsons* junior, *John Dryden Pigott* Clerk, *John Dryden Pigott* junior, Clerk, *Thomas Rylands*, *Thomas Rylands* junior, *Purney Sillitoe*, *William Tayleur*, *William Tayleur* junior, *Richard Taylor*, *John Taylor*, *Thomas Taylor*, *Francis Wedge*, *John Whittenbury*, and *William Wood* Doctor of Medicine, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, widening, improving, repairing, maintaining, and keeping in repair the said Road from *Ternhill* to *Newport* in the County of *Salop*, and for otherwise putting this Act into execution.

Power to appoint additional Trustees. IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole, in addition to the Number of Trustees herein named,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees. V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Union* Hotel or some other convenient Place in *Newport* aforesaid upon the Third *Monday* next after the passing of this Act, or as soon after as may be convenient; and the said Trustees shall and may at such their several Meetings proceed to execute the Powers and Provisions of this Act, and shall and may from Time to Time adjourn to and meet at such Times and at such Places on or near to the said Road as they shall think proper.

Power to continue the present Gates, and erect others. VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses erected and now standing and being in, upon, or across the said Road or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees;

Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said Road or on the Sides thereof or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also from Time to Time to order and cause to be taken down and removed or altered or discontinued the same present Gates, Turnpikes, and Toll Houses, or such future Gates, Side Gates, Bars, Chains, and Weighing Machines, or any of them, as the said Trustees shall think proper.

Power to take Tolls.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being or continued or erected, by virtue of this Act, in, upon, across, or on the Side or Sides of the said Road or any Part thereof, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Tolls.

For every Horse or Mule, drawing any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards any Sum not exceeding the Sum of Four-pence:

For every Horse or Mule, drawing any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of less Breadth than Six Inches, any Sum not exceeding the Sum of Sixpence:

For every Ox, Steer, or Bull, drawing singly, and not in Pairs or abreast, any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, any Sum not exceeding the Sum of Four-pence:

For every Ox, Steer, or Bull, drawing singly, and not in Pairs or abreast, any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of less Breadth than Six Inches, any Sum not exceeding the Sum of Sixpence:

For every Ox, Steer, or Bull, drawing in Pairs or abreast any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of the Breadth of Six Inches or upwards, any Sum not exceeding the Sum of Three-pence:

For every Ox, Steer, or Bull, drawing in Pairs or abreast any Carriage, of whatever Name or Description, having the Sole or Bottom of the Wheels of less Breadth than Six Inches, any Sum not exceeding the Sum of Four-pence Halfpenny:

For every Ass, drawing any Carriage, of whatever Name or Description, the Sum of One Penny Halfpenny:

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

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling

Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number:

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

Restriction of Tolls on passing through Woodseaves Gate.

VIII. Provided always, and be it further enacted, That no Person or Persons, with any Horse, Cattle, or Beast as herein-after mentioned, that shall pass or repass on the *Audlem* and *Woore* Turnpike Road, through the Turnpike Gate thereon called *Woodseaves Gate*, and pay Toll thereat, and shall afterwards on the same Day pass or repass through any Turnpike Gate hereafter to be erected on the said *Ternhill* and *Newport* District of Road, shall, upon Production of a Note or Ticket from the Gatekeeper of the said Turnpike Gate called *Woodseaves Gate*, denoting such Payment, be subject or liable to pay any further or greater Toll than herein-after mentioned; (that is to say,)

Tolls.

For every Horse or other Beast, drawing any Carriage, (except a Waggon, Cart, or Tumbril,) the Sum of Sixpence:

For every Horse or other Beast, drawing any Waggon, Cart, or Tumbril, the Sum of Three-pence:

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

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

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

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

any thing in this Act contained to the contrary notwithstanding:

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road or on the Sides thereof or any Part thereof; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but once a Day.

IX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates continued or erected or to be erected, by virtue of this Act, on the said Road, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and through all other Gate or Gates on the same Road which the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid.

Limiting the Number of Payments on the whole Line.

X. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the

the Tolls mentioned in this Act, to demand or take more than Two full Tolls in any One Day for or in respect of the same Horse, Beast, or Cattle, or Carriage, for passing and repassing through all the Gates along the whole Line of the said Road.

Stage Coaches, &c. to pay every Time of passing;

XI. Provided always, and be it further enacted, That the Tolls payable for and in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of such Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Post Chaises on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls payable for and in respect of any Horses or Beasts let out to Hire, and employed in drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Certain Houses and Gardens, &c. may be taken.

XIII. And for the more effectual Improvement of the said Road, be it further enacted, That it shall be lawful for the said Trustees (first making full Compensation and Satisfaction to the several and respective Persons and Parties interested, in the Manner and subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*,) to take down and remove the Buildings, and to take and use the Yards, Gardens, and Premises herein-after mentioned, and to lay open the Site and Sites thereof respectively into the said Road; (that is to say,) One Barn, One Stable, One Cowhouse, One Carthouse, One Oven, One Garden, and Parts of Three Plots of Land situate in the Township of *Woodseaves* in the Parish of *Drayton-in-Hales* in the County of *Salop*, belonging to the Devisees of Sir *Corbet Corbet* Baronet, deceased, and in the several Occupations of *William Ellis* (Lessee for his Life of the same Premises) and *Sarah Ellis*; a Garden belonging to *William Carnall*, in the several Occupations of *William Lea* and *James Duckers*; a Garden, Orchard, Millpool, and Two Plots of Land, belonging to *Thomas James*, in the Occupation of *John Dale*; and a Foldyard and Plot of Land, belonging to the Churchwardens of the Parish of *Drayton-in-Hales* aforesaid, in the Occupation of *Samuel Worrall*; all which last-mentioned Premises are in the Parish of *Hinstock* in the County of *Salop*; any thing in any Law or Statute relating to Turnpike Roads in *England* to the contrary notwithstanding.

Trustees restrained from using Gardens, &c. unless purchased in Three Years.

XIV. Provided always, and be it further enacted, That in case the said Trustees shall not purchase the Houses, Buildings, Gardens, and Hereditaments herein-before mentioned within the Space of Three Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine (save and except with the Consent of the Owners or Proprietors thereof for the Time being).

XV. And

Expences of Act.

XV. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory or incident thereto, shall be paid and satisfied by the said Trustees out of the first Monies which shall be in their Hands or be received by them in pursuance of this Act; and all Persons advancing any Sum or Sums of Money for or towards paying such Expences shall be repaid by the said Trustees the Sum or Sums of Money so advanced, together with lawful Interest from the Time of advancing the same.

Application of Tolls.

XVI. And be it further enacted, That all the Monies which have been raised and produced or received by virtue of the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, on account of the said Road, or on the Credit of the Tolls arising thereon, and which shall be remaining and undisposed of on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and also the Monies which shall arise and be produced by or from the Tolls in this Act mentioned, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise or be produced by virtue of this Act, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes herein-after mentioned; (that is to say,) in the first place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act; in the next place, in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the Tolls arising on the same Road, or which shall be borrowed upon the Credit and Security of the said Tolls, and afterwards in amending, improving, and maintaining, repairing, and keeping in repair the said Road, and in otherwise putting this Act into execution, and then in reducing, paying off, and discharging the Principal Sums now due and owing on the Credit of the Tolls granted by the said recited Act, or which may hereafter become due and owing on the Credit of the Tolls arising on the same Road, and to or for no other Use or Purpose whatsoever.

Ditches and Drains by whom to be made and cleansed.

XVII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses, and of such Depth and Breadth, as they shall consider expedient for the Purposes of keeping the said Road dry, and of conveying the Water from the same, as well on the Side or Sides of the said Road, as also, where necessary, into or through any Lands or Grounds adjoining or lying near the said Road, (not being a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any Law or Statute to the contrary thereof notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be made in pursuance of

of this Act, when so made and completed by the said 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, Culverts, Trunks, Tunnels, and Plats to be made in pursuance of this Act, as cross or pass through, in, or under the said Road, shall be repaired and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Railroads to pass by Tunnels under or Bridges over the Road.

XVIII. And be it further enacted, That it shall not be lawful for any Person or Persons, unless authorized by Act of Parliament, to make any Railroad or Railroads to cross or pass over the Surface of the said Road or any Part thereof, but such Railroad or Railroads shall be made and carried either under the said Road by means of a Tunnel or Archway or Tunnels or Archways, at such Depth from the Surface of the said Road as will not disturb or injure the same, or over the said Road by means of an Archway or Archways of the same Span as the Width of the said Road, and of the Height of Twenty Feet at least from the Surface thereof; and all such Tunnels or Archways shall be respectively made and done under the Superintendence and Direction of the Surveyor of the said Road; and in case any Railroad or Railroads shall be made or begun to be made to cross or pass over the said Road or any Part thereof, contrary to the Provisions of this Act, such Railroad or Railroads are hereby declared and shall be deemed to be an Encroachment, and may be removed by the Trustees of the said Road or their Surveyor; and the Expences of removing such Railroad or Railroads, and repairing any Injury caused thereby, shall be borne and paid by the Proprietor or Proprietors thereof in such and the same Manner as any other Encroachment on any Turnpike Road may by any Law or Statute relating to Turnpike Roads in *England* be removed; and the Proprietor or Proprietors of such Railroad or Railroads shall also forfeit and pay any Sum not exceeding Five Pounds for each and every Day during which the said Railroad or Railroads shall be made or begun to be made and continue, contrary to the Provisions of this Act, which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may by any Law or Statute relating to Turnpike Roads in *England* be levied, recovered, and applied.

Public Act.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

XX. And be it further enacted, That this Act shall commence and take effect from the Third *Monday* next after the passing thereof, and shall continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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