ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. lxxv.

An Act for better maintaining certain Roads within the County of *Salop* called The *Shawbury* District of Roads. [1st *June* 1832.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Third, intituled *An Act for repairing and widening the Road from the End of the Turnpike Road in* Shawbury *in the County of* Salop *to* Drayton-in-Hales *in the said County, and from thence to* Newcastle-under-Line *in the County of* Stafford, *and from* Shawbury *aforesaid to the Turnpike Road in* High Ercall *in the said County of* Salop, *and from* Shawbury *aforesaid to* Wem *in the said County, and from thence to the Turnpike Road in* Sandford *in the said County:* And whereas another Act was passed in the Thirtieth Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Ninth Year of the Reign of His present Majesty King* George *the Third, for repairing and widening the Road from the End of the Turnpike Road in* Shawbury *in the County of* Salop *to* Drayton-in-Hales *in the said County, and from thence to* Newcastle-under-Line *in the County of* Stafford, *and from* Shawbury *aforesaid to the Turnpike Road in* High Ercall *in the said County of* Salop, *and from* Shawbury *aforesaid to* Wem *in the said County, and from thence to the Turnpike Road in* Sandford *in the said County:* And whereas another Act was passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Term and Powers of Two Acts of His present Majesty, for repairing several Roads to and from* Shawbury *in the*

9 G. 3. c. 55.

30 G. 3. c. 111.

51 G. 3. c. 82.

the County of Salop: And whereas it is expedient that the Term and Powers of the said Acts should (so far as the same relate to the First District of Roads comprised in such Acts) be extended and enlarged, and that the Tolls granted by the said Acts in respect of such District should be increased: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Acts herein-before recited were, so far as the same relate to the said First District of Roads, repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas the beneficial Purposes herein-before mentioned 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Third *Monday* next after the passing of this Act the said recited Acts passed in the Ninth, Thirtieth, and Fifty-first Years of the Reign of King *George* the Third, so far as the same relate to the First District of Roads comprised in such Acts, shall be and the same are hereby declared to be repealed.

Recited Acts repealed as to First District.

This Act to be put in force for repairing the Roads herein mentioned.

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 improving, repairing, and maintaining in repair the several Roads herein-after mentioned; (that is to say,) the Road from the End of the *Shrewsbury* Turnpike Road in *Shawbury* in the County of *Salop* to *Drayton-in-Hales* in the said County, and from *Shawbury* aforesaid to the Turnpike Road in *High Ercall* in the said County, and from *Shawbury* aforesaid to *Wem* in the said County, and from thence to the Turnpike Road in *Sandford* in the said County, and such Roads shall hereafter be called "The *Shawbury* District of Roads."

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Salop*, together with *Thomas Bayley*, *Henry John Barker*, *Charles Augustus Bætenson*, *Thomas Lloyd Bayley*, *George Bowen*, *Robert Barber*, *William Charlton*, *Philip Charlton*, *Saint John Chiverton Charlton*, *Saint John Charlton*, *Philip Charlton* the younger, *Edward Clive*, *Henry Bayley Clive*, Sir *Andrew Corbet* Baronet, *Andrew Vincent Corbet*, *Richard Corbet*, *Vincent Roger Corbet*, *Andrew William Corbet*, *Edward Cludde*, *John Colley*, *Thomas Dicken*, *Roger Spencer Dicken*, *John Dicken*, *Thomas Farmer Dukes*, *Thomas Drury*, *Charles Emery*, *Edward Elsmere*, *Lawrence Gardner* Doctor in Divinity, *John Groom*, *John Griffiths*, *Richard Heber*, Sir *Rowland Hill* Baronet, Sir *Robert Chambre Hill* Knight, *John Hill* Clerk, *Stephen Hassall*, *Thomas James*, *William Egerton Jeffreys*, *William Egerton Jeffreys* junior, *John Kilvert* the younger, *Richard Kilvert*, *Oswald Leicester* Clerk, *John Minor*, *Walter Minor*, *William Staresmore Marvin* Clerk, *John Bishton Minor*, *Thomas Harper Minor*, *Walter Minor* of *Moreton Say*, *Walter Minor* of *Tyrley Castle*, *Jonathan Nickson*, *Thomas Powell*, *Edward Tucker Steward* Clerk, *John Charles Tucker Steward*, *Richard Wycherley Smith*, *William Sparling*, *Francis Salt* Clerk, *George Salt* Clerk,

Clerk, *Thomas Salt*, *Edward Stedman*, *Peter Broughton Strey*, *Mascie Domville Taylor* Clerk, *Edward Tyler*, *Robert Chambre Vaughan*, *Robert Venables*, *John Walford*, *John Henshaw Walford*, *John Wood*, *Thomas Wood*, *Richard Whitfield*, *William Wood*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings to be held in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named); and such additional Trustees, so elected, and being duly qualified, shall have the like 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 *Elephant and Castle* Inn in *Shawbury* aforesaid on the Fourth *Monday* next after the Commencement of this Act, or as soon afterwards as conveniently may be, between the Hours of Eleven and Two, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places near to or in the Neighbourhood of the said Roads as the Majority of the Trustees present at such respective Meetings shall think proper and appoint.

Power to continue Toll Gates, &c.

VI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or build others in lieu thereof or in addition thereto upon the said Roads, or upon any Part or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge proper, and from Time to Time to alter or to take down, and to re-erect or re-construct, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Power to erect Toll Gates, and to take Tolls.

VII. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act One or more Toll Gates or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts for regulating Turnpike Roads in *England*; and no Money arising from any of the Tolls by this Act authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing upon such Branch Road; and no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such Branch Road; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

VIII. And

Tolls.

VIII. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricle, Gig, or other such like Carriage, the Sum of Three-pence:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Three-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not less than Four and a Half Inches, the Sum of Four-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four and a Half Inches, the Sum of Four-pence Halfpenny:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number than a Score:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number than a Score:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling *per* Wheel for each Wheel thereof:

And for every Waggon, Wain, Cart, or other such like Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings:

Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of His late Majesty King
4 G. 4. c. 95. *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire.

Fractional Part of a Halfpenny in Tolls.

IX. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken the Sum of One Halfpenny may be demanded and received in lieu of such fractional Part.

No Toll to be paid on repassing.

X. And be it further enacted, That in case the Toll by this Act authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle, at any Time during the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, shall, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to pass Toll-free (except as herein-after mentioned with respect

respect to Horses, Beasts, or Cattle drawing Stage Carriages, or let out to Hire,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free: Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or a different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon any of the said Roads for the Distance of One Mile or more.

Horses drawing Stage Carriages to pay Toll each Time of passing;

XI. Provided nevertheless, and be it further enacted, That the Tolls by this Act authorized shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing upon the said respective Roads: Provided always, that no further or additional Toll shall be payable in respect of Horses, Beasts, or Cattle drawing such Stage Carriages on the Account only of the Horses, Beasts, or Cattle drawing the same having been changed.

Post Chaises on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, for each Time of passing upon the said respective Roads whenever a new Hiring thereof shall take place.

Limiting the Number of Tolls.

XIII. And be it further enacted, That no more than Two full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horse, Beast, or Cattle, or Carriage, in any One Day, for passing and repassing once through all the Toll Gates or Toll Bars upon the said Road between *Shawbury* and *Drayton*, nor more than Two full Tolls for passing and repassing once through all the Toll Gates or Toll Bars upon the said Road between *High Ercall* and *Wem*, nor more than One full Toll for passing and repassing once through all the Toll Gates or Toll Bars upon the said Road between *Wem* and *Sandford*.

Weights of Single-horse Carts limited.

XIV. And be it further enacted, That the Weights to be allowed to Carts or other Carriages drawn by One Horse, Beast, or Cattle shall never exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Twelve Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Eight Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts may be weighed.

XV. And be it further enacted, That all Carts or other such Carriages passing upon the said Roads, drawn by One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect

of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Roads drawn by One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

Application of Tolls and other Monies.

XVI. And be it further enacted, That the Money already received or which shall be received under the Authority of the said former Acts hereby repealed or any of them, and also the Money which shall be received under or by virtue of this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, and in preference to all other Disbursements whatever, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for the Payment thereof or of any Part thereof from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid; in the next place, in paying and discharging any Interest now due or which may hereafter from Time to Time become due on the Credit of the said former Acts hereby repealed, or which may at any Time hereafter become due on the Credit of this Act; in the next place, in defraying the Expences of improving, repairing, and maintaining in repair the said Roads, and of otherwise executing the Purposes of this Act; and, lastly, in repaying any Principal Money due on the Credit of the said former Acts, and also any Principal Money which may hereafter be borrowed and secured under or on the Credit of this Act.

No Priority of Mortgages.

XVII. And be it further enacted, That no Preference shall be given to any Person who may have advanced any Money on the Credit of the Tolls granted by the said former Acts hereby repealed, and arising on the District of Roads in such Acts called "The First District of Roads," or who may hereafter advance any Money on the Credit of the Tolls granted by this Act, in respect of the Priority in Date of any Mortgage or Assignment, or other Security for the same, or of advancing such Money, but such respective Persons shall (in proportion to the Sums mentioned in any such Security) be Creditors under this Act, and in equal Degree one with another.

No Money received under this Act to be laid out in repairing Streets, &c.

XVIII. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed, or of this Act, shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within any Town or Place through which the said Roads may pass, nor shall it be lawful for the said Trustees to collect any Toll therein; any thing herein contained to the contrary notwithstanding.

Term of Act.

XIX. And be it further enacted, That this Act shall commence on the Third *Monday* next after the passing hereof, 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.

XX. And

XX. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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