ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. xvii.

An Act for repairing, amending, and maintaining the Road from *Shrewsbury*, through *Ellesmere* in the County of *Salop*, to *Wrexham* in the County of *Denbigh*, and other Roads branching out of the same. [9th *May* 1838.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Roads from the Town of* Shrewsbury, *through* Ellesmere *in the County of* Salop, *and* Overton *in the County of* Flint, *to* Wrexham *in the County of* Denbigh: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said Majesty, intituled *An Act to enlarge the Term and Powers of an Act for repairing the Road from* Shrewsbury *to* Wrexham *in the County of* Denbigh, *and to repair and widen several other Roads therein mentioned, and the Road from* Wrexham *to* Chester, *and from thence to* Pen Fordd-y-Waen *in the Parish of* Whitford, *and also the Road from* Broughton *to* Mold *in the County of* Flint: And whereas an Act was passed in the Twenty-eighth Year of His Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-ninth Year of the Reign of King* George *the Second, for repairing the Road from* Shrewsbury *to* Wrexham

25 G. 2. c. 22.

29 G. 2. c. 93.

28 G. 3. c. 112.

Wrexham *in the County of* Denbigh, *and from* Wrexham *to* Chester, *and also from* Broughton *to* Mold *in the County of* Flint, *and several other Roads therein mentioned; and for making and repairing a Road from the said* Wrexham *and* Chester *Road to the* Wrexham *and* Ruthin *Road in the said County of* Denbigh: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, 56 G. 3. c. 53. intituled *An Act for continuing the Term and altering and enlarging the Powers of several Acts passed for repairing the Roads from* Shrewsbury, *through* Ellesmere *in the County of* Salop, *and* Overton *in the County of* Flint, *to* Wrexham *in the County of* Denbigh, *and other Roads in the said Acts mentioned, so far as relates to the* Ellesmere *District of the said Roads:* And whereas several considerable Sums of Money have been borrowed on the Credit of the Tolls arising on the said Roads, which still remain due and owing, and cannot be repaid, nor can the Roads by the said recited Acts directed to be kept in repair be properly amended and maintained in repair, unless the Term and Powers of the said Acts be continued and extended: And whereas it is expedient that the said recited Acts should be repealed so far as regards the said *Ellesmere* District or Division of the said Roads, and that further and more effectual Powers and Provisions should be granted in lieu and instead thereof; and it is also expedient that the present Tolls should be varied and altered; but the several Purposes aforesaid cannot be effected without the Aid and 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,

The recited Acts repealed, so far as they relate to the Ellesmere District.

That upon the Day of the Commencement of this Act the said recited Acts passed in the Twenty-fifth and Twenty-ninth Years of the Reign of King *George* the Second, and in the Twenty-eighth and Fifty-sixth Years of the Reign of King *George* the Third, shall be and the same are hereby declared to be repealed, so far as the same relate to the said *Ellesmere* District or Division of the said Roads.

This Act to be put in execution for the Purposes 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 repairing, amending, and maintaining the several Roads herein-after mentioned; (that is to say,) the Road from the Town of *Shrewsbury*, commencing at the Toll Gate now standing at *Cotton Hill*, through *Ellesmere* in the County of *Salop*, and *Overton* in the County of *Flint*, to *Wrexham* in the County of *Denbigh*; the Road leading from *Harmer Hill* on the said Turnpike Road to the Town of *Wem*, and from thence to the End of *Cotton Wood* in the said County of *Salop*; and from the Bottom of *Twining Bank* on the said Turnpike Road to the Town of *Ruabon* in the County of *Denbigh*; and also so much of the Road from *Ellesmere* to *Oswestry* as lies between the said Town of *Ellesmere* and *Maestermin Bridge*; and from *Overton* through *Hanmer* to the Turnpike Road leading from *Bangor* in the County of *Flint* to *Whitchurch* in the County of *Salop*, nearly opposite a Public House known by the Sign of the *London Apprentice*.

Trustees for the Wem Division.

III. And be it further enacted That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Salop*, together with *George Bowen*, *William Henry Bickerton*, *Charles Augustus Beetenson*, *Henry*

Henry John Barker, William Wycherley Brookes, Thomas Dickin Browne, Thomas Bayley of *Black Birches, George Richard Downward* Clerk, *Roger Spencer Dickin, Thomas Dickin, Edward Gwynn* the younger, *Thomas Murhall Griffith, John Griffith,* Sir *Rowland Hill* Baronet, Sir *Robert Chambre Hill* Knight, General *Clement Hill, John Hill* Clerk, *George Harper, Stephen Hassall, Charles Hughes, Thomas Ireland, William Egerton Jeffreys, William Egerton Jeffreys* the younger, *John Kilvert, Richard Kilvert, Joseph Lee, Joseph Lee* the younger, *Charles Maitland Long* Clerk, *John Macauley* Clerk, *John Murray* Clerk, *Thomas Maddocks* of the *New House, Thomas Maddocks* the younger, *John Bishton Minor, Thomas Harper Minor, Jonathan Nickson, Thomas Nickson, Francis Barney Parkes* Clerk, *William Barney Parkes, John Phillips* Clerk, *John Charles Tucker Steward, Edward Tucker Steward* Clerk, *Francis Salt* Clerk, *Francis Salt* the younger, *George Salt* Clerk, *Richard Wycherley Smith, Samuel Tiler, Robert Darwin Vaughton, Robert Chambre Vaughan, William Icke Wall, George Walmsley, Samuelus Wilkinson, John Henshaw Walford, Samuel Worthington,* and *William Worthington,* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England,* shall be and they are hereby appointed Trustees for repairing, amending, and maintaining the said Road leading from *Harmer Hill* to *Wem,* and from thence to the End of *Cotton Wood,* to be called the *Wem* Division of the said *Ellesmere* District of Roads, and for otherwise carrying this Act into execution with respect to the said *Wem* Division of Road.

Trustees for the Ellesmere Division.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said several Counties of *Salop, Flint,* and *Denbigh,* together with *David Francis Atcherley* Serjeant at Law, *James Atty, John Bather, Henry Ellis Boates, William Boates, Robert Burton* the younger, *Joseph Birch, Thomas Briscoe, Samuel Yate Benyon,* the Rector of *Bangor* for the Time being, *David Birds* Clerk, *Thomas Jeffreys Badger,* Sir *Robert Cunliffe* Baronet, *William Clement, Robert Clarke, William Aldrich Cotton, Brooke Cunliffe, Charles Henry Chandler, Edward Dymock, Edward Humphrey Dymock, Stephen Denston, Thomas Davies,* the Vicar of *Ellesmere* for the Time being, *Edward Edwards* Clerk, *Stephen Edwards, John Eddowes, Lovett Ferrall, Thomas Fitzhugh, Philips Lloyd Fletcher, Thomas Lloyd Fletcher, Thomas Gwynn, William Egerton Jeffreys, William Egerton Jeffreys* the younger, *John Hanmer* Clerk, *Francis James Hughes, John Holbrooke, James Horseman* Clerk, *John Hazledine, Richard Hanmer Hilton, William Wybergh How, William Egerton Jeffreys, William Egerton Jeffreys* the younger, *Richard George Jebb,* the Honourable *Lloyd Kenyon,* the Honourable *Edward Kenyon, Edward Lloyd Kenyon,* the Reverend Sir *Edward Kynaston* Baronet, *John Roger Kynaston, Edward Kynaston, Benjamin Hall Kennedy* Doctor of Laws, *Richard Henry Kinchant* of *Park, Joseph Lee, Joseph Lee* the younger, *James Montagu Luxmoore, Charles Arthur Albany Lloyd* Clerk, *Joseph Venables Lovett, Thomas Lovett, Frederick Lacon, Thomas Lowe, Charles Kynaston Mainwaring, Townshend Mainwaring, Thomas Maddocks, Joshua Lewis Menlove, Charles Morrall, Edward Morrall, Cyrus Morrall, Hugh Matthie* Clerk, the Rector of *Marchwiel* for the Time being, *William Francis Oswell, Thomas Oswell, Francis Richard Price, Scarlett Lloyd Parry, William Alexander Provis, Paul Griffith Panton, George Robson* Clerk, *Robert Rayson, Thomas Randles, William Sparling, William Sparling* the younger, *Peter Shingler, Henry Capel Sandys, Jonathan Scarth, Thomas Scott, George Salter, Thomas Stanton,*

John

John Stanton, *Thomas Sutton*, *Francis Salt* the younger, *Robert Owen Tudor*, *Francis Thompson* Clerk, *John Townshend*, *Charles Townshend*, *William Thomas*, *George Walker* Clerk, *Lloyd Wynne* Clerk, *John Wingfield*, *John White*, *William Williams*, *Watkin Watkins*, *William Watkins*, *Thomas Edward Ward*, and *Simon Yorke*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, amending, and maintaining all the other Roads herein-before mentioned, to be called the *Ellesmere* Division of the said *Ellesmere* District of Roads, and for otherwise carrying this Act into execution with respect to the said *Ellesmere* Division of Roads.

Tolls to be taken on the Ellesmere District.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person being a Lessee or Farmer, or appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, at each and every Turnpike, Toll Gate, Side Gate, Bar, or Chain now set up and continued, or which shall hereafter be set up and erected upon, across, or on the Sides of the said Roads, or in, upon, or across any Bar or Way leading into or out of the same, or any Part or Parts thereof, on each and every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock on the next succeeding Night), before any Horse, Mule, Ass, Beast, or other Cattle, or any Carriage, shall be permitted to pass through the same, not exceeding the several and respective Tolls following; (that is to say,)

Within that Part of the said *Ellesmere* District or Division of the said Roads which lies between the said Town of *Shrewsbury* and the Town of *Ellesmere*, and also within that Part of the said District or Division of the said Roads which lies between the said Town of *Ellesmere* and the Town of *Wrexham*, and also from *Overton* through *Hanmer* to the Turnpike Road leading from *Bangor* to *Whitchurch*:

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Phaeton, Chair, Landau, Berlin, Calash, Break, Caravan, Van, Taxed Cart, Hearse, or other Carriage of like Description, any Sum not exceeding Nine-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, Dray, Thrashing Machine, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches at the least, any Sum not exceeding Sixpence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Six Inches, but not less than Four Inches and a Half, any Sum not exceeding Eight-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Four Inches and a Half, any Sum not exceeding Nine-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Five-pence *per* Score, and so in proportion for any less Number:

For every Carriage propelled or moved by Steam, Gas, or Machinery, or by any Power not being Animal Power, any Sum not exceeding Three Shillings:

For

For every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of Two-pence:

For every Coach, Chaise, Cart, Waggon, or other Carriage with Four Wheels, affixed, tied, or secured to and drawn behind any Waggon, Wain, Cart, or other Carriage, the Sum of Nine-pence:

For every Chaise, Chair, or other Carriage with Two Wheels which shall be affixed, tied, or secured as aforesaid, the Sum of Four-pence:

Tolls to be taken on the Ruabon Road.

Within that Part of the said District which lies between the Bottom of *Twining Bank* and *Ruabon*:

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Phaeton, Chair, Landau, Berlin, Calash, Break, Caravan, Van, Taxed Cart, Hearse, or other Carriage of like Description, any Sum not exceeding Four-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, Dray, Thrashing Machine, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches at the least, any Sum not exceeding Two-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Six Inches, but not less than Four Inches and a Half, any Sum not exceeding Three-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Four Inches and a Half, any Sum not exceeding Four-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Five-pence *per* Score, and so in proportion for any less Number:

For every Carriage propelled or moved by Steam, Gas, or Machinery, or by any Power not being Animal Power, any Sum not exceeding One Shilling and Sixpence:

For every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, not exceeding the Sum of One Penny:

For every Coach, Chaise, Cart, Waggon, or other Carriage affixed, tied, or secured to and drawn behind any Waggon, Wain, Cart, or other Carriage, not exceeding the Sum of Three-pence:

Tolls to be taken on the Ellesmere and Oswestry Road.

Within that Part of the said District which lies between the Town of *Ellesmere* and *Maestermin Bridge* on the Road to *Oswestry*:

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Phaeton, Chair, Landau, Berlin, Calash, Break, Caravan, Van, Taxed Cart, Hearse, or other Carriage of like Description, any Sum not exceeding Three-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, Dray, Thrashing Machine, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches at the least, any Sum not exceeding Two-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Six Inches, but not less than Four Inches and a Half, any Sum not exceeding Two-pence Halfpenny; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Four Inches and a Half, any Sum not exceeding Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Five-pence *per* Score, and so in proportion for any less Number:

For every Carriage propelled or moved by Steam, Gas, or Machinery, or by any Power not being Animal Power, any Sum not exceeding One Shilling:

For every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of One Penny:

For every Coach, Chaise, Cart, Waggon, or other Carriage tied or secured to and drawn behind any Waggon, Wain, Cart, or other Carriage, the Sum of Two-pence:

Tolls to be taken on the Harmer Hill and Cotton Wood Road.

And within that Part of the said District which lies between *Harmer Hill* and *Cotton Wood*:

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Phaeton, Chair, Landau, Berlin, Calash, Break, Caravan, Gig, Van, Taxed Cart, Hearse, or other Carriage of like Description, any Sum not exceeding Sixpence; and if with Four Wheels, and drawn by One Horse only, any Sum not exceeding Eight-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, Dray, Thrashing Machine, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches at the least, any Sum not exceeding Three-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Six Inches, but not less than Four Inches and a Half, any Sum not exceeding Four-pence Halfpenny; and in case the Fellies of the Wheels thereof shall be of less Breadth or Gauge than Four Inches and a Half, any Sum not exceeding Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Eight-pence *per* Score, and so in proportion for any less Number:

For every Carriage propelled or moved by Steam, Gas, or Machinery, or by any Power not being Animal Power, any Sum not exceeding Two Shillings:

For every Dog or Goat drawing any Cart, Carriage, Truck, Barrow, or other Thing, the Sum of One Penny:

For every Coach, Chaise, Cart, Waggon, or other Carriage with Four Wheels, affixed, tied, or secured to and drawn behind any Waggon, Wain, Cart, or other Carriage, not exceeding the Sum of Sixpence:

For every Chaise, Chair, or other Carriage with Two Wheels, which shall be affixed, tied, or secured as aforesaid, the Sum of Three-pence.

First Meeting of the Trustees of the several Roads.

VI. And be it further enacted, That the Trustees for executing this Act with respect to the *Wem* Division of Road shall meet at the House known by the Name or Sign of the *White Horse Inn* in *Wem*, or at some other convenient Place near the said Roads, and the Trustees for executing this Act with respect to the *Ellesmere* Division of the said Roads shall meet at the House known by the Sign of the *Bridgwater Arms* in

Ellesmere, or at some other convenient Place near the said Roads, on the Third *Monday* after the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Division of Roads respectively, as they shall think proper.

The present Toll Gates, &c. to remain.

VII. And be it further enacted, That the several Gates, Turnpikes, Weighing Machines, and Toll Houses erected and now standing across and on the Sides of the said Roads shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected and built or set up and placed upon, in, or across the said Roads by this Act directed or authorized to be repaired, or any Part thereof, or by the Sides 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 One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Turnpike, Side Gate, Side Bar, Chain, or Weighing Machine; and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary; 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, Weighing Machines, and Toll Houses, and such future Gates, Turnpikes, Side Gates, Side Bars, Chains, Weighing Machines, Toll Houses, Buildings, and Conveniences, as they shall think proper.

Trustees empowered to erect Toll Gates, Weighing Machines, &c.

Tolls to be paid but once a Day at any One Gate, &c.

VIII. Provided always, and be it further enacted, That no Person shall be liable to pay the Toll by this Act granted more than once at any One Toll Gate, Turnpike, Side Gate, Side Bar, or Chain erected or to be erected upon the said Roads or the Sides thereof, for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, or Carriages, through such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, but all and every Horse and Horses and other Beast or Beasts in respect whereof the Toll hereby granted shall have been paid once at any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain erected or to be erected on the said Roads, or any of them, a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, being produced (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis*, upon Demand, on receiving the Toll), shall afterwards be allowed to repass Toll-free, during such Day, through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and through all other Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains (if any) which the Ticket for such Payment shall free, any thing herein contained to the contrary notwithstanding.

Limiting the Number of Tolls.

IX. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or any Person or Persons continued or appointed Collectors of the Tolls mentioned in this Act, to demand and take more than Two full Tolls in any One Day for or in respect of the same Horses, Cattle, Beasts, or Carriages passing and repassing on the same Day through all or any of the Toll Gates, Turnpikes, Side Gates, Side Bars, and

and Chains upon the Road between *Shrewsbury* and *Ellesmere*, nor more than Two full Tolls upon the Road between *Ellesmere* and *Wrexham*, nor more than Two full Tolls upon the Road between *Harmer Hill* and *Whitchurch*, and not more than One full Toll upon any of the other Roads herein-before mentioned.

As to Fraction of a Halfpenny in Tolls.

X. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Horses drawing different Carriages to pay each Time of passing.

XI. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Cart, or other such Carriage of any Description, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Roads, and any such Horse or other Beast shall afterwards be employed on the said Roads during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

Stage Coaches, &c. to pay each Time of passing.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or any Cart or Carriage whatever, conveying Passengers or Goods for Hire or Reward, shall be payable and paid for each Time of passing or repassing through the said Turnpikes, Toll Gates, or Side Gates on the said Roads, unless the Trustees shall order otherwise: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Carriage on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Ticket.

Post Chaises on every fresh Hiring.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid for each Time of passing or repassing along the said Roads whenever any fresh Hiring thereof shall take place, unless it shall be otherwise ordered by the said Trustees.

Steam Carriages to pay every Time of passing.

XIV. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of any Carriage propelled or moved by Steam, Gas, or by Machinery, or any such like Means, or otherwise than by Animal Power, shall be paid every Time of the passing and repassing of such Carriage along the said Road.

Trustees, &c. declared not incompetent Witnesses.

XV. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is enacted, that the Trustees and Commissioners of Turnpike Roads may sue and be sued in the Name or Names

Names of any such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in any Action or Suit in which they may be Plaintiffs or Defendants; and it is expedient that such Doubts should be removed; be it therefore enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any such Action or Suit by reason of any such Trustee, Commissioner, or Clerk being the nominal Plaintiff or Defendant in such Action or Suit.

Application of Tolls and Money borrowed.

XVI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts, or any of them, hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned and authorized to be collected on the said Roads, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and so far only and in rateable Proportion of their respective District of Road, and in the Order following; (that is to say,) in the first place, in the Payment of the Costs, Charges, and Expences incurred in, about, and relating to the applying for, preparing, obtaining, and passing this Act; secondly, (after Payment of the necessary Expences from Time to Time for Books, Advertisements, Salaries of Officers, and other such general current Expences,) in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted on the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted on the Tolls or Duties hereafter to become payable thereon; thirdly, in defraying the Expences of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the said Roads, and of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads, and otherwise in executing the Powers of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have already or may hereafter be borrowed by the Trustees for executing this Act on account of the said Roads, and all other Debts and Money now owing and which may hereafter become due and owing by or on account of the said Roads; provided that the Powers heretofore given by the General Turnpike Acts to the Mortgagees of the Tolls on the said Roads shall not be defeated or lessened.

Roads to be maintained out of the Monies arising thereon respectively.

XVII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to keep separate Accounts of the Tolls and Monies to be henceforth collected or received upon or in respect of each of the said Division of Roads, and that the Repairs and Maintenance of the said Roads respectively, and the necessary Expences of erecting and maintaining Toll Gates, Toll Houses, and other Works on each of such Roads respectively, and also the Payment of the several Mortgage Debts now due and owing respectively on the said several Divisions, shall be defrayed out of the Monies to be collected or received

No more Money to be laid out on Roads than collected thereon.

received upon or in respect of each of such Division of Roads respectively; and that no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be repaired by this Act, unless some Toll Gate, Turnpike, or Toll Bar shall be erected or continued upon such Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Tolls received under this Act not to be applied in repair of Streets.

XVIII. And be it further enacted, That nothing in this Act contained shall empower the said Trustees to apply any of the Tolls received by virtue of this Act in repairing, altering, widening, or improving any Part of the Roads herein mentioned which shall pass through any Town or Place the Roads of which shall be maintained under the Provisions of a Local Act, nor to erect any Turnpike or Toll Gate within such Towns or Places.

New Term and Tolls liable to the existing Mortgages and Debts.

XIX. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and are hereby made subject and liable to the Payment, as herein-after mentioned, of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said recited Acts, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due and owing upon the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts shall be liable to the Payment thereof to the Trustees for executing this Act; and all Conveyances, Covenants, Bonds, and Agreements, Contracts and Securities whatsoever, entered into by any Person or Persons to or with the Trustees for executing the said recited Acts, or any Three or more of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same shall be fully satisfied and performed, on account and for the Benefit of the Trusts under this Act; and all Contracts or Agreements duly made or entered into by the Trustees for executing the said recited Acts hereby repealed, according to Law, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept, according to the Terms and Stipulations thereof respectively, by the Trustees under this Act, notwithstanding the Repeal of the said recited Acts.

Arrears of Tolls, &c. vested in Trustees.

XX. And be it further enacted, That all Arrears of Tolls or Rents, and other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act.

XXI. Pro-

Carriages laden with Gravel, &c. for Repair of Roads, &c. not exempted from Toll during Part of the Year.

XXI. Provided also, and be it further enacted, That nothing contained in any Act or Acts for regulating Turnpike Roads in *England*, or in this Act, shall extend or be construed to extend to exempt from the Payment of Toll any Horse or other Beast drawing any Carriage laden with Stones, Gravel, or other Materials for the making or repairing any Road or public Highway in any other Parish than those through which the said Turnpike Road passes or shall hereafter be made to pass, or for the making or repairing any Road or public Highway in any other Parish or Parishes than that wherein the same are found, unless the drawing of such Carriage so laden as aforesaid along the said Turnpike Roads shall be between the First Day of *April* and the First Day of *November* in the Year, or in the Time of hard Frost in the Winter Season.

Clothes, &c. not to be hung out near the Road.

XXII. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining the said Roads or any Part thereof, or shall hang or put or place any Hook or Hooks or other Thing or Things to, from, or in any House, Shop, or Place adjoining or being near to the said Roads or any Part thereof, so as to project into or over the same, or to be an Annoyance to any Person or Persons passing thereon, or prevent the free and safe Use of the whole Breadth of the said Roads, every Person so offending in any of such Cases shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above any Damage that may be occasioned thereby.

Entrances to Fields, &c. to be made with hard Materials.

XXIII. And be it further enacted, That in all Places throughout the said Roads hereby directed to be repaired, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Buildings, from the said Roads or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Road may not be injured by the Stoppage or running of Water, or by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, for the Space of Fourteen Days after Notice in Writing containing a Copy or Abstract of this Provision given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence, by the Surveyor or Surveyors to the said Trustees, or other Person or Persons appointed by them, requiring such Proprietor or Occupier so to make or repair the same, that it shall be lawful for the said Trustees, or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be; and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Ten Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of

any

any Justice or Justices of the Peace for the County within which such Default in Payment shall be made, or for the County, Borough, or separate Jurisdiction within which the Goods and Chattels of such Proprietor or Occupier shall be or be situate; and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given as aforesaid; and any Overplus shall be returned on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Lime for Manure to be exempt from Toll, if Trustees shall so order.

XXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, drawing any Waggon, Wain, Cart, or other Carriage 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, Lime to be used in manuring any Lands or Grounds, in case the Trustees of either District shall so order and direct at a Meeting, of which Twenty-one Days Notice shall be given by the Clerk to the said Trustees by affixing the same in Writing on all the Turnpike Gates within such District, and also in some Newspaper published in the Counties of *Salop* or *Chester*.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXV. And be it further enacted, That Ditches, Drains, or Watercourses, of a sufficient Depth and Breadth for keeping the said Road dry, and conveying the Water from the same, shall be made by the said Trustees, or their Surveyor or other Officer, on the Sides of the said Road, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House,) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriageways or Footways lead into or out of or across the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Public Act.

XXVI. 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.

XXVII. And be it further enacted, That this Act shall commence upon the Second *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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