



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## *Cap. xxx.*

An Act for making a Turnpike Road from *Morville* to *Shipton*, with a Branch to *Brockton*, and another Branch from *Brockton* to *Easthope's Coss*, all in the County of *Salop*.

[14th *June* 1839.]

**W**HEREAS it would be of great public Utility if Powers were given to make and maintain a Turnpike Road from *Morville* in the Parish of *Morville*, by a Place called *Weston*, to *Shipton* in the Parish of *Shipton*, all in the County of *Salop*; and also to make and maintain a Branch Turnpike Road from and out of the said intended Turnpike Road from *Weston* aforesaid to a Place called *Brockton*, in the said County of *Salop*; and also to make and maintain another Branch Turnpike Road from *Brockton* aforesaid to a Place called *Easthope's Cross*, in the Township and Parish of *Easthope* in the said County of *Salop*; and for the Purposes aforesaid to divert, widen, and improve the existing Highways between the several Places aforesaid, or some Part or Parts thereof respectively: And whereas the beneficial Objects herein-before mentioned 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  
[*Local.*] 7 X Excellent

The Object  
and Powers  
of the Act  
defined.

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 this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of making and maintaining a Turnpike Road to commence at or near to a certain Stone Finger Post near the Entrance Gate to a Mansion House called *Morville Hall*, in the Township of *Morville* in the Parish of *Morville* in the County of *Salop*, thence to pass from, in, through, or into the several Parishes, Townships, and other Places of *Morville*, *Aston Eyres*, *Monk Hopton*, *Weston* and *Oxenbold*, *Skimblecott*, *Holgate*, *Stanton Long*, and *Shipton*, or some of them, all in the said County of *Salop*, and to terminate at or near to a certain Close belonging to *Thomas Mytton Esquire*, and in the Occupation of *Samuel Massey*, called the *Edenolds*, in the Township of *Shipton* in the Parish of *Shipton* aforesaid, by there joining the Turnpike Road from *Ludlow* to *Much Wenlock*, both in the said County of *Salop*; and for the Purpose of making and maintaining a Branch Road from and out of the said intended Turnpike Road, to commence at a certain Place called *Weston*, in the said Township of *Weston* and *Oxenbold* in the said Parish of *Monk Hopton*, near to a Farmhouse in the holding of *William Edwards*, and thence to pass from, in, through, or into the several Parishes, Townships, and other Places of *Weston* and *Oxenbold*, *Shipton*, *Stanton Long*, and *Brockton*, all in the said County of *Salop*, and to terminate at or near to the Bridge on the said Turnpike Road leading from *Ludlow* to *Much Wenlock* in the Township and Village of *Brockton* in the said Parish of *Stanton Long*; and also for the Purpose of making and maintaining another Branch Road from and out of the said Turnpike Road leading from *Ludlow* to *Much Wenlock* aforesaid, to commence at or near to the last-mentioned Bridge in the Village of *Brockton* aforesaid, thence to pass from, in, through, or into the several Parishes, Townships, and other Places of *Brockton*, *Stanton Long*, and *Easthope*, all in the said County of *Salop*, and to terminate by joining the Turnpike Road leading from *Church Stretton* in the said County of *Salop* to *Much Wenlock* aforesaid at the Corner of a Field in the Occupation of *Henry Wadlow* adjoining to an Entrance Gate at *Lutwyche Hall*, and near to a certain Place called *Easthope's Cross*, in the Township and Parish of *Easthope* aforesaid; and that the several Purposes aforesaid, or any of them, may be carried into effect by widening, diverting, and improving an existing Highway leading from *Morville* aforesaid to *Shipton* aforesaid, and also an existing Highway leading from *Weston* aforesaid to *Brockton* aforesaid, and also an existing Highway leading from *Brockton* aforesaid to *Easthope's Cross* aforesaid, or any Part or Parts of such Highways respectively: Provided always nevertheless, that the said Turnpike Road from *Morville* to *Shipton* shall be made and completed before either of the said Branches shall be begun upon, and that the said Branch from *Weston* to *Brockton* shall be made and completed before the said Branch from *Brockton* to *Easthope's Cross* shall be begun upon, but without Prejudice to the Power of the Trustees to contract for the Purchase of the Lands wanted for either or such Branches as soon as conveniently may be after the passing of this Act.

II. And

II. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Salop*, together with *Edward Farrer Acton*, *William Blount*, Sir *William Edward Rouse Boughton* Baronet, *Ralph Benson*, *Moses George Benson*, *James Baxter*, *Thomas Beddoes*, *William Beddoes*, *Thomas Beale*, *Timotheus Burd*, the Honourable *Robert Henry Clive*, *St. John Chiverton Charlton*, *John Cotes*, *Frederick Hamilton Cornwall*, *Edward Coleman*, *Joseph Corbett* Clerk, *John Corser*, *Robert Canning*, *Robert Dorrell* Clerk, *Thomas Downes*, *Thomas Deighton*, *Thomas Duppa Duppa*, *Benjamin Flounders*, the Honourable *Edward Herbert* commonly called Viscount *Clive*, the Honourable *Edward James Herbert*, *William Johnson* Clerk, *George Johnson*, Sir *Francis Lawley* Baronet, *Beilby Richard Lawley*, *Charles Langton* Clerk, *Thomas Mytton*, *Robert Henry Gayer More* Clerk, *Robert Norgrave Pemberton* Clerk, *Richard Powell* Clerk, *Charles Powell*, *George Pritchard*, *William Pinches*, *Thomas Rowley D.D.*, *John Syer*, *Christopher Swainson* Clerk, *John Smith*, *Thomas Smith*, *John Smallman*, *Joshua Sing*, *Arndell Francis Sparkes*, *John Turner*, *Henry Vickers*, *Thomas Whitmore*, *Thomas Charlton Whitmore*, *William Wolryche Whitmore*, *John Francis Wright*, *James Stephen Wickens*, *Matthew Hayward Williams*, *Thomas Underwood* Clerk, 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 declared to be Trustees for carrying this Act into execution.

Appoint-  
ment of  
Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, at some of their Meetings to be held for the Purposes of this Act, to elect 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 same Powers and Authorities for carrying this Act into execution as if they had been herein expressly named.

Power to  
appoint addi-  
tional Trus-  
tees.

IV And be it further enacted, That the Trustees for carrying this Act into execution shall hold their First Meeting at an Inn known by the Name of the *Wenlock Arms* at *Monk Hopton* afore-said, or at such other convenient House or Place near to the Roads comprised in this Act as the said Trustees shall think proper, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon and Two in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Places as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

First Meet-  
ing of Trus-  
tees.

V. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Person who shall be appointed to collect or receive or who shall have the Custody or Control of any Money belonging to the said Trustees,

Treasurer  
and Collector  
to give Se-  
curity.

tees, for the due Execution of his Office, before he shall enter thereupon.

New Road  
may be  
made.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the several new Roads herein-before mentioned of such Width as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Embankments, Ditches, Drains, Fences, and other Works on the Line of the said Road as they may think requisite, and for the Purposes aforesaid (subject nevertheless to the several Provisions and Restrictions in this Act and in the various Acts for regulating Turnpike Roads in *England* contained) to take and use any Lands, making or tendering Satisfaction to the Owners thereof, and other Persons interested therein, for the same, or for the Damage which they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors, Contractors, and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which such Roads, and the several Works connected therewith herein-before mentioned, or any of them, are intended to be made or to pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any Stakes or other Marks used for the Purposes aforesaid, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Plan deposited with  
the Clerk of  
the Peace  
to remain  
there, and  
be open to  
Inspection;

may be  
made  
Evidence.

VII. And whereas a Map or Plan describing the Line of the said intended new Roads, and the Lands upon, in, through, or over which the same are intended to be carried, together with a Section, and also a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said County of *Salop*; be it therefore enacted, That the said Map or Plan, Section, and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take and have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan, Section, and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

Trustees  
empowered  
to deviate  
from Plan to  
an Extent

VIII. And be it further enacted, That the said Trustees, in making the said new Road, shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited with the Clerk of the Peace as herein-before mentioned; provided

no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan, without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be made.

not exceed-  
ing One  
hundred  
Yards.

IX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Roads shall not authorize the said Trustees to pull down, or to take, use, or injure any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the Schedule to this Act annexed,) without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees  
restrained  
from pulling  
down Dwelling  
Houses,  
&c. not men-  
tioned in the  
Schedule  
without Con-  
sent.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Roads and other Works in the Line or Course, and upon, in, through, or over the Lands delineated upon such Map or Plan, although such Line or Course, or such Lands or any of them, or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan or Section, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Salop*, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Lands mark-  
ed in the  
Plan may be  
used not-  
withstanding  
Errors in the  
Book of Re-  
ference or  
Schedule.

XI. And be it further enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act agree for and cause to be valued and paid for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of the Roads mentioned in this Act shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively, any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding.

Limiting the  
Time for pur-  
chasing Pro-  
perty.

XII. And be it further enacted, That in case any Lands shall hereafter be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested

The Free-  
hold and In-  
heritance of  
Lands pur-  
chased to  
remain vest-  
ed in the  
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in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased in case the same shall be of Freehold Tenure, and in case such Land shall be of any other Tenure the Estate and Interest in such Land, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XIII. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act for the Purposes of the Roads comprised herein, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over; or upon the said Lands shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting as if they had purchased the Fee Simple.

XIV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands.

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

XV. And be it further enacted, That in all Cases in which any Entrance shall be made from any of the said Roads to any Land, 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 Owner or Occupier of such Lands, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of Ten Days after Notice in Writing (setting forth this Provision) given to such Owner or Occupier, or left at his usual or last known Place of Abode, by the Surveyor to the said Trustees, requiring such Owner or Occupier to make or repair the same, then it shall be lawful for the said Trustees, or for their Surveyor or any other Person 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 paid to the said Trustees by such Owner or Occupier (as the Case may be); and in Cases of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on the Behalf of the said Trustees, then such Expences shall and may

be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the said County of *Salop* (and which Warrant of Distress such Justice is hereby empowered and required to grant on Proof made before him on Oath of such Expences having been incurred, and of such Notice having been given as aforesaid); and the Overplus (if any) shall be returned, on Demand, to the Persons whose Goods and Chattels shall have been so distrained and sold.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to erect or build on the said Roads or any Part thereof, or upon the Sides thereof or any Part thereof, when and where and as they shall judge proper, any Toll Gates or Toll Bars, Turnpikes, Toll Houses, and Weighing Machines, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for such Toll Houses, not exceeding One Eighth Part of a Statute Acre to each Toll House, as they shall judge necessary, and also from Time to Time to alter or take down, and re-erect or reconstruct, or to discontinue and remove, the same or any of them, as they the said Trustees shall from Time to Time think proper.

Power to erect Toll Gates, &c.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required to erect upon each and every Road comprised in this Act One or more Toll Gate or Toll Gates or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions and Directions 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 Repairs of any Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing, and no more of the Money arising from Tolls by virtue of this Act shall be laid out or expended on any of the said Roads than shall be actually raised or received upon or in respect of such Road; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Trustees to erect Toll Gates on each Road.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any other Local Act of Parliament, nor to collect any Tolls thereon.

No Money to be laid out in repairing Streets.

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

Power to take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Sixpence:

Tolls.

For

For every such Carriage with Four Wheels affixed to any Waggon, Cart, or other Carriage, the Sum of One Shilling ;

And for every such Carriage with Two Wheels affixed to any Waggon, Cart, or other Carriage, the Sum of Sixpence :

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Sixpence :

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Sole thereof, the Sum of Five-pence :

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Four-pence :

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

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

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

And for every Coach, Vehicle, or other Carriage, of whatever Description, propelled or drawn wholly or in part by Steam or Machinery, or otherwise than by Animal Power, the Sum of Two Shillings ; and for every Dog drawing any Truck or other Carriage, the Sum of Four-pence.

As to fractional Parts of a Halfpenny in Tolls.

XX. And be it further enacted, That in all Cases in which 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 shall be demanded and taken in lieu of such fractional Part.

Restriction on Exemptions.

XXI. Provided always, and be it further enacted, That no Exemption from any Tolls by this Act granted shall be allowed for or in respect of any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden with Lime or Lime Ashes for agricultural or other Purposes.

Limiting the Number of Tolls to be taken.

XXII. Provided always, and be it further enacted, That not more than Two full Tolls shall be taken, for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing any Number of Times in the course of the same Day through all or any of the Toll Gates upon the said Roads between *Morville* and *Shipton*, or between *Morville* and *Easthope's Cross*, nor more than One full Toll between *Weston* and *Brockton*, nor more than One full Toll between *Brockton* and *Easthope's Cross* (except as herein-after mentioned), but each such full Toll may in all or any of the said Cases be divided into Two Half Tolls, and taken in Two Sums instead of in One.

XXIII. Pro-



XXIII. Provided always, and be it further enacted, That upon Payment of the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any Toll Gate or Turnpike or Side Gate on any of the said Roads, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate and Gates (if any) as the Ticket for such Payment shall free, at any Time and Times during the same Day, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but once a Day,

XXIV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts drawing Stage Carriages, of whatever Description, conveying Passengers for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriages along the said Roads or either of them; provided nevertheless, that no further or additional Tolls shall be payable in respect of such Carriages by reason only of the Horses or Beasts drawing the same having been changed.

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

XXV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts let out to Hire, whether for riding, or for drawing Post Chaises or other Carriages, and passing along the said Roads, or any or either of them, upon every Occasion of a distinct or new Hiring of such Horses or Beasts.

Horses let out to Hire to be subject again to Toll on every new Hiring.

XXVI. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall not 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 Fifteen 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 Ten Hundred Weight for each such Carriage and the Lading thereof.

Weight of One-horse Carts limited.

XXVII. And be it further enacted, That all Carts and other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall and may be weighed at any Weighing Machine to be erected upon 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 and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Roads drawn by only One Horse or other Beast, and to the Drivers and Owners thereof respectively.

One-horse Carts may be weighed.

XXVIII. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate

Penalty on Lessees compounding for Overweight.

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quate Composition of the Tolls of Carriages liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition by the Year or otherwise with any Person whomsoever for or in lieu of the Tolls of any Carriage of whatever Description, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof, by Confession or upon the Oath of any Witness, before any of Her Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and shall also forfeit his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void, and every such Composition shall be null and void; and one Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied to the Purposes of this Act.

Tolls may be collected, and Liability to repair shall be enforced, although the whole of the Roads are not completed.

XXIX. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, Carriage, or Person through any Toll Gate or Toll Bar to be erected on such Part and Parts of the Roads by this Act authorized to be made as may from Time to Time hereafter be completed and opened for the Use of the Public, although the whole of the Roads by this Act authorized to be made shall not at any Time hereafter be made and completed; and that all Persons who, by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England*, would be liable to the Repair of the said Roads when wholly made and completed, shall be and are hereby declared to be liable to the Repair of so much thereof as shall from Time to Time be completed and opened for the Use of the Public, although the whole of the Roads by this Act authorized to be made shall not be at any Time hereafter made and completed.

Application of Tolls and other Monies

XXX. And be it further enacted, That all the Monies which shall arise and be produced by or from the Tolls by this Act granted and made payable, together with the Monies that shall be borrowed upon the Credit thereof, and all Monies which shall arise and be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes and in the Order and Manner following; (that is to say,) in the first place, in Payment of all Costs, Charges and Expences which shall have been incurred preparatory to and in applying for, preparing, passing, and obtaining this Act and otherwise relative thereto; in the second place, in defraying the Expences of making, forming, improving, and altering the said Roads, and of erecting necessary and convenient Bridges and Culverts, and in defraying the Expences of building or erecting Turnpikes, Toll Houses, Toll Gates, Side Gates, and Toll Bars, with suitable Outbuildings thereto; and in the third place, in maintaining and repairing the said Roads, and removing, altering, or repairing Gates, Weighing Machines, Toll Houses, and other Conveniences, and executing the general Purposes of this Act; and in the fourth place, in paying and keeping down  
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the Interest of the Monies subscribed and advanced for the Purposes of this Act upon any Mortgages of the Tolls or Duties hereby granted or made payable; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money due on any such Mortgages or Securities as aforesaid, and all other Debts and Sums of Money now due or owing and hereafter to become due or owing in pursuance of this Act.

XXXI. And whereas when the Roads hereby authorized to be made are completed some Parts of the Highways adjoining thereto or communicating therewith, and of the Footpaths leading into or out of the same, may become useless, and other Parts of the said Highways and Footpaths may, for the Convenience of the Public, require to be diverted into the said Turnpike Roads or otherwise; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held under this Act after the making of any of the said Roads, by Writing under their Hands and Seals, to order and direct that such Parts of the said Highway and Footpaths, or any of them, as they shall deem expedient, shall be diverted, and that such Part or Parts thereof as they shall deem useless or unnecessary shall be stopped up and discontinued, at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever afterwards to use the said Highways or Footpaths, or such Part or Parts thereof as shall be so stopped up and discontinued as aforesaid, but the same shall thenceforth cease to be common Highways or a common Highway, common Footpaths or a common Footpath, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Footpaths so ordered to be diverted, stopped up, and discontinued as aforesaid, and also upon the principal Door of the Church or Chapel (if any) belonging to the Parishes within which such Highways or Footpaths shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be inserted twice in some public Newspaper usually circulated in the said County of *Salop*, for the Purpose of enabling any Person who may be aggrieved by the said Order to make his Appeal against the same as herein-after provided; nor shall any such Highway or Footpath be stopped up or discontinued, in case any such Person shall make any such Appeal within Four Calendar Months next after the making of such Order, until the Determination of such Appeal.

Power to Trustees to stop up Highways and Footpaths.

XXXII. And be it further enacted, That it shall be lawful for any Person who may be aggrieved by the making of any Order by this Act authorized for diverting, stopping up, or discontinuing any such old Highways or Footpaths as aforesaid to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Salop* which shall be held within Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal, to be signed by the Appellant, to the Clerk of the said Trustees

Power of Appeal against Order of Trustees.

Trustees for the Time being, or by leaving the same at the usual Place of Abode of such Clerk, at least Twenty-one Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order to award and adjudge that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal, having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever, and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided always, that in case no Appeal shall be made within the Time aforesaid, the said Order or Orders shall be final and conclusive on all Persons whomsoever.

Satisfaction to be made to the Owners of Lands through which any Diversions shall be made.

XXXIII. And be it further enacted, That Satisfaction shall be made to the Owner or Owners of the Land or Ground through which any such Diversion of the said Highways or Footpaths respectively shall pass, such Satisfaction to be made by the said Trustees in the Manner directed by the Laws now in force for regulating Turnpike Roads in *England*; and all Monies expended in diverting or stopping up the said Highways and Footpaths shall be paid out of the Monies received by virtue of this Act.

Trustees, &c. declared competent Witnesses in Actions. 3 G. 4. c. 126.

XXXIV. 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 Trustees and Commissioners of Turnpike Roads may sue or be sued in the Name or 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 Actions or Suits in which they may be Plaintiffs or Defendants; 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 Action or Suit by reason of his being Plaintiff or Defendant in such Action or Suit.

For compelling Payment of Subscriptions.

XXXV. And be it further enacted, That the several Parties who, by themselves or their Agents, have already agreed or who may hereafter agree to subscribe any Money for or towards the making or maintaining of the said new Roads, shall pay and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts and Proportions thereof as shall from Time to Time be called for by the said Trustees, to such Persons and at such Times and Places as the said Trustees shall from Time to Time direct and appoint; and if any Party shall refuse or neglect to pay the Sum of Money subscribed for by him, or such Part or Proportion thereof as shall be so from Time to Time called for by the said Trustees as herein-before mentioned, for the Space of One Calendar Month next after the Day appointed for the Payment thereof

thereof as aforesaid, then it shall be lawful for the said Trustees to sue for and recover the same in the Name of any One of such Trustees, or of their Clerk or Treasurer for the Time being, with full Costs of Suit, in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, nor more than One Imparlançe, shall be allowed.

XXXVI. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of certain Terms employed in this Act.

XXXVII. 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.

Public Act.

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

Commencement and Continuance of Act.

## The SCHEDULE to which this Act refers.

Description of Premises.	Parish.	Owners.	Lessees.	Occupiers.
<i>Line from Morville to Shipton.</i>				
Gardens	Morville	Sir John Edward Emerick Dalberg Acton, Baronet.	-	William Willis.
Outbuildings and Fold	Ditto	Ditto	-	Ditto.
Stack-yard	Ditto	Ditto	-	Ditto.
Cottage and Garden	Aston Eyres	The Duke of Cleveland	-	Mary Pumford.
Garden	Ditto	Ditto	-	Robert Griffiths.
Ditto	Ditto	Sir John Edward Emerick Dalberg Acton, Baronet.	-	Jeffrey Embrey.
House and Garden	Ditto	The Duke of Cleveland	-	Robert Griffiths.
House, Outbuildings, and Curtilage.	Ditto	Sir John Edward Emerick Dalberg Acton, Baronet.	-	Jeffrey Embrey.
House, Outbuildings, and Garden.	Ditto	Saint John Charlton, Esq.	-	Hannah Tipton.
House and Garden	Ditto	Lord Sudeley	-	Hercules Wall.
Ditto	Ditto	Saint John Charlton	-	Innocent Embrey.
Outbuildings and Fold	Ditto	Ditto	-	William Corser.
Garden	Ditto	The Duke of Cleveland	-	Edward Milner.
Ditto	Ditto	Ditto	-	Ditto.
Orchard	Ditto	Saint John Charlton	-	William Corser.
Garden	Ditto	The Duke of Cleveland	-	Edward Milner.
Ditto	Ditto	Saint John Charlton	-	Thomas Howells.
Ditto	Ditto	Ditto	-	Daniel Rowley.
Ditto	Ditto	Ditto	-	Thomas Howells.
House, Outbuildings, Garden, and Fold.	Monk Hop- ton.	Sir Francis Lawley, Baronet.	-	William Page.
Shed	Ditto	Ditto	-	Sir Francis Lawley.
House and Garden	Ditto	Ditto	-	Richard Wall.
Hut	Ditto	Ditto	-	Edward Marstone.
House and Garden	Ditto	Ditto	Mary Hayes	Mary Hayes,
Garden	Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto	Ditto.
House and Garden	Ditto	The Duke of Cleveland	-	John Jones.
Garden	Ditto	Ditto	-	Mary Child.
House and Garden	Ditto	Ditto	-	Thomas Meakin.
Ditto	Ditto	Ditto	-	Thomas Edwards and Thomas Beddowes.
Paddock	Ditto	John Butcher	-	William Edwards,
Garden	Ditto	Ditto	-	Ditto.
House and Outbuildings.	Ditto	Ditto	-	Ditto.
Garden	Ditto	Ditto	-	Ditto.
House and Garden	Stanton Long	William Chidley	-	William Chidley.
Garden	Shipton	Thomas Mytton, Esquire	-	Samuel Massey.
House, Outbuildings, Fold, and Curtilage.	Ditto	Ditto	-	Ditto.

Description of Premises.	Parish.	Owners.	Lessees.	Occupiers.
Orchard - -	Shipton -	Thomas Mytton, Esquire	- - -	Thomas Mytton.
Garden - -	Ditto -	Ditto - -	- - -	John Forton.
House, Garden, and Outbuildings.	Ditto -	Ditto - -	- - -	Ditto.
Garden - -	Ditto -	Ditto - -	- - -	Richard Blakeway.
House, Blacksmith's Shop, and Yard.	Ditto -	Ditto - -	- - -	Ditto.

*Line from Weston to Brockton.*

Outbuildings and Stack- yard.	Stanton Long or Shipton.	The Rev. Robert Henry Gayer More.	- - -	Edward Philpott.
House - -	Ditto -	Ditto - -	- - -	William Haines and John Morgan.
Pigstye - -	Ditto -	Ditto - -	- - -	Ditto.
Garden - -	Ditto -	Ditto - -	- - -	Thomas Acton.
Outbuildings and Fold House and Garden -	Ditto -	Ditto - -	- - -	Ditto.

*Line from Brockton to Easthope's Cross.*

Building - -	Stanton Long or Shipton.	The Reverend Robert Henry Gayer More.	- - -	William Crudging- ton.
House and Garden -	Ditto -	Ditto - -	- - -	Francis Yates.
Ditto - -	Ditto -	Ditto - -	- - -	John Price.
Orchard - -	Ditto -	Ditto - -	- - -	Henry Wadlow.
House, Buildings, and Garden.	Ditto -	Ditto - -	- - -	Edmund Wadlow.
Buildings and Fold -	Ditto -	Ditto - -	- - -	Henry Wadlow.
Shrubbery - -	Ditto -	Ditto - -	- - -	Ditto.

