



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## *Cap. xliv.*

An Act for improving and maintaining the Road from *Ludlow* in the County of *Salop*, through *Woofferton* and *Little Hereford*, to *Monk's Bridge* in the said County, and also from *Ludlow* to *Orleton* in the County of *Hereford*.

[2d August 1831.]

**W**HEREAS an Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road leading from the Town of Ludlow in the County of Salop, through Woofferton and Little Hereford, to a Place called Monk's Bridge in the said County, and also from the Town of Ludlow to a Place or House called the Maidenhead, at Orleton in the said County of Hereford*: And whereas it is expedient that the Term and Powers of the said Act should be enlarged, and some additional Powers granted: And whereas it would be a great Accommodation to the Neighbourhood of the said Road, and of public Utility, if Power were granted to make Two several Diversions of the said Road in manner herein-after mentioned, and if Power were granted to stop up certain Parts of the present Road as herein-after mentioned: And whereas it would also be of great public Utility if so much of a certain Highway leading from *Woofferton* aforesaid to *Brimfield* in the said County of *Hereford*, as lies in the

[Local.] 7 X Parish

1 G.4. c. 34.



Parish of *Richards Castle* in the said County of *Salop*, were made Turnpike, and placed under the Care and Management of the Trustees to be appointed under the Authority of this Act: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the Act herein-before recited was repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George the Fourth*,  
 5 G. 4. c. 69. intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the beneficial Purposes 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First *Monday* next after the passing of this Act the said recited Act of the First Year of the Reign of King *George the Fourth* shall be and the same is hereby declared to be repealed.

Recited Act  
 1 G. 4. c. 34.  
 repealed.

Object and  
 Powers of  
 this Act.

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 Road leading from the Town of *Ludlow* in the County of *Salop*, through *Woofferton* and *Little Hereford*, to a Place called *Monk's Bridge* in the said County, and also from the said Town of *Ludlow* to a Place or House formerly called the *Maidenhead*, at *Orleton* in the said County of *Hereford*; and also for the Purpose of making and maintaining in repair the Two several Diversions of the present Road herein-after mentioned; that is to say, the one of such Diversions commencing at or near the Turnpike Gate situate at the South End of *Ludford Bridge* within the Parish of *Ludford* in the said County of *Hereford*, thence through the said Parish of *Ludford* and Part of the Parish of *Richards Castle* in the said County of *Salop*, and terminating at or near to a certain Field in the South Side of the River *Team* within the said Parish of *Richards Castle* in the said County of *Salop*, in the Occupation of *Edward Cooke*; the other of such Diversions commencing at or near to the Turnpike Gate called *Ludford Park Gate*, thence through the said Parish of *Ludford* in the said County of *Hereford*, and Part of the said Parish of *Richards Castle* in the said County of *Salop*, and terminating at or near to the principal Entrance to *Moor Park* within the said Parish of *Richards Castle* in the said County of *Salop*; and also for the Purpose of making Turnpike, and altering, widening, improving, and repairing so much of a certain Highway leading from *Woofferton* aforesaid to *Brimfield* in the said County of *Hereford* as lies in the said Parish of *Richards Castle* in the said County of *Salop*.

Application  
 of recited  
 Act 5 G. 4.  
 c. 69. to this  
 Act.

III. And be it further enacted, That the said recited Act passed in the Fifth Year of the Reign of His said late Majesty King *George the Fourth*, and all and every the Powers and Provisions therein contained,



tained, (except so far as they are repealed or altered by this Act,) shall be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Salop* and *Hereford*, and other Counties through which the said Roads pass, together with *Samuel Acton*, the Honourable and Reverend *George Rushout Bowles* Clerk, Sir *William Edward Rouse Boughton* Baronet, *Thomas Beale*, *Thomas Botfield*, the Honourable *Robert Henry Clive*, *Edmund Lechmere Charlton*, *George Berkeley Calcott*, *Dansey Richard Dansey*, *John Fox Downes*, *James Eysam Graham*, the Reverend *Robert Fitzwilliam Hallifax* Clerk, *John Hooper Holder*, *Thomas Andrew Knight*, the Reverend *Samuel John Knight* Clerk, *Edward Rogers*, *John Salwey*, *Theophilus Richard Salwey*, *Edward Salwey*, the Reverend *George William St. John* Clerk, *John Syer*, the Reverend *James Simpkinson* Clerk, the Reverend *John Thomas* Clerk, *Robert Finch*, *Charles Walker*, the Reverend *Thomas Wellings* Clerk, *Thomas Dunne*, *Frederick Hamilton Cornwall*, *Robert Bell Price*, the Honourable *Gustavus Frederick Hamilton*, and their Successors, being duly qualified according to the Provisions and Direction of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

V. 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, (of which Meetings and of the Purposes thereof respectively at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His said 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*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Five 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 as herein-before mentioned, shall have the same Powers and Authorities for executing this Act as if they had been named herein.

Power to appoint additional Trustees.

3 G. 4. c. 126.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Guildhall in the said Town of *Ludlow*, or at some other convenient Place contiguous to the said Road, on the Third *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Time and Places within the Town of *Ludlow* aforesaid, or contiguous to the said Road, as the said Trustees or any Three or more of them present at such respective Meetings shall think proper and appoint.

First Meeting of Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the said Two several Diversions of Road,

Diversions may be made.



Road, and also to widen and improve the Highway herein-before mentioned, of such Width as they shall think proper, not exceeding Thirty Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Lines of the said Two several Diversions and Highway, as they shall think proper, and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same or for the Damage 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 and Workmen, from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which such Two several Diversions, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, or any of them, are intended to be made or pass, or in or through which such Highway is intended to be widened or improved, 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, Tenements, or Hereditaments for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided always, that the widening or improving of the said Highway shall be made wholly in or through the Lands of *John Salwey* of the *Moor House* in the County of *Salop*, Esquire, and it shall not be lawful for the said Trustees, in the Exercise of the Power by this Act given, to deviate from such Lands into the Lands of any other Person or Persons, without the Consent in Writing of the Person or Persons in or through whose Lands any such Deviation shall be proposed to be made.

Plans deposited with the Clerks of the Peace to remain there, and be open to Inspection.

VIII. And whereas Maps or Plans describing the said intended Diversions of Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same are intended to be carried, together with Books of Reference thereto containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the respective Clerks of the Peace for the Counties of *Salop* and *Hereford*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said respective Clerks of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to such respective Clerks the Sum of One Shilling for such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or either of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the respective Clerks of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees in making the said Diversions shall not deviate more than One hundred

Restricting Deviations from Plans.

dred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons or Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments such Deviation beyond the said Distance of One hundred Yards shall be made.

IX. Provided always, and be it further enacted, That the Powers and Authorities by this Act granted for making the said Diversions shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, 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 hereto annexed, without the Consent in Writing of the Owners or Proprietors thereof or other Persons interested therein first had and obtained.

Dwelling Houses, &c. not to be taken without Consent.

X. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversions upon, in, over, or through any Lands, Tenements, or Hereditaments upon, in, over, or through which the same are delineated on the said Maps or Plans, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the said Books of Reference, provided it shall appear to any One or more Justices of the Peace for the County, Borough, or Place within which such Lands, Tenements, or Hereditaments shall be situate, in case of Dispute about the same, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the Time being.

Unintentional Errors in Act or Plans or Books of Reference not to prevent Execution of Act.

XI. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Three Years next after the passing of this Act agree for or cause to be valued and purchased the Lands, Tenements, and Hereditaments which they are hereby authorized to take, then and from thenceforth the Powers by this Act or by any other Act or Acts granted in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Lands, Tenements, or Hereditaments herein-before mentioned, cease and be utterly void, any thing in this Act or in any such Act or Acts as aforesaid contained to the contrary notwithstanding.

Limiting the Period of purchasing Property.

XII. Provided always, and be it further enacted, That when and so soon as the said Diversions of Road shall have been made and completed fit for the Passage of Horses, Cattle, and Carriages, so much of the present Line of Road in lieu whereof such Diversions shall have been made shall cease to be under the Controul of the said Trustees; and so much and such Part or Parts of the Land constituting the former Road as in the Judgment of the said Trustees

Part of old Line may be discontinued after Diversions have been made.

[*Local.*]

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may



may be unnecessary shall be discontinued as public Highway, and shall be stopped up, and shall be sold or otherwise disposed of by them for the Benefit of the Trust, in the Manner, and subject to the  
 3 G. 4. c. 126. Conditions, Provisions, and Regulations in that Behalf contained in 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.*

Power to  
continue the  
present Toll  
Gates, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Toll Gates, Toll Bars, and Toll Houses and Weighing Machines now standing and being upon the said Turnpike Road or upon the Sides thereof, and also to erect or build in lieu thereof or in addition thereto, upon the said Road or any Part thereof, or upon the Sides thereof or any Part thereof, and also upon the Diversions hereby authorized, or either of them, or upon the Sides thereof respectively, when and where and as they shall judge proper, any Toll Gates, Toll Bars, or Toll Houses, and from Time to Time to alter or to take down and rebuild or to discontinue and remove the same or any of them as they the said Trustees shall think proper.

Power to  
take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls or Sums of Money herein-after mentioned, or such Sum or Sums, not exceeding the respective Sums or Tolls herein-after mentioned, as the said Trustees at any of their Meetings from Time to Time shall think proper and order to be taken at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates, Bars, or Chains, which are or shall be standing and being or continued or erected by virtue of this Act, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night ; (that is to say),

Tolls.

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

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 are of less Breadth than Six Inches and not less than Four Inches and a Half, the Sum of Four-pence Halfpenny ; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Sixpence :

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

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

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

For every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels 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 the Reign of His said late Majesty King 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 to 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. 4 G. 4 c.95.

XV. 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 hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. Fractional Part of a Halfpenny in Tolls.

XVI. Provided also, and be it further enacted, That in case the Tolls hereby 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 in the next succeeding Night, shall, upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages, or drawing Post Chaises or other such like Carriages,) 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 different Waggon, Wain, Cart, or other such Carriage, (except Carriages laden with Soil, Dung, or Compost for improving Lands,) 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 the said Road for the Distance of Three Miles or more. No Toll to be paid on re-passing.  
Exception.

XVII. Provided always, and be it further enacted, That no more than Four full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horses, Beasts, or Cattle, or Carriages, in any One Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon the said Road. Limiting the Number of Tolls in any One Day.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of Horses drawing Stage Coaches to be subject to Toll for every Time of passing.



of repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises,  
&c. to pay on  
every new  
Hiring.

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

Weight of  
Single-horse  
Carts limited.

XX. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Road by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights 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.

One-horse  
Carts to be  
weighed.

XXI. And be it further enacted, That all Carts or other such Carriages passing along the said Roads drawn by only One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Road, and the like additional Tolls 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 Carriages passing on the said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Application  
of the Tolls  
and Money  
borrowed.

XXII. And be it further enacted, That the Monies already received or to be received by virtue of the said former Act hereby repealed, and also all Monies which shall be received under this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, and applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been advanced by any Person 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 by the said Trustees; and in the next place, in paying and discharging any Interest which may from Time to Time be owing on the Credit of the said former Act hereby repealed, or which may at any Time hereafter become due on the Credit of this Act; and afterwards in defraying the Expence of improving, repairing, and maintaining the said Road, and of making  
and



and maintaining the several Diversions of Road by this Act authorized to be made, and of otherwise executing the several Purposes of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may have been borrowed and secured under or upon the Credit of the said former Act, and also any Principal Sum or Sums of Money which may hereafter be borrowed and secured under or upon the Credit of this Act.

XXIII. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said former Act hereby repealed, or of this Act, shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within any City or Town through which the said Road may pass, and which Streets, Roads, and Highways now have or hereafter shall have Houses or other Buildings abutting upon or ranging along both Sides thereof; nor shall it be lawful for the said Trustees to collect any Toll or Tolls therein, any thing herein contained to the contrary notwithstanding.

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

XXIV. And be it further enacted, That this Act shall commence on the First *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.

Commencement and Duration of Act.

XXV. 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.



The SCHEDULE referred to in the foregoing Act.

No. on Plan.	Description of Property.	Owners.	Lessees.	Occupiers.
16	Orchard - -	Humphrey Smith	In hand - -	Humphrey Smith.
17	Garden - -	Ditto. - -	Ditto - -	Ditto.
18	Fold - -	Mrs. Salwey -	John Kennett -	John Kennett.
19	Orchard - -	Humphrey Smith.	In hand. - -	Humphrey Smith.

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