



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. xi.

An Act for making a Turnpike Road from *Minsterley* in the County of *Salop* to the Turnpike Road leading from *Bishop's Castle* in the said County of *Salop* to *Churchstoke* in the County of *Montgomery*. [26th March 1834.]

WHEREAS the making a Turnpike Road from the Village of *Minsterley* in the Parish of *Westbury* in the County of *Salop* to the Turnpike Road leading from *Bishop's Castle* in the same County to *Churchstoke* in the County of *Montgomery* would be of great Advantage to the Inhabitants of the several Parishes, Townships, or Places in the Neighbourhood of the said Road, and to the Public in general: 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 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 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 from the Village of *Minsterley* in the Parish of *Westbury* in the County of *Salop* to the Turnpike Road leading from *Bishop's Castle* in the same County to *Churchstoke* in the County of *Montgomery*, to commence at or near a certain Inn or Public House in *Minsterley* aforesaid known by the Name or Sign
 [Local.] Z z of

Objects and Powers of the Act defined.

of the *Angel*, and to pass from, through, or into the several Parishes, Townships, or Places of *Minsterley*, *Worthen*, *Shelve*, and *More*, all in the said County of *Salop*, and the Parish of *Hyssington* in the respective Counties of *Salop* and *Montgomery*, and the Parish of *Churchstoke* aforesaid in the said County of *Montgomery*, and to terminate at a Place at or near a House called the *Ivy House*, near the Fourth Mile Stone on the said Turnpike Road leading from *Bishop's Castle* to *Churchstoke*, and which Road shall henceforth be called "The *Minsterley* and *Churchstoke* Road."

Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the said Counties of *Salop* and *Montgomery*, together with the Right Honourable *Henry Vane* commonly called Earl of *Darlington*, the Right Honourable *Charles Bennet* commonly called Lord *Ossulston*, the Right Honourable *Edward Herbert* commonly called Viscount *Clive*, the Honourable *Robert Henry Clive*, Sir *Offley Penbury Wakeman* Baronet, Sir *Charles Thomas Jones*, *Francis Allen*, *Richard Ambler* Clerk, *John Beck*, *Peter Beck*, *Ralph Benson*, *Ralph Benson* the younger, *Richard Betton*, *John Bright*, *Thomas Brown*, *Timotheus Burd*, *Walter Burley*, *William Clemence*, *John Cotes*, *William Cross*, *John Davies*, *James Davies*, *Thomas Davis*, *William Nathaniel Davies*, *Arthur Dicken*, *Charles Drury* Clerk, *Thomas Farmer Dukes*, *Edward Eddowes*, *John Eddowes*, *John Edwards* of *Hampton Hall*, *John Edwards* of *Mellington*, *Thomas Ellis*, *Edward Farmer* Clerk, *Edward Farmer* the younger, *Richard Ford*, *James Freme*, *John Harding* Clerk, *Hamlet Harrison* Clerk, *Thomas Henry Hope*, *Henry Hope*, *Frederick Hope* Clerk, *William Wybergh How*, *Richard Webster Huntley* Clerk, *Heighway Jones*, *John Jones*, *William Jones*, *William Heighway Jones*, *Charles Leicester* Clerk, *John Arthur Lloyd*, *John Lloyd* the elder, *John Lloyd* the younger, *Henry Lloyd*, *William Lloyd*, *Thomas Lovatt*, *Henry Lyster*, *John Lyster*, *Thomas Medlicott*, *Robert Bridgeman More*, *Thomas Frederick More* Clerk, *George Mountford*, *Edward Nealer*, *Daniel Nihil* Clerk, *Francis Collins Norton*, *William Oakeley*, *John Oakeley*, *Richard Evan Owen* Clerk, *Edward William Smythe Owen*, *Thomas Parr* Clerk, *David Parry*, *Robert Norgrave Pemberton* Clerk, *John Dryden Pigot* Clerk, *Richard Probart*, *Richard Henry Mostyn Price* Clerk, *John Pritchard* the elder, *George Pritchard*, *John Pritchard* the younger, *William Pugh*, *Thomas Salt*, *George Jonathan Scott*, *Thomas Smith*, *Philip Smyth* Clerk, *William Starr*, *Edward Studley*, *Thomas Sutton*, *William Edward Tomline*, *William Vaughan* Clerk, *Charles Gregory Wade* Clerk, *Henry Diggory Warter*, *Robert More White*, *John Williams*, *John Wollaston*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any of their Meetings to be held in pursuance of this Act, to elect and appoint any Number of Persons not exceeding 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.

IV. And

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Angel Inn* in the Village of *Minsterley*, or at some other convenient Place in *Minsterley* aforesaid, on the Fourth *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places within the Town of *Shrewsbury*, or the Town of *Bishop's Castle* aforesaid, or in the Neighbourhood of the said Road, as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

First Meeting
of the Trus-
tees.

V. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the said Road herein-before described of such Width as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Embankments, Foundations, Piers, Abutments, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other Works on the Line of the said Road as they shall think expedient, 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 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 upon, in, over, or through which such Road, and also such Footpaths, Causeways, Embankments, Foundations, Piers, Abutments, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other Works as aforesaid, or any of them, are intended to be made or 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 of such Stakes or other Marks used for the Purposes aforesaid, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Road to be
made.

VI. And whereas Maps or Plans describing the said intended Road, and the Lands upon, in, over, or through which the same is intended to be carried, together with Books of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the respective Clerks of the Peace for the Counties of *Salop* and *Montgomery*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively, 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 the Clerks of the Peace respectively in whose Custody the Map or Plan or Book of Reference so inspected may be 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 Maps or Plans and Books of Reference, or any or either of them, or any Copy thereof respectively or of any Part thereof respectively,

Plans depo-
sited with the
Clerks of the
Peace to re-
main there
and be open
to Inspec-
tion.

respectively, certified by the said Clerks of the Peace respectively 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 the Line of Plan to an Extent not exceeding 100 Yards.

VII. And be it further enacted, That the said Trustees in making the said Road shall have full Power and Authority to deviate from the Line delineated upon the said Plans so deposited with the respective Clerks of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plans without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviations beyond the said Distance of One hundred Yards shall be proposed to be made.

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

VIII. Provided always, and be it further enacted, That the Powers and Authorities by this Act granted for making the said Road 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, 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 to this Act annexed,) without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first obtained.

Unintentional Errors not to prevent the Execution of the Act.

IX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road and other Works aforesaid in the Line or Course, and upon, in, over, or through the Lands delineated upon the said Maps or Plans, although such Line or Course, or such Lands 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 Schedule thereto, or in the said Maps or Plans or Books of Reference thereto; provided it shall appear to any Two or more Justices of the Peace for the County, Riding, Division, or Place within which the Cause of Dispute shall arise, 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 shall remain in the Custody of the Clerk of the Peace for such County, Riding, Division, or Place for the Time being, as the Case may require.

Limiting the Period for purchasing Property.

X. And be it further enacted, That if the said Trustees shall not within the Space of Three Years after the passing of this Act agree for or cause to be valued and pay for the Lands which they are by this Act authorized to take, then and from thenceforth the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads 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.

XI. And

XI. And be it further enacted, That it shall be lawful for the said Trustees and their Surveyor, or for any other Persons by them appointed, and they are hereby empowered, to make such Ditches, Drains, or Watercourses of such Depth and Breadth as they shall consider necessary for keeping the said Road dry, and for conveying the Water from the same, 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, 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 also such Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, as they shall deem necessary, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Lands; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Road shall be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*.

Power to Trustees to make Ditches, Drains, &c.

XII. And be it further enacted, That in all Cases in which any Entrance shall be made from the said Road 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 Land, so that such Road 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 given to such Owner or Occupier, or left at his usual or last known Place of Residence, by the Surveyor to the said Trustees, or by any other Person appointed by the said Trustees, requiring such Owner or Occupier so to make or repair the same; then it shall be lawful for the said Trustees or 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 case of Nonpayment of such Expences within Seven 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 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 of the County in which the said Demand and Refusal of such Expences shall happen to have been made, and which Warrant of Distress such Justice is hereby empowered and required to grant, on Proof made before him on Oath, or in the Case of a Quaker on solemn Affirmation, of such Expence having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold.

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

Toll Houses
to be erected,
&c.

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

Tolls.

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

For every Horse, Beast, or Cattle drawing any Timber Carriage, the Sum of One Shilling:

For every Horse, 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 Eight-pence:

For every Horse, 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 Eight-pence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches and not of less Breadth than Four Inches and a Half, the Sum of Nine-pence Half-penny; and in case the Fellies of the Wheels thereof shall be of less Breadth than Four Inches and a Half, the Sum of Eleven-pence:

For every Horse, Beast, or Cattle, laden or unladen, and not drawing, the Sum of Two-pence:

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

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

For every Carriage moved or propelled or set or kept in motion by Steam or Machinery, or by any other Agency than animal Power, the Sum of Eight-pence *per* Wheel for each Wheel thereof:

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

4 G. 4. c. 95.

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 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 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.

Fraction of
One Half-
penny in
Tolls.

XV. 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.

XVI. Provided always, and be it further enacted, That no more than One full Toll 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 or Toll Bars upon the said Road between the Town of *Minsterley* and the Junction of the Parishes of *Worthen* and *Shelve*, nor more than One full Toll between the Junction of the Parishes of *Worthen* and *Shelve* and the Termination of the said Road at or near to a certain House called *Ivy House*, except as herein-after mentioned.

Limiting the Number of Tolls for passing and repassing through all the Gates on the Road.

XVII. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle for which Toll shall have been paid for passing through any of the said Toll Gates or Toll Bars shall return drawing another or a different Waggon, Wain, Cart, or other such like Carriage, such Horse, Beast, or Cattle shall not be permitted to repass through such Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle, if in so repassing such Horse, Beast, or Cattle shall travel upon the said Road for the Distance of Two Miles or more.

Tolls to be paid on re-passing in certain Cases.

XVIII. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriage along the said Road: Provided nevertheless, that no further or additional Tolls shall be payable in respect of such Carriages on account only of the Horses, Beasts, or Cattle drawing the same having been changed.

Horses drawing Stage Coaches, &c. to be subject to Toll each Time of passing.

XIX. Provided also, and be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, and passing along the said Road, on each Occasion of a new and distinct Hiring of such Horses, Beasts, or Cattle.

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

XX. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse, Beast, or Cattle upon the said Road, 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.

XXI. And be it further enacted, That all Carts or other such like Carriages, drawn by only One Horse, Beast, or Cattle upon the said Road, shall and may be weighed at any Weighing Machine upon such Road, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said

One-horse Carts may be weighed.

said Road drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof respectively.

Exemption from Toll of Carriages carrying Lime.

XXII. And be it further enacted, That between the Fifth Day of *April* and the Twentieth Day of *October* (both Days inclusive) in every Year no Toll shall be demanded or taken under the Authority of this Act for or in respect of any Horse, Beast, or Cattle, or of any Carriage of whatever Description, employed in conveying or going to convey, or returning from conveying, having been employed solely in conveying, Lime or Limestone to be used as Manure or for the improving of Lands.

No Exemptions allowed in respect of Carriages having the Nails of the Tire of their Wheels projecting beyond a Quarter of an Inch.

XXIII. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act authorized to be taken shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Wain, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with Dung, Soil, Compost, or Manure for improving Lands, or Lime for agricultural Purposes, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, Fodder for Cattle, or Corn in the Straw, Potatoes, or other agricultural Produce, such Waggon, Cart, or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above the Surface of such Tire.

Penalty on Lessees compounding for Overweight.

XXIV. And whereas great Injury may be done to the said Road by the Lessees or Renters of the Tolls accepting an adequate Composition for 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, liable to be weighed and charged for or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof by Confession, or upon the Oath or Affirmation (as the Case may be) of any Witness before any of His Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum of Money 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 in the Repair of the said Road.

Trustees, &c. declared competent Witnesses in Actions, &c.

XXV. And whereas by the said 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 of any of 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

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.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees to borrow of the Commissioners for carrying into execution an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, such Sums of Money as the said Trustees may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of the Tolls granted by, and of the Toll Gates, Toll Bars, and Toll Houses (with their Appurtenances) erected under the Authority of this Act.

Trustees empowered to borrow Money of the Exchequer Loan Commissioners on the Credit of the Act.

XXVII. And be it further enacted, That every Mortgage or Assignment which shall be given or made by the said Trustees to the said Commissioners for the Issue of Exchequer Bills under the Authority of this Act shall have Priority of all other Mortgages or Securities given or made by the said Trustees in the Execution of this Act, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Exchequer Loan Commissioners to have Priority over other Securities granted by the Trustees.

XXVIII. And be it further enacted, That (except as herein-before provided with respect to Loans granted by the Commissioners for the Issue of Exchequer Bills) no Preference shall be given to any Person, or to the Assignee of any Person, who shall have advanced or who shall hereafter advance any Money on the Credit of the Tolls granted by this Act, by reason of the Priority of Date of the Mortgage or Assignment or other Security for the same, but all such respective Persons shall (in proportion to the Sums in such Mortgages or Assignments mentioned) be Creditors under this Act, and in an equal Degree one with another, without any Preference.

No Priority allowed to other Mortgagees.

XXIX. And be it further enacted, That all the Monies which shall be received under or by virtue of this Act shall be applied by the said Trustees in manner following; (that is to say,) in the first place in paying and discharging all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act, and otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for the Payment thereof or 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; secondly, in defraying the Expences of making and maintaining the Road by this Act authorized, and of otherwise executing the Purposes of this Act; thirdly, in paying and discharging any Interest which shall from Time to Time become due on the Credit of this Act; and lastly, in reducing and discharging the several Principal Sums of Money which shall have been borrowed, or which may be hereafter borrowed and secured, under or on the Credit of this Act.

Application of Money received.

XXX. And be it further enacted, That it shall not be lawful for any Person to make any Railroad which shall be used for the Passage of

No Railroads to be made across the Road.

[Local.]

3 B

Carriages

Carriages drawn or propelled by Steam, Gas, or other similar Means, to cross or pass over the Surface of the said Road or any Part thereof, but such Railroad shall be made and carried, either under the said Road by means of a Tunnel or Archway, at such a Depth from the Surface of the said Road as will not disturb or injure the same, or over the said Road, by means of an Arch of the same Span as the Width of the said Road, and of the Height of Twenty Feet at least from the Surface thereof; and all such Tunnels or Archways and Arches shall be respectively made and done under the Superintendence and Direction of the Surveyor of the said Road by this Act directed to be made; and in case any Railroad shall be made or begun to be made to cross or pass over the said Road or any Part thereof, contrary to the Provisions of this Act, such Railroad is hereby declared and shall be deemed to be an Encroachment, and may be removed by the Trustees of the said Road or their Surveyor; and the Expences of removing such Railroad, and repairing any Injury caused thereby, shall be borne and paid by the Proprietor thereof in such and the same Manner as any other Encroachment on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be removed; and the Proprietor of such Railroad shall also forfeit and pay any Sum not exceeding Five Pounds for each and every Day during which the said Railroad shall be made or begun to be made, and continue, contrary to the Provisions of this Act; which said Penalty shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may, by any Law or Statute relating to Turnpike Roads, be levied, recovered, and applied.

No Money to be laid out in repairing Streets in any Town.

XXXI. And be it further enacted, That no Money received by virtue of this Act shall be laid out in paving, repairing, or cleansing any Street, Road, or Highway within any Town or Place through which the said Road may pass.

Rules for Construction of certain Expressions in the Act.

XXXII. And be it further enacted, That whenever in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be construed to include several Matters as well as One Matter, several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals; and when the Word "Lands" shall be used, the same shall be construed to include Tenements and Hereditaments; 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.

Term of Act.

XXXIII. And be it further enacted; That this Act shall commence on the Fourth *Monday* next after the passing thereof, 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.

Public Act.

XXXIV. 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.

SCHEDULE referred to by the foregoing Act.

Numbers on Plan.	Owners.	Occupiers.	Description of Property.
PARISH OF WESTBURY.			
<i>Town, Liberty, Hamlet, or Place of Minsterley.</i>			
17	Thomas Marquis of Bath -	Samuel Williams - -	Garden.
18	Ditto - - -	Thomas Oakeley - -	Ditto.
20	Ditto - - -	Samuel Speake - -	Ditto.
24	Ditto - - -	Edward Eddowes, and underlet by him to Richard Davies.	Ditto.
31	Ditto - - -	Thomas Marquis of Bath -	Woodland.
PARISH OF WORTHEN.			
<i>Township, Liberty, Hamlet, or Place of Hope.</i>			
37	Thomas Marquis of Bath -	Thomas Marquis of Bath -	Woodland.
38	James Davies - - -	James Davies - - -	Ditto.
39	Ditto - - -	John Rogers - - -	Garden.
42	John Eddowes - - -	John Eddowes - - -	Part Woodland.
PARISH OF HYSSINGTON.			
<i>Township, Liberty, Hamlet, or Place of Hyssington.</i>			
83	James Freme Esq. - -	James Freme Esq. - -	Wood.
PARISH OF CHURCH STOKE.			
<i>Township, Liberty, Hamlet, or Place of Hurdley.</i>			
104	Rev. Richard Evan Owen, as Incumbent of Hyssington.	Rev. Richard Evan Owen	Orchard.
108	Rev. Thomas Farmer and Mary his Wife.	John Trow - - -	Garden.
109	Ditto - - -	Ditto - - -	Ditto.
114	Francis Collins Norton -	Richard Everall - -	Orchard.
118	Ditto - - -	Francis Collins Norton -	Plantation.

