



ANNO DECIMO

GEORGIIV. REGIS.

Cap. lxxvi.

An Act for repairing certain Turnpike Roads leading to and from *Bilston* in the County of *Stafford*. [22d May 1829.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road leading from High Bullen in Wednesbury to the further End of Darlaston Lane, next the Portway, and from thence, through Bilston, to the further End of Gibbet Lane, and several other Roads leading to and from Bilston, in the County of Stafford*: And whereas an Act was passed in the Twenty-seventh Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act of the Sixth Year of His present Majesty, for repairing and widening the Road leading from High Bullen in Wednesbury to the further End of Darlaston Lane, next the Portway, and from thence, through Bilston, to the further End of Gibbet Lane, and several other Roads leading to and from Bilston, in the County of Stafford*: And whereas an Act was passed in the Forty-seventh Year of His said late Majesty's Reign, intituled *An Act for continuing the Term and altering and enlarging the Powers of Two Acts passed in the Sixth and Twenty-seventh Years of His present Majesty, for repairing the Road leading from High Bullen in Wednesbury to the further End of Darlaston Lane, and other Places therein named, in the County of Stafford*: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in execution, and several considerable

[Local.] 22 H Sums

6 G. 3. c. 95.
27 G. 3. c. 91.
47 G. 3. Sess. 2. c. 92.

Recited Acts
repealed.

Sums of Money are due and owing on the Credit of the Tolls by the said Acts authorized to be taken on the Roads comprised in the said Acts, which cannot be paid off, nor can the Roads comprised in the said Acts be properly amended, widened, improved, and kept in repair, unless the Term and Powers of the said Acts are enlarged: And whereas it would be more convenient to the Trustees, and beneficial to the said Roads and to the Public, if the said Acts were repealed, and if further and other Powers were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's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 passing of this Act the said Acts passed in the Sixth, Twenty-seventh, and Forty-seventh Years of the Reign of His said late Majesty shall be and the same are hereby declared to be repealed.

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

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, improving, and keeping in repair the Road leading from the Street in *Wednesbury* near the Dwelling House of the late *Edward Wright*, to and through *Bilston*, to the further Side of *Gibbet Lane*; the Road leading from near the Dwelling House of *Dovey Hawkesford* in *Bilston*, up *Gold Thornhill Lane*, to the Turnpike Road between *Wolverhampton* and *Stourbridge*; the Road leading out of the said last-mentioned Road at *Catchem's Corner Gate*, down *Ettingshall Lane*, to the Turnpike Road between *Bilston* and *Wolverhampton*; the Road leading from *High Street Gate* in *Bilston* to the first-mentioned Road at the Finger Post at *Priest Fields*; the Road leading from *Church Street* in *Bilston*, along *Walsall Street*, to the Turnpike Road between *Walsall* and *Wolverhampton*; the Road leading from the last-mentioned Road, along *Mobb's Bank Lane*, to the Pavement in *Willenhall*; the Road leading from the first-mentioned Road at *Bilston*, along *Duck Lane*, to join the last-mentioned Road at *Cold Lanes Turnpike*; and the Road leading from the first-mentioned Road, along *Potter's Lane*, to the *High Bullen* in *Wednesbury*.

Trustees
appointed.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Stafford*, together with *Samuel Addison*, *John Addison*, *Charles Adams*, *John Addenbrooke*, *Henry Addenbrooke*, *Thomas Brueton*, *Norris Best*, *Thomas Brown*, *Benjamin Bickley*, *John Latty Bickley*, *Thomas Banks*, *George Bayley*, *Richard Bills*, *Benjamin Brown*, *William Bridgwater*, *James Brown*, *William Bath*, *John Bowen*, *William Bowen*, *Edward Best*, *John Clemson*, *Stephen Faulknor*, *Crowther*, *Peter Cotterell*, *John Crowther*, *Henry Crocket*, *William Dean*, *Edward Elwell*, *William Eyre*, *Richard Fryer*, *William Foster*, *John Turton Fereday*, *Charles Girdlestone* Clerk, *Joseph Howell*, *Thomas Hincks*, *Charles Homer*, *Dovey Hawkesford*, *Francis Holyoake*, *Whitmore Jones*, *William Jones*, *George Elwell Jackson*, *Thomas Jenks*, *William Leigh* Clerk, *Samuel Lowe* Clerk, *John Law*, *Samuel Lowe*, *Thomas Loxdale*, *Joseph Loxdale* the younger, *Job Lester*, *Isaac Mason*, *Richard North*, *Thomas Perry*, *Joseph Price*, *John Rowlison*

Pretty, William Bradney Pershouse, Thomas Pretty, John Freer Proud, Richard Rabone, William Rowley, John Rooth, James Russell, John Russell, Daniel Smith, William Stokes, Samuel Smith, Samuel Smith the younger, George Smith, William Smith, William Thacker, Richard Thompson, James Whitehouse, Edward Woolley, Edward Woolley the younger, Sir John Wrottesley Baronet, William Ward, and John Bickerton Whitehead, and their Successors, being duly qualified to act as Trustees of Turnpike Roads, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining in repair the said Roads, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads, (not exceeding Three in the whole in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *Fox Inn* in the Town of *Bilston* aforesaid, or at some other convenient Place in the said Town, on the Eleventh Day of *June*, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the said Town, or upon or near to the said Roads, as they shall think proper.

First Meeting
of Trustees.

VI. And be it further enacted, That the respective Sums herein-after mentioned shall or may be demanded and taken for Tolls; (that is to say,)

Tolls.

For every Horse or Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Sociable, Car, Chair, Gig, Whiskey, Caravan, Van, Hearse, Litter, or other such like Carriage, the Sum of Three-pence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Six Inches or upwards, the Sum of Three-pence:

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

For every Ox or Head of Neat Cattle, the Sum of One Halfpenny:

For every Calf, Sheep, Lamb, or Swine, the Sum of One Farthing:

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

Fractional
Part of a
Halfpenny in
Tolls.

VIII. And

Toll to be
paid but
Once a Day.

VIII. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand and take the respective Sums or Tolls aforesaid at more than One Gate in any One Day in respect of the same Horses, Beasts, or Cattle passing or repassing at any Time or Times in the same Day through all the Toll Gates, Turnpikes, and Side Gates on the said Roads; any thing in any Law or Statute relating to Turnpike Roads contained to the contrary notwithstanding.

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

IX. Provided always, and be it further enacted, That the Tolls payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads or any of them.

Post Chaises
on every new
Hiring.

X. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any fresh Hiring thereof shall take place.

One Horse
Carts to be
weighed.

XI. And be it further enacted, That, notwithstanding any Law or Statute to the contrary, all Carts and other Carriages drawn by One Horse or other Beast shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected or which hereafter may be erected upon or for the Benefit of the said Roads in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law, and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Thirty-five Hundred Weight in Summer, (to be computed from the First Day of *May* to the Thirty-first Day of *October*,) or than Thirty Hundred Weight in Winter, (to be computed from the First Day of *November* to the Thirtieth Day of *April*,) shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls mentioned in this Act) to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

Additional
Toll for
Overweight.

Lime for
Manure
exempt from
Toll.

XII. And be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage, employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Lime for manuring or improving Lands.

XIII. And

XIII. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences incurred in or incidental to the applying for, preparing, obtaining, and passing this Act; secondly, in repairing, altering, or erecting Toll Gates and Toll Houses, Fences, Ditches, Stones, and Posts, and in paying Expences of Books, Advertisements, Salaries of Officers, and other such current Expences of the Trustees, and in paying and discharging the Interest to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; thirdly, in defraying the Expences of diverting, altering, widening, improving, repairing, and keeping in repair the said Roads; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act.

Application
of Tolls and
Money
borrowed.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls mentioned in this Act, or borrowed on the Credit thereof, in paving or repairing any Highway or Street in the Town of *Bilston* aforesaid, save and except with respect to that Part of the said Roads in *Bilston* aforesaid which lies on the Line of Road from *London* to *Holyhead*, and so long as the Toll Gate or Turnpike now standing at or near the *Bilston Bridge*, and called the *Bilston Bridge Gate*, and the Toll Gate or Turnpike now standing in the *High Street* at *Bilston*, and called the *High Street Gate*, shall be continued, and Tolls shall be taken thereat in pursuance of this Act.

Trustees not
to repair
Streets, &c.
in *Bilston*.

XV. And be it further enacted, That all Railways already made or to be hereafter made by any Person or Persons across any of the said Turnpike Roads shall be made level with the Surface of the said Turnpike Roads, and with Groove or Box Rails not more than One Inch and Three Quarters of an Inch wide in the Groove, and the same shall be so made or done, at the Expence of the Proprietors thereof, under the Superintendence and Direction of the Surveyor of the said Turnpike Roads; and that the Horsepath of all such Railways shall, on such Parts thereof as cross the said Turnpike Roads, be paved with Pebbles or other hard small Stones, and kept in a good State of Repair, also at the Expence of such Proprietors, and under the Superintendence and Direction of the Surveyor of the said Turn-

Railways to
be made level
with the
Surface of the
Road.

pike Roads ; and in case any Person or Persons shall make or proceed to make any Railway across the said Roads contrary to the Provisions of this Act, or shall place thereon any other than such Groove or Box Rails as aforesaid, or shall not pave and keep in repair such Railway pursuant to the Provisions of this Act, or shall not alter any such Works already made so as to render the same in all respects conformable to the Provisions of this Act, within Three Days after Service of Notice on the Proprietor or Proprietors of any such Railway, or either of them, either personally or by leaving such Notice at their last or usual Place of Residence, by the Surveyor of the said Turnpike Roads, or other Officer of the said Trustees, requiring the Person or Persons making such Railway, or the Proprietor or Proprietors of such Railway, to make the same, or place such Groove or Box Rails, or to pave or alter and keep in repair the same as aforesaid, every such Person or Proprietor shall forfeit and pay the Sum of Forty Shillings for every Day after the Expiration of such Three Days which any such Railways shall continue or remain unaltered or in an imperfect State of Repair ; and which said Penalties shall be levied, recovered, and applied 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.

Steam
Engines, &c.
not to be
erected
within 20
Yards of the
Roads.

XVI. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person to erect or cause to be erected any Steam Engine, Gin, or other Machine for the Purpose of digging, making, or opening any Pit or Shaft, for the working, getting, raising, draining, or converting any Mines or Minerals, within the Distance of Twenty Yards from any Part of the said Roads ; nor shall it be lawful for any Person to make or cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, within the like Distance from any Part of the said Roads ; and in case any Person shall offend in any of the Cases aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day such Engine, Gin, Machine, or Fire shall be permitted to continue contrary to the Provisions of this Act ; which said Penalties 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.

Power to
enter Mines
where Pits or
Shafts have
been sunk
within 200
Yards of the
Road.

XVII. And be it further enacted, That where any Pit or Shaft has been sunk or made or shall be sunk or made, for the Purpose of working any Mines, Quarries, or other Works, within the Distance of Two hundred Yards of any Part of the said Roads, it shall and may be lawful to and for the said Trustees, and to and for such other Person or Persons as they shall appoint, and they are hereby respectively authorized and empowered, when and as often as they shall think necessary, to enter upon the Land or Ground where such Pits or Shafts shall be so sunk or made as aforesaid, and to descend and go down into the Mines, Quarries, and Works within or under the same, and for that Purpose to have the full and free Use of all and every or any of the Shafts, Windlasses, Ropes, Engines, Gins, Machinery,

Machinery, and other Things then in use within, about, or belonging to the said Mines, Quarries, and Works, both in descending and going down into the said Mines, Quarries, and Works respectively, and in ascending and coming up from the same, or any of them, for the Purpose of viewing, examining, inspecting, and latching the said Mines, Quarries, and Works, and the Surface of the Land or Ground above the same, as such Trustees or other Persons as aforesaid shall think necessary.

XVIII. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any such Trustees, or other Persons who may be employed in the Inspection or Latching of any Mines, Quarries, or Works as aforesaid, or on the Surface of the Land or Ground above the Excavations or Workings of such Mines and Minerals, shall refuse to such Trustees or Persons the full and free Use of all and every or any of the Shafts, Windlasses, Ropes, Engines, Gins, Machinery, and other Things then in use within, about, or belonging to the said Mines, Quarries, and Works, both in descending and going down into the said Mines, Quarries, and Works respectively, and in ascending and coming up from the same, or any of them as aforesaid, or shall in any Manner prevent such Trustees or Persons from having the full and free Use thereof, every such Person offending therein shall for every such Offence forfeit any Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices of the Peace before whom he or they shall be convicted; and which said Penalties shall be levied, recovered, and applied 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.

Penalty in case of Obstruction.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to take down and use, for the Purpose of improving the said Roads, a House and Two Gardens late belonging to *Thomas Knowles*, situate in *Cold Lane* in the Parish of *Bilston*, by the said recited Act of the Forty-seventh Year of the Reign of His late Majesty authorized to be taken down and used for that Purpose, any thing in any Law or Statute relating to Turnpike Roads contained to the contrary notwithstanding, provided the same be purchased by the said Trustees within Three Years from the passing of this Act.

Certain Houses and Gardens may be taken.

XX. Provided always, and be it further enacted, That, notwithstanding the Repeal of the several Acts herein-before repealed, all such of the Powers and Provisions of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for further improving the Roads between London and Holyhead, by Coventry, Birmingham, and Shrewsbury*, and of an Act passed in the Sixth Year of the Reign of His said present Majesty, intituled *An Act to extend the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead*, and of an Act passed in the Seventh and Eighth Years of the Reign of His said present Majesty, intituled *An Act for the further Improvement of the*

Powers of 1&2G.4.c.30. 6 G. 4. c. 100. 7&8G.4.c.35. to remain in force notwithstanding the Repeal of former Acts relating to the Bilston Trust.

the Road from London to Holyhead, and of the Road from London to Liverpool, as relate to or affect the Roads comprised in the said several Acts hereby repealed, or any Part thereof, or the Tolls thereby imposed or raised, shall continue and be and remain in full Force and Effect; and that all Orders of the Trustees for executing the said Acts hereby repealed, duly made pursuant to or in furtherance of the Provisions of the said several herein-before mentioned Acts of the First and Second, the Sixth, and the Seventh and Eighth Years of the Reign of His present Majesty, shall be continued and remain of the same Force and Effect as if the same Orders had been made by the Trustees acting in execution of this Act; and the Tolls by this Act granted, and any additional Tolls imposed or raised or to be imposed or raised pursuant to the Provisions of the said Acts of the First and Second, the Sixth, and the Seventh and Eighth Years of the Reign of His present Majesty, shall be and are hereby made chargeable with the Payment of the Interest of any Principal Sum or Sums of Money advanced or expended or to be advanced or expended under the Powers and Provisions of the said several last-mentioned Acts of the First and Second, the Sixth, and the Seventh and Eighth Years of the Reign of His present Majesty, or any or either of them, in respect of the said Roads, or any Part thereof, and with the Repayment of such Principal Sum or Sums of Money.

Public Act.

XXI. 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, without being specially pleaded.

Term of Act.

XXII. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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