



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. xcv.

An Act for repairing the several Roads leading to and from the Market House in *Stourbridge* in the County of *Worcester*, and several other Roads connected with the said Roads, in the Counties of *Worcester*, *Stafford*, and *Salop*.

[30th June 1842.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for amending and keeping in repair the several Roads leading to and from the late Market House in Stourbridge in the County of Worcester, and also several other Roads leading from and connected with the said Roads in the Counties of Worcester and Stafford*: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with an Arrear of Interest thereon; and such Money cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued, and the Tolls increased: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make and maintain as Turn-

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[Local.]

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pike

pike a certain Line of Road, as herein-after mentioned: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted, as well for repairing and improving the said present Roads as also for making and maintaining the said proposed Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act of the Second Year of the Reign of His late Majesty George the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

All Arrears of Tolls and Monies due under recited Act vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the several Counties of Worcester, Stafford, and Salop, together with John Amphlett, Thomas Amphlett, Edward Addenbrooke Addenbrooke, John Addenbrooke Addenbrooke, Henry Addenbrooke Addenbrooke, Edward Addenbrook Clerk, John Attwood, George Attwood, John Ashmore, John Amery, John Ash, Samuel Stone Briscoe, Thomas Bate, George Bate, Henry Bradley, Joseph Brettell, Richard Brettell, George Blakeway, John Bury, Charles Henry Crawford Clerk, John Collis, Thomas Collis, William Blow Collis, Edward Corser, Henry Corser, William Morgan Crompton, Edward Dixon, Edward Dixon the younger, Joseph Hoper Dixon, Robert Dudley, Francis Downing, John Dudley, Charles Dudley, William Evans, Henry Onions Firmstone, John Hodgetts Hodgetts Foley, Richard Foley B. D., William Foster, James Foster, William Henry Freer, Richard Freer, William Foster the younger, Perceval Foster, Michael Grazebrook, William Grazebrook, George Grazebrook, Michael Grazebrook the younger, Thomas Harward Clerk, John Harward, David Homfray, Adolphus Hopkins Clerk, Henry Thomas Hill Clerk, Richard Hickman, Henry Hickman Clerk, William Hunt, William Hunt the younger, John Hunt, John Harris, William King, Joseph King, Benjamin Littlewood, Benjamin Littlewood the younger, Jeremiah Matthews, Thomas Peirce Medwin, William Norris, Charles Noel, William Orme, Thomas Pargeter, Thomas Philpott Clerk, Henry Charles Philpott Clerk, John Henzly Pudcock, John Perry, Richard Parrish, Joseph Pitman, John Percy Clerk, John Richards, William Robins, Francis Rufford, Francis Tongue Rufford, Francis Rufford of

of *Yew Trce*, *George Peirpoint Rufford*, *Philip Rufford*, *William Henry Robeson*, *Henry Roberts*, *Charles Roberts*, *William Shutt*, *Robert Scott*, *James Smith*, *William Trow*, *Abraham Turner*, *John Turner Clerk*, *Reginald Pyndar Turner Clerk*, *William Waldron*, *Edward Waldron*, *Giffard Wells Clerk*, *William Seager Wheeley*, *John Wheeley*, *John Wyld Clerk*, *Charles John Wragge*, *Henry Arthur Woodgate B. D.*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

IV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint
additional
Trustees.

V. And be it enacted, That the said Trustees shall hold their First Meeting at the *Talbot Hotel* in *Stourbridge* aforesaid on the Third *Wednesday* after the passing of this Act, or at some other convenient Place in the Neighbourhood of the said Roads, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

First Meet-
ing of
Trustees.

VI. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to
appoint
Committees.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the Market House in *Stourbridge* aforesaid to *Wordesley Green* in the Parish of *King Swinford*, and from the said Market House to the Town of *Bromsgrove*, and from the said Market House to a Place called *Clapgate* in the Parish of *Hagley*, and from thence to join the Road leading from *Blakedown Pool* to or towards *Birmingham*, and from the said Market House to a Place near to *Iverly Hill* in the Parish of *Kinfare* at the Junction of the same Parish with the Parish of *Churchill*, and the Road leading from the Sign of the *Fish*, at *Colbourne Brooke* in the Parish of *Oldswinford*, through the Hamlets or Townships of *Wollaston* and *Iverly*, to the Finger Post at *Churchill Field Corner* in the Parish of *Churchill* aforesaid, in the Counties of *Worcester* and *Stafford*, (being the First District of the Roads directed by the said recited Act to be amended and repaired,) and also the present

Roads to
which this
Act is
applicable.

present Turnpike Roads leading from the said Market House in *Stourbridge* aforesaid to *Colley Gate* in the Township of *Cradley*, and from thence to *Halesowen*, and communicating with the *Birmingham* Turnpike Road near a Public House on the Side of the said *Birmingham* Road near *Halesowen* aforesaid called the *New Inn*, in the Counties of *Worcester* and *Salop* respectively (being the Second District of the Roads directed by the said recited Act to be amended and repaired); and also for making and maintaining as Turnpike a Line of Road leading from a Place called the *Spout*, in the Parish of *Clent* aforesaid, over *Barnet Hill*, to or towards *Mustard* or *Musty Green* near *Winterfold* in the Parish of *Chaddesley Corbett* in the County of *Worcester*, and thence communicating with the Turnpike Road leading from *Kidderminster* to *Bromsgrove* aforesaid, and passing through the Parish of *Chaddesley Corbett* in the said County of *Worcester*, and the several Parishes of *Broome* and *Clent* in the said County of *Stafford*; which said Road to be made Turnpike as aforesaid shall be attached to the said First District of Roads, and after the passing of this Act shall be incorporated with and be considered for all the Purposes of this Act as "The First District of Roads."

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

VIII. And whereas Maps or Plans describing the Line of the Road to be made Turnpike, and the Lands through which the same is intended to be made, together with Books of Reference thereto, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the several Counties of *Worcester* and *Stafford*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to the respective Clerks 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 Maps or Plans and Books of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said respective Clerks of the Peace, or his or their Deputy for the Time being, to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Power to make new Line of Road, according to Plan.

IX. And be it enacted, That it shall be lawful for the said Trustees to set out, make, and complete the new Line of Road herein-before described in the Line and through the Lands delineated in the Maps or Plans and described in the Books of Reference herein-after mentioned, together with such Foot-paths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto as they may think requisite, and for the Purposes aforesaid to take possession of the Lands and Premises described in the Maps or Plans and Books of Reference, making Satisfaction for the same to the Owners thereof and other Persons interested therein for the Damage which such Owners or other Persons may respectively sustain thereby; and

and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the said several Lands, and to stake out the same for the Purposes of this Act, at such Times and in such Manner as the said Trustees or Surveyors shall think necessary or expedient.

X. And be it enacted, That it shall be lawful for the said Trustees to deviate from the Lines delineated upon the said Maps or Plans: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the said Line, or beyond the Limits of Deviation marked on the Maps or Plans, or into the Lands of any Person not described in the said Maps or Plans or in the said Books of Reference, without the Consent in Writing of the Party in or through whose Lands any such Deviation shall be proposed to be made.

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

XI. And be it enacted, That it shall be lawful for the said Trustees to make the said new Line of Road in or through the Lands delineated upon the said Maps or Plans, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, 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 in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said Counties of *Worcester* or *Stafford* in Petty Sessions assembled, 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 Clerks of the Peace respectively for the Time being.

Lands marked on the Plan may be used, notwithstanding Errors in the Book of Reference or Schedule.

XII. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance 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 therein, 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 in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase, and Conveyance or Assurance, remain and be vested in the 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 be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XIII. Provided always, and be it enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished,

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

tinguished, and the Freehold and Inheritance in 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 Persons then entitled to the same, freed and discharged from such Right of Way.

Trustees to have same Powers as if Fee Simple Proprietors:

XIV. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Trustees restrained from pulling down Houses not in Schedule.

XV. Provided always, and be it enacted, That the Powers and Authorities given by this Act shall not authorize the said Trustees to take or pull down, or to 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 previous Consent in Writing of the Owner or Proprietor thereof and all other Persons interested therein.

Limiting the Time for purchasing Property.

XVI. Provided also, and be it enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act pay 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 Turnpike Roads shall, so far as relate 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.

Present Tolls continued until 1st November.

XVII. And be it enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the First Day of *November* next after the passing of this Act.

Power to take Tolls.

XVIII. And be it enacted, That upon and after the said First Day of *November* it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said First District of Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls on First District.

For every Horse, Mule, or other Beast drawing any Coach, Landau, Berlin, Vis-à-vis, Barouche, Phaeton, Curricule, Calash, Gig, Hearse, Litter, or other such Carriage, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage having upright cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, of the Breadth of Nine Inches, the Sum of Two-pence:

For

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage having Wheels of the Breadth of Six Inches and less than Nine Inches, or which shall not be upright and cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Soles thereof, the Sum of Three-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Caravan, Van, Cart, or other such Carriage, with or without Springs, having Wheels of less Breadth than Six Inches in the Fellies or Soles thereof, the Sum of Sixpence :

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

For every Drove of Oxen or other Neat Cattle, the Sum of Ten Pence *per* Score, and so in proportion for any greater or less Number :

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

For every Carriage, of whatever Description, and for whatever Purpose used, not drawn by any Horse or other Beast, but impelled or set and kept in motion by or by means of Steam or Mechanism, the Sum of Two Shillings and Sixpence :

For every Carriage, of whatever Description, and for whatever Purpose used, linked or fastened to any Carriage whatever, not drawn by any Horse or other Beast, but impelled or set and kept in motion by or by means of Steam or Mechanism, and drawn by means of its being so linked or fastened thereto, the Sum of One Shilling and Sixpence :

And also to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the Second District of Roads, such Tolls as the said Trustees shall direct, not exceeding the Sums following ; (that is to say,) Tolls on
Second Dis-
trict.

For every Horse, Mule, or other Beast drawing any Coach, Landau, Berlin, Vis-à-vis, Barouche, Phaeton, Curricule, Calash, Gig, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage having upright cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Sole, of the Breadth of Nine Inches, the Sum of Three-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage having Wheels of the Breadth of Six Inches and less than Nine Inches, or which shall not be upright and cylindrical Wheels of equal Diameter in the whole Breadth of the Fellies or Soles thereof, the Sum of Five-pence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Caravan, Van, Cart, or other such Carriage, with or without Springs, having Wheels of less Breadth than Six Inches in the Fellies or Soles thereof, the Sum of Nine-pence :

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

For every Drove of Oxen or other Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number :

For

For every Drove of Calves, Swine, Sheep, and Lambs, the Sum of Seven-pence Halfpenny *per* Score, and so in proportion for any greater or less Number :

For every Carriage, of whatever Description, and for whatever Purpose used, not drawn by any Horse or other Beast, but impelled or set and kept in motion by or by means of Steam or Mechanism, the Sum of Two Shillings and Sixpence :

For every Carriage, of whatever Description, and for whatever Purpose used, linked or fastened to any Carriage, not drawn by any Horse or other Beast, but impelled or set and kept in motion by or by means of Steam or Mechanism, and drawn by means of its being so linked or fastened thereto, the Sum of One Shilling and Sixpence :

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Fraction of a Halfpenny in Tolls.

XIX. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only Two Tolls to be payable on the First District of Roads, and One on the Second District of Roads.

XX. And be it enacted, That no more than Two full Tolls shall be taken for passing and repassing in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said First District of Roads, excepting on the Road from *Stourbridge to Iwerby Hill*, on which only One full Toll shall be taken ; and that no more than One full Toll shall be taken for passing and repassing in the same Day (to be computed as aforesaid), with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Second District of Roads.

Persons having paid Toll to return Toll-free.

XXI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the said Roads or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay every Time of passing with fresh Hiring.

XXII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

XXIII. And

XXIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid, at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Regulations
as to Stage
Coaches, &c.

XXIV. And whereas it frequently happens that Carts drawn with One Horse passing along the said Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore enacted, That all Carts passing along the said Road drawn by One Horse only may be weighed at any Weighing Machine now erected or to be erected on the said Road, and the like additional Toll demanded, received, and recovered for the Overweight thereof as is by Law payable in respect of the Overweight of Carts drawn by Two or more Horses, and all Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One-Horse
Carts may be
weighed.

XXV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine, and after the making of any such Order such reduced Tolls only shall in respect of the Matters last mentioned be payable.

Trustees
may reduce
the Tolls for
Lime or
Chalk for
Manure.

XXVI. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said present Turnpike Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said present Turnpike Roads, and also upon any Road to be made or repaired by virtue of this Act, or on the Sides thereof, any Toll Gate or Bar, and to remove the present or any future Toll Gate or Bar as they shall think proper.

Respecting
Toll Gates.

XXVII. And be it enacted, That all Monies which shall be received by the said Trustees upon the said First District of Roads by virtue of this Act shall be applied as follows; (that is to say,)

[*Local.*]

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Firstly,

Application
of Monies
on First Dis-
trict of
Roads.

Firstly, in paying and discharging Four Fifth Parts of the Expences of obtaining and passing this Act or incident thereto :
 Secondly, in paying and discharging any Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls of the said First District of Roads authorized to be taken by the said former Act hereby repealed, or which may be borrowed under this Act :
 Thirdly, in paying the Expences of improving, maintaining, and keeping in repair all the Roads included in the First District, and in putting this Act into execution with reference thereto :
 Fourthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls of the said First District of Roads authorized to be taken by the said former Act hereby repealed, and also any Sum which may be borrowed under this Act.

Application of Monies on Second District of Roads.

XXVIII. And be it enacted, That all Monies which shall be received by the said Trustees on the said Second District of Roads, by virtue of this Act, shall be applied as follows ; (that is to say,)

Firstly, in discharging the remaining One Fifth Part of the Expences of obtaining and passing this Act or incident thereto :
 Secondly, in paying and discharging any Interest which is now or may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls of the said Second District of Roads authorized to be taken by the said former Act hereby repealed :
 Thirdly, in paying the Expences of improving, maintaining, and keeping in repair the said Second District of Roads, and putting this Act into execution with reference thereto :
 Fourthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed on the Credit of the Tolls of the said Second District of Roads authorized to be taken by the said former Act hereby repealed.

No more Money to be laid out than taken on any Road.

XXIX. And be it enacted, That no more Money shall be expended in the Repair of any of the Roads comprised in this Act than shall be collected on the respective Districts of such Roads, or borrowed on the Credit of the Tolls collected thereon respectively.

Trustees may agree with Trustees of Birmingham and Hagley Road for Removal of Toll Gate near the " Spout."

XXX. And whereas the Trustees for putting in execution an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for repairing the Road from Blakedown Pool in the Parish of Hagley in the County of Worcester, into the Borough of Birmingham in the County of Warwick*, have lately erected a Toll Gate across their said Road in the Parish of *Hagley* aforesaid, between the Junction of one of the herein-before mentioned Turnpike Roads with their said Road at *Hagley* aforesaid and the Road intended by this Act to be made Turnpike : And whereas the Length of their said Road between the Junction aforesaid and the intended Turnpike Road is Five hundred Yards, or thereabouts : And whereas the Tolls taken at the said Toll Gate amount in some Instances to Double the Amount of the Tolls intended to be taken on the whole Line of Road from *Stourbridge* aforesaid to *Mustard Green*

Green aforesaid, which is a Distance of Seven Miles or thereabouts: And whereas the Continuance of the said Gate will be unjust towards the Public, by subjecting them, as well as the vast Population in the Neighbourhood of *Stourbridge* and other Places on the Line of the said Road, to the Payment of an excessive Toll: And whereas it is expedient that some Arrangement should be made between the Trustees for executing this Act and the Trustees acting in execution of the said Act of the Fourth Year of Her present Majesty, with a view of relieving the Public from the Payment of the above-mentioned Toll for passing along the said Piece of Road; be it therefore enacted, That it shall be lawful for the Trustees acting in execution of this Act to enter into an Agreement or Agreements with the Trustees acting in execution of the said Act of the Fourth Year of the Reign of Her present Majesty, either for the Removal of the said Toll Gate to the *Kidderminster* Side of the before-mentioned Place called the "*Spout*," or for the Discontinuance of the same altogether, upon such Terms as may be mutually agreed upon; and every such Agreement so to be made shall be valid and effectual, and binding upon the said Trustees respectively.

XXXI. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Trustee or Clerk a competent Witness in Actions.

XXXII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads not to be exempt from any general Act.

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

Term of Act.

XXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments.

XXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

SCHE.

SCHEDULE to which this Act refers.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
<i>Parish of Clent.</i>			
Surveyors of the Highways	-	-	Existing Highway.
<i>Parish of Broom.</i>			
Surveyors of the Highways	-	-	Existing Highway.
<i>Parish of Chaddesley Corbett.</i>			
Surveyors of the Highways	-	-	Existing Highway.
The Right Honorable Lord Ward	-	John Baxton	House and Garden.
Ditto	-	Robert Lucas	Pardoes Close.
Ditto	-	Martin Handley	Encroachment.
Ditto	-	Robert Lucas	Lower Meadow.
Sir Robert Throckmorton, Bart.	-	William Ainsworth	Hovel and Garden.
Ditto	-	John Nicholls	Innage.
The Right Honorable Lord Ward.	-	Thomas Amphlett	Garden.
Ditto	-	John Pearman	Meadow.
Ditto	-	Ditto	The Innage.
Ditto	-	Ditto	Church Field.
Ditto	-	Ditto	Barber's Piece.
Thomas Corbett.	-	James Owen	Cottage and Garden.
Ditto	-	Henry Griffin	Ditto.
William Griffin	-	Thomas Rubery	Three Cottages and Gardens.
	-	Samuel Rubery	
	-	John Kettle	
Edward Guest	-	Sarah Hughes	Cottage and Garden.
Sir Robert Throckmorton	-	Edward Guest	Little Dog Meadow.
William Martin	-	William Martin	House and Garden.
<i>Parish of Hagley.</i>			
Trustees of the Turnpike Roads	-	-	Turnpike Road.
William Morris	-	William Morris.	Field.