



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## *Cap. xxiv.*

An Act for more effectually maintaining and improving the Road from *Soho Hill* in the Parish of *Handsworth* to the *Walsall* Road on the Northern Side of *Hamstead Bridge*, and another Road from *Brown's Green* to the *Friary*, in the County of *Stafford*. [30th July 1831.]

**W**HEREAS an Act was passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and repairing a Road from Soho Hill in the Parish of Handsworth to the Walsall Turnpike Road on the Northern Side of Hamstead Bridge, and also another Road from Brown's Green to a House called the Friary, all in the County of Stafford*: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded to put the same into execution: And whereas it would be of public Utility if the present Course of the said Road from *Handsworth* Rectory to the new Bridge over the River *Tame* was diverted, and if the Road out of the said Diversion, passing by *Butler's Coppice* into the present Turnpike Road, was improved: And whereas by making the said Diversion and Improvement a certain Part of the said Road may be discontinued, and a Portion thereof shut up: And whereas the said recited Act expired at the End of the last Session of Parliament, and it is expedient to grant effectual Powers, as well for repairing, widening, diverting, and improving the present Road included and comprised in the said Act, as for making and maintaining the Diversion and Improvement hereinbefore mentioned; but the beneficial Purposes aforesaid 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,

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c. 147.



Commence-  
ment of Act.

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 thereof this Act shall commence and take effect, and shall continue in force and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually widening, repairing, diverting, improving, and maintaining the Road from *Soho Hill* in the Parish of *Handsworth* to the *Walsall* Road near old *Hamstead Bridge*, and from *Brown's Green* to or near the *Friary*, all in the County of *Stafford*, and for making and maintaining a Diversion of the present Turnpike Road commencing at or near the Rectory of *Handsworth* and terminating at or near the new Bridge over the River *Tame* at *Hamstead* aforesaid, and for improving the Road leading out of the said Diversion, passing by *Butler's Coppice* into the present Turnpike Road.

Discharging  
Trustees  
from Care of  
Part of the  
Road.

II. And whereas by making the said Diversion a certain Part of the present Road will no longer be necessary for public Use; be it therefore enacted, That so soon as the said Diversion of Road shall be made and completed, and be fit for the Passage of Horses, Cattle, Carts, and Carriages, the said Trustees shall be and they are hereby discharged from the Care and Maintenance of the present Turnpike Road from the Rectory at *Handsworth* to the new Bridge over the *Tame* at *Hamstead* aforesaid, except so much thereof as lies between the North-west Corner of *Butler's Coppice* and the Lodge House of *Nathaniel Gooding Clarke* Esquire.

Shutting up  
a Part of the  
Road.

III. And be it enacted, That it shall be lawful for the said Trustees, from and after the aforesaid Time, by any Order under their Hands to shut up and discontinue the Use of (except as herein mentioned) so much of the said last-mentioned Road as lies between the said Lodge House of *Nathaniel Gooding Clarke* Esquire and the aforesaid new Bridge: Provided always, that nothing herein contained shall extend to prevent the Owners and Occupiers of the Estates adjoining to such Road from passing along the same, with Horses, Cattle, Carts, and Carriages, from the Western End thereof to their respective Estates or Occupations.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Stafford*, together with Sir *Edward Dollman Scott* Baronet, *William Charles Alston*, *Wyrley Birch*, *Matthew Robinson Boulton*, *William Betts*, *George Bragg*, *Joseph Butler*, *Nathaniel Gooding Clarke*, *Nathaniel Richard Clarke*, the Reverend *Anthony James Clarke*, *Dugdale Stratford Dugdale*, the Reverend *Edward Dales*, *Samuel Dawes*, *Henry Fryer Dewey*, the Reverend *Thomas Lane Freer*, *Francis Finch*, *John Gough*, *Joseph Grise*, *William Haughton*, *Thomas Hinton Hasluck*, *Edward Lewis*, *James Mason*, *John Lewis Moilliet*, *Oliver Mason*, *George Nicholls*, *Richard Roberts*, *Richard Spencer*, *John Smallwood*, *John Scott*, *George Swinson*, *Joshua Scholefield*, *James Taylor*, *John Wilkes Unett*, *James Villers*, *James Watt*, *Henry Piddock Whateley*, *Christopher Wren*, *Thomas Williams*, *Edward Lloyd Williams*, and their Successors, being duly qualified according to the Provisions of the several Acts in force for regulating Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying into execution this



this Act and the several Acts in force for regulating Turnpike Roads in *England*.

V. And be it further enacted, That it shall be lawful for the said Trustees, at the First Meeting to be held under the Authority of this Act, to elect or appoint any additional Number of Persons, duly qualified, not exceeding Three in the Whole, to be Trustees for executing this Act; and the Persons so elected or appointed, being duly qualified as aforesaid, are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby expressly named and appointed.

Power to appoint additional Trustees.

VI. And be it further enacted, That for the Purpose of putting this Act into execution the said Trustees shall meet at the *Handsworth* Tavern in *Handsworth* aforesaid, or at some other convenient House or Place near to the said Road, on the Second *Tuesday* after the passing of this Act, or as soon after as conveniently may be.

First Meeting of the Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to set out, make, and complete, and from Time to Time to repair, widen, divert, and improve, the said Diversion and Improvement of Road hereinbefore mentioned; and from and after the making thereof the same shall be and be deemed to be, to all Intents and Purposes, Part of the Road included in this Act, and shall be deemed and taken to be and shall be a Public Highway to all Intents and Purposes.

Power to make a Diversion of Road.

VIII. And whereas a Map or Plan, describing the Line of the said Diversion, together with a Book of Reference, containing Lists of the Names of the several Owners and Occupiers of the Lands, Tenements, and Hereditaments through which the said Diversion is intended to pass, have been deposited at the Office of the Clerk of the Peace for the said County of *Stafford*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the said Clerk of the Peace for the Time being 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 Trustees in making the said Diversion shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands and Premises the said Deviation shall be made.

Diversion to be made according to Map or Plan deposited at the Office of the Clerk of the Peace.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion into, through, across, or over the several Lands, Tenements, and Hereditaments described in the said Map or Plan and Book of Reference, although the Name or Names of the Owner or Owners, Occupier or Occupiers thereof may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County

Lands marked in the Plan may be annexed, notwithstanding Errors in the Book of Reference.



County of *Stafford*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees  
restrained  
from pulling  
down Dwell-  
ing Houses  
&c. without  
Consent.

X. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, improving, or altering the said Road and Diversion shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of 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, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Limiting the  
Time for  
purchasing  
Lands, &c.  
to Three  
Years.

XI. Provided always, and be it further enacted, That in case the said Trustees shall not within the Space of Three Years from the passing of this Act purchase the Lands, Buildings, Tenements, and other Hereditaments which they are authorized to purchase for the Purposes of the said Road and Diversion, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners thereof for the Time being.

Tolls to be  
taken.

XII. And be it further enacted, That there shall be demanded and taken by such Person or Persons as the said Trustees shall appoint for that Purpose, before any Horse or Beast, Coach, Chaise, Waggon, Cart, or Carriage, shall be permitted to pass through any Toll Bar now erected upon the said Road, or any Toll Bar to be erected on the said Road or the Side thereof, or on the said Diversion or Improvement or the Side thereof, from the Person or Persons or any of them for the Time being driving, using, or having the Care of such Horse or Beast, Coach or Carriage, the respective Tolls following; (that is to say,)

For every Horse or Beast of Draught drawing any Coach, Berlin, Landau, Chaise, Hearse, Curricule, Calash, Gig, Chair, or other such like Carriage, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Cart, Wain, Dray, Caravan, or other such like Carriage, the Fellies of the Wheels being of the Breadth of Six Inches or upwards from Side to Side at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Cart, Wain, Dray, Caravan, or other such like Carriage, the Fellies of the Wheels being of a less Breadth than Six Inches and not less than Four and a Half Inches from Side to Side at the Bottom or Sole thereof, the Sum of Eight-pence:

For every Horse or Beast of Draught drawing any Waggon, Cart, Wain, Dray, Caravan, or other such like Carriage, the Fellies of the Wheels being of a less Breadth than Four and a Half Inches from Side to Side at the Bottom or Sole thereof, the Sum of Nine-pence:

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

For every Drove of Oxen, Cows, or 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, Sheep, Lambs, or Swine, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number.

XIII. And be it further enacted, That if any Waggon, Coach, or Carriage of any Description whatever, which shall be drawn or propelled by Steam, or be moved by any other Power or Agency than being drawn by any Horse or Horses or other Beast or Beasts of Draught, shall be drawn or passed on the said Road or Diversion, or any Part thereof, for the Distance of more than One hundred Yards thereupon, every such Waggon, Coach, or Carriage shall be liable to such and the same Toll as if drawn by Four Horses.

Toll on Carriages propelled by Steam passing on the Road.

XIV. And be it further enacted, That in every Case where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

XV. Provided always, and be it further enacted, That in case the Toll hereby made payable shall have been paid for or in respect of any Horse or other Beast, such Horse or other Beast shall (on a Ticket denoting such Payment being produced) be permitted to return Toll-free before Twelve of the Clock at Night of the same Day.

Tolls to be paid but once for passing and repassing.

XVI. And be it further enacted, That between the First Day of *November* in any one Year and the last Day of *February* in the next succeeding Year it shall be lawful for the Collectors of the Tolls of the said Road to demand and take, for each and every Horse or other Beast of Draught drawing in any Timber Carriage employed in carrying or conveying any Timber, Tree or Trees, a Toll equal to One Half in addition to the Toll which might otherwise be demanded or taken for such Horse or other Beast of Draught: Provided always, that no such additional Toll shall be demanded or taken, save and except there shall be Three or more Horses or other Beasts of Draught drawing any such Carriage.

Additional Tolls on Carriages employed in carrying Timber.

XVII. And be it further enacted, That for and in respect of all Horses or Beasts drawing any Stage Coach or Caravan, and also in respect of all Horses or Beasts drawing any Carriage whatever, employed in carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls by this Act granted shall be paid for every Time of passing and repassing along the said Road: Provided also, that no further additional Toll shall be payable in respect of any Stage Coach or Caravan, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, on account only of the Horses drawing the same having been changed.

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

XVIII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road as often as a fresh Hiring thereof shall take place.

Post Chaises on every fresh hiring.

[*Local.*]

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XIX. And



One-Horse  
Carts to be  
weighed.

XIX. And whereas it frequently happens that Carts drawn by One Horse passing upon and 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 upon the said Road or Diversion, or any Part thereof respectively, drawn by One Horse or Beast only, shall and may be weighed at any Machine now or hereafter to be erected on the said Road or Deviation, or in the Neighbourhood thereof.

Trustees  
may enter  
into Agree-  
ment to  
defray Part  
of the  
Expence of  
repairing  
the Wednes-  
bury and  
Birmingham  
Road.

XX. And whereas the greater Part of Persons travelling from *Birmingham* towards *Walsall* pass along that Portion of the *Wednesbury* and *Birmingham* Turnpike Road which lies between the Town of *Birmingham* and the Point on the said *Wednesbury* and *Birmingham* Turnpike Road where the *Handsworth* Turnpike Road branches off from the said *Wednesbury* and *Birmingham* Turnpike Road, and it is reasonable that the said Trustees for executing this Act, being the Trustees of the said *Handsworth* Road, should contribute to the Repair and Maintenance of the said *Wednesbury* and *Birmingham* Turnpike Road between the Town of *Birmingham* and the Point aforesaid, during such Time as no Gate shall be erected on that Portion of the Road; be it therefore enacted, That during such Time as no Gate shall be erected or Toll taken on the said Part of the *Wednesbury* and *Birmingham* Road it shall and may be lawful for the Trustees executing this Act, and they are hereby directed, yearly and every Year from and after the passing of this Act, to reimburse and pay unto the Trustees of the said *Wednesbury* and *Birmingham* Turnpike Road a proportional Part of the Expences of repairing that Part of the said Turnpike Road which lies between the Town of *Birmingham* and the Point aforesaid, and a like proportional Part of the other incidental Expences attending the Support and Repair of the said *Wednesbury* and *Birmingham* Turnpike Road between the Town of *Birmingham* and the Point aforesaid, such proportional Part to be ascertained and determined by the relative Amount of the Tolls received or paid at the Toll Gates now erected or hereafter to be erected nearest the Town of *Birmingham*, for or on account of the Trustees of the said *Wednesbury* and *Birmingham* Road, and for and on account of the Trustees for executing this Act.

Application  
of Tolls.

XXI. And be it further enacted, That all Monies, Tolls, Penalties, and Effects which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Act hereby repealed, or shall become possessed of or entitled to by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and shall be by them applied, first in paying the Costs, Charges, and Expences of procuring and passing this Act, secondly, the Interest of all Monies which may be borrowed for the Purposes of this Act, or which may be now due and owing on the Credit of the said recited Act hereby repealed, subject to the Provisions hereinbefore contained, and afterwards in making the said Diversion and Improvement, and in repairing, widening, altering, diverting, and otherwise improving the same, and the Road mentioned in the said recited Act, and lastly in Payment of the Principal Money which may become due and owing on the Credit of this Act, or which may have been borrowed for the Purposes of the said recited Act.

XXII. 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. Public Act.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1831.

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