



ANNO PRIMO

# GULIELMI IV. REGIS.

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## *Cap. xxxi.*

An Act for amending and improving the Road from the Town of *Stone* to *Gaol Gate* in the Borough of *Stafford*, and from *Green Gate* in the said Borough, through *Dunston* and *Penkridge*, to *Streetway Road* in the Road leading to *Wolverhampton*, in the County of *Stafford*.

[30th March 1831.]

**W**HEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for amending and maintaining the Road* 5 G. 4. c. 59. from the Town of *Stone* to *Gaol Gate* in the Borough of *Stafford*, and from *Green Gate* in the said Borough, through the Towns of *Dunston* and *Penkridge*, to *Streetway Road* in the Road leading to *Wolverhampton*, in the County of *Stafford*: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in execution, and several considerable Sums of Money are due and owing on the Credit of the Tolls by the said Act authorized to be taken on the Road comprised in the said Act, which cannot be paid off, nor can the Road comprised in the said Act be properly amended and maintained in repair, improved, and made commodious to the Public, unless the Term and Powers of the said Act are enlarged and the Tolls increased or altered: And whereas it is expedient that the said recited Act should be repealed, and that further and other

[Local.] 4 X Powers



Recited Act  
repealed.

Powers should be 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 Day of the Commencement of this Act the said recited Act of the Fifth Year of the Reign of His late Majesty King George the Fourth shall be and the same is hereby declared to be repealed.

This Act to  
be put in  
execution  
for the  
Purpose  
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 amending and maintaining in repair the Road leading from the Town of *Stone* in the County of *Stafford*, and through or into the several Parishes, Townships, or Hamlets of *Walton*, *Aston*, *Burston*, *Yarlet*, *Marston*, *Whitgreave*, *Cresswell*, *Tillington*, and *Saint Mary*, to a certain Gate or Place in the Borough of *Stafford* called *Grail Gate*, and from a certain Gate or Place on the South Side of the said Borough called *Green Gate*, through or into the several Parishes, Townships, Towns, or Hamlets of *Forebridge*, *Castle Church*, *Burton* and *Rickerscote*, *Acton*, *Dunston*, *Drayton*, *Penkridge*, *Lynehill*, and *Redbaston*, to a Road called *Streetway*, in the Parish of *Water Eaton*, in the Road to *Wolverhampton*, all in the County of *Stafford*; and the said Road shall be called "The *Stone*, *Stafford*, and *Penkridge* Turnpike Road."

Appointment  
of Trustees.

III. 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 *Henry Webb*, *William Locker*, *James Webb*, *John Marsh*, *Joseph Lovatt*, *William Fowke*, *Joseph Boulton*, *Arthur Morgan*, *John Griffin*, *Charles Kenderdine*, *Robert Turnock*, *Charles Wright*, *James Cramer the younger*, *Thomas Brutton*, *John Garrett*, *Isaac Kenderdine*, *John Boulton*, *William Edward Caldwell*, *Clerk*, *John Stevenson Salt*, *Thomas Salt*, *James Webb the younger*, *John Ward*, *William Webb*, *John Rogers*, *John Hawthorn*, *Edward Clarke*, *Charles Clarke*, *Robert Anlezark Clerk*, *John Kenderdine*, *Richard Kenderdine*, *James Cramer*, *John Moore*, *John Hodson*, *George Monckton*, *William Haddersich*, *Edward John Littleton*, *Edward Richard Littleton*, *William Chetwynd*, *Henry Chetwynd*, *George Chetwynd the younger*, *John Twigg*, *George Eld*, *John Tunnicliffe*, *Thomas Plant*, *John Soule*, *William Cartwright*, *William Critchley*, *James Marson*, *William Holland*, *Thomas Hartshorn*, *Henry Wright*, *Thomas Boulton*, *John Perkins Wright*, *William Brookes*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending and maintaining the said Road, and for otherwise putting this Act in execution.

Power to  
appoint  
additional  
Trustees.

IV. And be it further enacted, That it shall and may 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 in *England* (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.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting in the Shire Hall in the Town of *Stafford*, or some other convenient Place in the said Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places within the said Town or near to the said Road, as they shall think proper.

First Meeting of the Trustees.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses, and Weighing Machines, now standing and being in or upon or across the said Road, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees ; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said Road, or any Part thereof, or upon or across the Entrance to any public Road, Lane, or Way leading into the same, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates and Turnpikes, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, as they the said Trustees shall think proper.

The present Toll Gates, &c. may be continued or removed, or new ones erected.

VII. And be it further enacted, That, notwithstanding the Repeal of the said recited Act, the several Tolls granted by the said recited Act shall be continued to be demanded, paid, and received at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, erected and continued on the Road comprised in this Act until Twelve of the Clock at Noon on the Twenty-fourth Day of *May*, when the Term of the several existing Leases of the said Tolls will expire.

Present Tolls to be taken till 24th May.

VIII. And be it further enacted, That from and after Twelve of the Clock at Noon on the Twenty-fourth Day of *May* it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls herein-after mentioned, at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing or being or continued or erected by virtue of this Act, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night ; (that is to say,)

For every Horse or other Beast (except an Ass) drawing any Coach, Stage Coach, Berlin, Landau, Landauet, Barouche, Chariot, Chaise, Chaise Marine, Calash, Curricule, Phaeton, Sociable, Gig, Chair, Car, Caravan, Van, Hearse, or Litter, Waggon, Wain, Cart, Dray, or other Carriage, the Sum of Sixpence :

For



For every Ass drawing any Carriage, the Sum of Three-pence :

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

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

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

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 :

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but once a Day.

IX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any Toll Gate or Turnpike or Side Gate, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate; and also through such other Toll Gates, Turnpikes, and Side Gates (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid); any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls on the whole Line of Road.

X. Provided always, and be it further enacted, That no more than the Tolls following shall be demanded or taken for or in respect of the same Horses, Beasts, or Cattle for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road; (that is to say,) no more than One Toll between the Town of *Stone* and *Acton Lane*, nor more than One Toll between *Burton Lane* and the End of the said Road at *Streetway* in the Parish of *Water Eaton*.

Horses drawing different Carriages to pay each Time of passing.

XI. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Cart, or other such Carriage, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Road, and any such Horse or other Beast shall afterwards be employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

XII. Pro-



XII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or re-passing along the said Road: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Diligence, Van, Caravan, Waggon, or other Stage Carriage, on account only of the Horses or Beasts drawing the same having been changed.

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

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and 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 Road, whenever any new Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

XIV. And whereas Doubts have arisen respecting the Powers of the Trustees to enforce the Payment of Toll at any Side Gate at the Entrance of any Highway leading into the said Turnpike Road, in respect of Horses passing from any such Highway into the said Turnpike Road, such Horses not having passed on any Part of such Turnpike Road; and Exemptions from Toll have been claimed under the Provision contained in the Act of the Third Year of the Reign of His late Majesty, relating to Turnpike Roads in *England*, whereby Exemption from Toll is allowed for Horses which shall not pass above One hundred Yards on any Turnpike Road; and Decisions of the Justices against the Power of the Trustees or their Collectors to demand Toll at such Side Gate from Travellers with Horses passing from such Highways have been made; and such Claims of Exemption have therefore been allowed by the Collectors, to the Prejudice of the said Road; be it therefore enacted, That it shall be lawful for any Collector of the Tolls, at any Side Gate, Side Bar, or Chain on the said Road, to demand and take the Tolls in this Act mentioned, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same, although such Horse, Beast, Cattle, or Carriage shall not have passed One hundred Yards on the said Turnpike Road on the same Day; but the Tolls shall not be payable or recoverable in case any such Horse, Beast, Cattle, or Carriage shall not afterwards pass above One hundred Yards on the said Road on the same Day.

For obviating Doubts respecting Payment of Toll at Side Gates in certain Cases.

XV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horse or Horses, or other Beast or Cattle, drawing any Waggon, Wain, Cart, or other Carriage employed 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, Lime to be used in manuring any Lands or Grounds.

Lime exempted from Toll.

XVI. Provided also, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Cows or other Cattle or Sheep going to or returning from Pasture or Watering

Cows, &c. going to Pasture exempted from Toll.

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Place,



Place, or to or from one Field or Inclosure belonging to or occupied by the Owner of any Cows, Cattle, or Sheep, to any other Field or Inclosure belonging to or occupied by such Owner, subject to the like Provisions and Penalties as are provided or imposed by the several Acts for repairing Turnpike Roads in *England* in Cases of Exemptions for Horses or other Beasts employed in Husbandry going to or returning from Plough or Harrow, or to or from Pasture or Watering Place.

For removing certain Buildings from the Side of the Road.

XVII. And for the more effectual Improvement of the said Road, be it further enacted, That it shall be lawful for the said Trustees (first making full Compensation and Satisfaction to the several and respective Persons and Parties interested, in the Manner and subject to the Provisions and Regulations contained in the General Turnpike Acts relating to Compensation to be made for Lands necessary to be taken and used for altering or improving Turnpike Roads in *England*;) to take down and remove the Buildings, Gardens, Land or Ground, and Premises herein-after mentioned, and to lay open the Site and Sites thereof respectively into the said Road; (that is to say,) Three Dwelling Houses situate in the Parish of *Saint Mary* in the Borough of *Stafford*, belonging to *Joseph Lovatt*, and now in the Occupation of *James Southern*, *Richard Tildesley*, and *Henry Cratchley*; Five Dwelling Houses situate at *Forebridge* in the Parish of *Castle Church*, belonging to *Charles Clarke Esquire*, and now in the Occupation of *Thomas Heath*, *Thomas Perkins*, *Francis Holdford*, *Samuel Crewe*, and *John Slater*; a Plot of Land or Garden Ground in the Township of *Burton* and *Rickerscote* in the said Parish of *Castle Church*, belonging to *William Tagg*, and in the Occupation of *John Pritchard* and *Joseph Hall*; Two Stables and a Piece of Land or Garden Ground situate at *Dunston* in the Parish of *Pentkridge*, belonging to *George Lovatt*, in the Occupation of *Charles Yates*; a Dwelling House and Garden in the said Parish of *Pentkridge*, belonging to *Moses Ironmonger*, in the Occupation of *John Smith*; a Garden adjoining the last-mentioned Premises, belonging to *John Causer*, in the Occupation of *John Smith*; any thing in any Law or Statute relating to Turnpike Roads in *England* to the contrary notwithstanding.

Trustees restrained from using Gardens, &c. unless purchased in Five Years.

XVIII. Provided always, and be it further enacted, That in case the said Trustees shall not purchase the Houses, Buildings, Gardens, and Hereditaments herein-before mentioned, within the Space of Five Years from the passing of this Act, 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 or Proprietors thereof for the Time being).

One-horse Carts to be weighed.

XIX. 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 Road 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;



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.

XX. And be it further enacted, That all the Monies raised and produced by virtue of the said recited Act, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all Monies which shall arise or be received from or on the Credit of the Tolls by this Act granted, or otherwise on account of the said Road, shall be applied by the said Trustees to and for the several Uses, Intents, and Purposes, and in manner following ; (that is to say,) the said Trustees shall in the first place pay and discharge thereout all the Costs, Charges, and Expences relative to the obtaining and passing of this Act ; and the Remainder of all such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said Road by virtue of the said recited Act, in preference to the Interest of any Monies to be borrowed on the Credit of this Act, and in keeping down the Interest of the Principal Monies which may hereafter be borrowed on the Credit of this Act ; and afterwards in amending and maintaining in repair the said Road, and in otherwise putting this Act into execution ; and then in repaying the Principal Monies already borrowed on the Credit of the Tolls arising on the said Road by virtue of the said recited Act ; and lastly in repaying the Principal Monies to be borrowed on the Credit of this Act.

Application  
of the Tolls  
and Money  
to be bor-  
rowed.

XXI. 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 Money in paving, repairing, or cleansing any Highway or Street in the Towns of *Stafford* and *Penkridge*, or to collect any Tolls by virtue of this Act therein.

Money not  
to be applied  
in repairing  
Streets, &c.

XXII. And be it further enacted, That Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Road dry, and conveying the Water from the same, shall be made by

Ditches,  
Drains, &c.  
by whom to  
be made and  
cleansed.



the said Trustees, or their Surveyor or other Officer, 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, Paddock, 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 sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats shall be made by the said Trustees, or their Surveyor or other Officer, where any Carriage-ways or Footways lead into or out of or cross the said Road, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when made and completed by the said Trustees, shall for ever afterwards be scoured, cleansed, and kept open, repaired, and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; 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 of any Law or Statute relating to Turnpike Roads in *England*.

Public Act.

XXIII. 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.

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

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