

and were embodied in One Act: And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Soke's to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the beneficial Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That from and after the Third *Saturday* next after the passing of this Act the said recited Acts of the Twenty-eighth and Forty-ninth Years of the Reign of King George the Third shall be and the same are hereby declared to be repealed.

5 G. 4. c. 69.
Recited Acts of the 28th and 49th G.3. repealed.

Defining the Objects and Powers of this Act.

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 improving, repairing, and maintaining in repair the present Roads leading from the Town of *Walsall* to *Hamstead Bridge*, and from *Walsall* aforesaid to a Tract of Land heretofore a Common, called *Sutton Coldfield*, but now inclosed, and from *Walsall* aforesaid to a certain Brook called *Park Brook*, which divides the Parishes of *Walsall* and *Wolverthampton*, all in the County of *Stafford*.

Application of Powers of 5 G. 4. c. 69. to this Act.

III. And be it further enacted, That the said recited Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, and all and every the Powers and Provisions therein contained, shall, except so far as they are repealed or altered, be as good, valid, and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Stafford*, together with *Edward Anson, James Adams, Thomas Adams (Aldridge Lodge), Charles Adams, John Adams, Thomas Adams, Charles Haden Adams, John Bradnock Adams, Edward Adams, Charles Adams (Darlaston), Dodo Adams, Samuel Addison, John Addison, Edward Sargeant Ash, John Baron Clerk, John Vaughan Barber, Richard Barber, Samuel Barber, Joseph Bagnall, David Badger, John Brawn, William Henry Brooks, Richard Bills, the Honourable Frederick Gough Calthorpe, John Calvert, William Cowley Clerk, William Chavasse, Hill Cox, Joseph Cotterell, Joseph Curtis, Joseph Curtis the younger, Joseph Cowley, Charles Foster Cotterell, John Crowther, Charles Henry Darwall, Thomas Dickinson, Edward Dixon, William Dixon, Joseph Aston Heeley Dickinson, Thomas Day, Edward Elwell, William Elwell, Samuel Elwell, Charles Eyland, Charles Smith Forster, John Forster, Charles Forster, Samuel Fletcher, Richard Westley Fletcher, Joseph Fletcher, Richard Moore Fletcher, John Gough, Richard Fryer, Edward Grose, Henry Charles Edward Vernon Graham, Charles Greatrix, Phineas Hussey, Phineas Fowke Hussey, William Holland,*

Holland, John Heeley, John Frederick Heeley, John Hobbins, Joseph Hordern, John Hammersley Hobbins, Joseph Harrison, William Harrison, John James, Richard James (Park Street), Richard James (Birmingham Street), Richard Jesson, John Jesson, Richard Jesson the younger, Whitmore Jones, William Jones, William Edward Jones, Edward John Littleton, Edward Richard Littleton, Samuel Lowe Clerk, William Marshall, William Marshall the younger, Joseph Marlow, Henry Marlow, Charles Marklew, Richard Meanley, William Mold, Jessey Moore, Thomas Oerton, Thomas Pitt, Peter Potter, James Payton, Samuel Perks, Thomas Pratt, Richard Rutter, James Russel, Sir Edward Scott Baronet, Sir Francis Edward Scott Baronet, John Scott, William Spurrier Solicitor, George Bradnock Stubbs, Edward Stubbs, John Strongitharm, George Strongitharm, Samuel Sharratt, Robert Smith, Joseph Smith, Samuel Smith, Joseph Bealey Stanley, John Bealey Stanley, Edward Swift, John Stokes, John Walhouse, John Clements Whateley, John Whalley Clerk, William Walton, Charles Windle, Henry Christopher Windle, John Wood, Joseph Wood, Thomas Farmer Wood, Samuel Wood, Benjamin Wright, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

V. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time at any of their Meetings to be held in pursuance of this Act, (of which Meetings and of the Purposes thereof at least Ten Days previous Notice shall be given in manner by an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, directed with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons not exceeding Three in the whole to be Trustees for the Purposes of this Act in addition to the Trustees herein named, and such additional Trustees so elected and appointed as herein-before mentioned, and being duly qualified, shall have the like Powers and Authorities for executing this Act as if they had been named herein.

Power to appoint additional Trustees.

3 G.4. c.126.

VI. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *George Hotel* in *Walsall* aforesaid, or at some other convenient Place near to or in the Neighbourhood of the said Roads, on the Third *Monday* next after the passing of this Act, or as soon afterwards as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places within the Town of *Walsall* aforesaid, or in the Neighbourhood of the said Roads, as the said Trustees or the major Part of them present at such respective Meetings shall appoint.

First Meeting of Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates or Toll Bars and Toll Houses and Weighing Machines now erected under the Authority

Power to continue and erect Toll Gates.

Authority of the said recited Acts hereby repealed or either of them, and also to erect or build, in lieu thereof or in addition thereto, upon the said Roads or any Part thereof, or upon the Sides thereof, or any Part thereof, when and where and as they shall judge necessary, any Toll Gates or Toll Bars, and Weighing Machines and Toll Houses, with Outhouses and Conveniences thereto, and to take in and inclose suitable Garden Spots for the same, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to alter or take down and rebuild, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Trustees to erect Toll Gates on each Branch and to take Tolls thereat.

VIII. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Branch of Road comprised in this Act a Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act and of the various Acts for regulating Turnpike Roads in England: Provided also, that no Money arising from any of the Tolls hereby authorized to be taken shall be applied in or towards the Repair of any Branch Road upon which there shall not be a Toll Gate or Toll Bar continued or erected under the Authority of this Act: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any of the said Branch Roads than shall be actually raised or received upon or in respect of such respective Branch Roads; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls.

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

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricule, Gig, or other such like Carriage, the Sum of Four-pence Halfpenny:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than animal Power, the Sum of Two Shillings and Sixpence:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Sole thereof, the Sum of Four-pence Halfpenny; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not less than Four Inches and a Half, the Sum of Sixpence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Eight-pence:

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

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

For

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Eightpence, and so in proportion for any less Number :

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

Such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His said late Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage would be subject or liable to by reason or on account of the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire. 4 G.4. c.95.

X. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. Fraction of a Halfpenny in Tolls.

XI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any one of such Toll Gates or Toll Bars, such Horse, Beast, or Cattle shall at any Time during the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night), upon Production of a Ticket denoting the Payment of such Toll on that Day, be permitted to repass Toll-free (except as herein-after mentioned with respect to Horses, Beasts, or Cattle drawing Stage Coaches or other such like Carriages, or let out to Hire, and drawing Post Chaises or such other like Carriages,) through the same Toll Gate or Toll Bar, and also through such other Toll Gates and Toll Bars (if any) as the Ticket for such Payment shall free : Provided nevertheless, that no Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars, drawing another or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass through the same Toll Gate or Toll Bar on the same Day without again paying Toll, if in so repassing such Horse, Beast, or Cattle shall go or travel upon the said Roads for the Distance of Two Miles or more. No Toll to be paid on re-passing.

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

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having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

Stage
Coaches, &c.
to pay every
Time of pass-
ing;

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriages, and also for or in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than animal Power, conveying Passengers or Goods for Hire or Reward, for every Time of passing and for every Time of repassing along the said Roads: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises
on every new
Hiring.

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

Lime to pay
but Half Toll.

XV. Provided also, and be it further enacted, That One Half of the Tolls herein-before mentioned may be demanded and taken for any Horse 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 in carrying or conveying any Lime for the Improvement of Land.

Limiting the
Number of
Tolls to be
taken.

XVI. Provided always, and be it further enacted, That no more than Two full Tolls (except as herein provided to the contrary) shall be taken for or in respect of the same Horses, Beasts, or Cattle, or Carriages, in any One Day, for passing and repassing once through all the several Toll Gates or Toll Bars upon the said Road.

Limiting the
Weights to
be carried by
single Horse
Carts.

XVII. And for regulating the Weights to be allowed to Carts or other such like Carriages which shall be drawn upon the said Roads by One Horse, Beast, or Cattle only, be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse, Beast, or Cattle shall never exceed the Weights following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Five Hundred Weight for each such Carriage and the Lading thereof.

One-horse
Carts may be
weighed.

XVIII. And be it further enacted, That all Carts or other such Carriages passing along the said Roads drawn by only One Horse, Beast, or Cattle shall and may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect

respect of the Overweight of Carts or other such Carriages drawn by Two or more Horses ; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, or other Carriages drawn by Two or more Horses shall be applicable to Carts or other such Carriages passing on the said Roads drawn by only One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

XIX. And be it further enacted, That the Monies already received or to be received by virtue of the said former Acts hereby repealed, and also all Monies which shall be received under or by virtue of this Act, shall be applied by the said Trustess in manner following ; (that is to say,) in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Monies which may have been advanced by any Person for the Payment thereof or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid by the said Trustees ; and in the next place, in defraying the Expence of improving, repairing, and maintaining the Roads placed under the Operation or Controul of this Act, and of otherwise executing the several Purposes of this Act ; and afterwards in paying and discharging any Interest which may from Time to Time be owing on the Credit of the said former Acts hereby repealed, or which may at any Time hereafter become due on the Credit of this Act ; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may have been borrowed and secured under or upon the Credit of the said former Acts, and also any Principal Sum or Sums of Money which may hereafter be borrowed and secured under or upon the Credit of this Act.

Application
of the Money.

XX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of the said former Acts hereby repealed or of this Act shall be laid out in paving, repairing, or cleansing any Streets, Roads, or Highways within the Town of *Walsall* aforesaid, and which Streets, Roads, and Highways now have or hereafter shall have Houses or other Buildings abutting upon or ranging along both Sides thereof, nor shall it be lawful for the said Trustees to collect any Toll therein ; any thing herein contained to the contrary notwithstanding.

No Money to
be laid out in
repairing
Streets.

XXI. And be it further enacted, That all Railways already made or which may hereafter be made across any of the said Roads, unless made under the Authority of any Act or Acts of Parliament, shall be made level with the Surface of the said Roads, and with Groove or Box Rails not more than Two Inches and a Half 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 Roads ; and the Horsepath of all such Railways shall on such Parts thereof as cross the said Roads be paved with Pebbles or other hard small Stones, and kept in a good State of Repair, at the Expence of such Proprietors, and under the Superintendence

Railroads to
be made level
with the Sur-
face of the
Road.

and

and Direction of the Surveyor of the said Roads; and in case any Person or Persons shall make or proceed to make any Railroad 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 such Railway, either personally or by leaving such Notice at the last or usual Place of Residence of such Proprietor or Proprietors, by the Surveyor of the said Roads or other Officer of the said Trustees, requiring the Person or Persons making such Railway, or the Proprietor or Proprietors of such Railways, 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 during which any such Railways shall continue or remain unaltered or in an imperfect State of Repair; 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.

Railroads to be carried either under or over the Road by means of Tunnels or Arches.

XXII. And be it further enacted, That it shall not be lawful for any Person or Persons, unless authorized by Act of Parliament, to make any Railway or Railways which shall be used for the Passage of Carriages drawn or propelled by Steam, Gas, or other similar Means to cross or pass over the Surface of the said Roads for any Part thereof, but such Railway or Railways shall be made and carried, either under the said Roads by means of a Tunnel or Archway, or Tunnels or Archways, at such a Depth from the Surface of the said Roads as will not disturb or injure the same, or over the said Roads by means of an Arch of the same Span as the Width of the said Roads, and of the Height of Twenty Feet at least from the Surface thereof, and all such Tunnels or Archways and Arches shall be respectively made and done under the Superintendence and Direction of the Surveyor of the said Roads; and in case any Railway or Railways shall be made or begun to be made to cross or pass over the said Roads or any Part thereof, contrary to the Provisions of this Act, such Railway or Railways are hereby declared and shall be deemed to be an Encroachment, and may be removed by the Trustees of the said Roads or their Surveyor; and the Expences of removing such Railway or Railways, and repairing any Injury caused thereby, shall be borne and paid by the Proprietor or Proprietors thereof, in such and the same Manner as any other Encroachment on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be removed, and the Proprietor or Proprietors of such Railway or Railways shall also forfeit and pay any Sum not exceeding Five Pounds for each and every Day during which the said Railway or Railways shall be made or begun to be made, and 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

Law or Statute relating to Turnpike Roads be levied, recovered, and applied.

XXIII. And be it further enacted, That 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-five 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 Ironstone, Limestone, Bricks, or Clay, or the making of Coke 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 during which 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.

Steam Engines for working of Mines not to be erected within a certain Distance of the Roads.

XXIV. And be it further enacted, That where any Pit or Shaft shall be sunk or made for the Purpose of working any Mines, Quarries, or other Works within the Distance of Three hundred Yards of any Part of the said Roads, it shall be lawful 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, 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.

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

XXV. And be it further enacted, That in case any Person shall resist or make forcible Opposition against any such Trustees or other Persons who may be employed in the Inspection or latching of any Mine, Quarries, or Works as aforesaid, or if any Person shall, on the Surface of the Land or Ground above the Excavations or Workings of such Mines and Minerals, 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 into the said Mines, Quarries, and Works respectively, and in ascending from the same, or shall in any Manner prevent such

Penalty in case of Obstruction to the Trustees. &c.

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such

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 Five Pounds; 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.

Term of Act.

XXVI. And be it further enacted, That this Act shall commence on the Third *Saturday* after the passing hereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XXVII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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