



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. xlvii.

An Act for making a Turnpike Road from the North Side of the *Quarry House* in the Township of *Perry Barr* in the County of *Stafford* to the Brook which divides the Parishes of *Aston juxta Birmingham* and *Birmingham* in the County of *Warwick*.
[30th March 1831.]

WHEREAS the making of a Turnpike Road from the Summit of the Hill on the North Side of a Dwelling House called the *Quarry House*, in the Township or Liberty of *Perry Barr* in the Parish of *Handsworth* in the County of *Stafford*, through *Perry Barr* aforesaid, into and joining the present Highway leading from *Perry Bridge* to *Birmingham* at or near to *Bristnall's End* in the Parish of *Handsworth* aforesaid, and from *Perry Bridge* aforesaid along such Highway to a certain Brook which divides the Parishes of *Aston juxta Birmingham* and *Birmingham*, in the County of *Warwick*, would be of great Benefit and Advantage to the several Parishes, Townships, or Places on the Line and in the Neighbourhood of the said Road, and to the Public at large: 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 Sokes to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the

[Local.] 6 P beneficial 5 G. 4. c. 69.

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

beneficial Objects 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 this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Fifth Year of the Reign of His said late Majesty, and all the Powers and Provisions therein contained, shall (except so far as they are repealed or altered) be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in this Act.

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 making and maintaining a new Turnpike Road from the Summit of the Hill on the North Side of a Dwelling House called the *Quarry House*, in the Occupation of *Christopher Wren*, in the Township or Liberty of *Perry Barr* in the Parish of *Handsworth* in the County of *Stafford*, through *Perry Barr* aforesaid, into and to join the present Highway leading from *Perry Bridge* to *Birmingham* at or near to *Bristnall's End* in the Parish of *Handsworth* aforesaid, and from *Perry Bridge* aforesaid along such Highway to a certain Brook which divides the Parishes of *Aston juxta Birmingham* and *Birmingham* aforesaid; and also for the Purpose of making and maintaining as Turnpike, and of including under the Trust by this Act created the Highway herein-before mentioned, from *Perry Bridge* aforesaid to the Brook herein-before mentioned.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the respective Counties of *Stafford* and *Warwick*, together with *Edward Anson*, *James Adams*, *Charles Adams*, *Charles Haden Adams*, *John Vaughan Barber*, *William Betts*, *George Bragg*, *Wyrley Birch*, *William Benson*, *William Ryland Bedford Clerk*, the Honourable *Frederick Gough Calthorpe*, the Honourable *Arthur Gough Calthorpe*, *Nathaniel Gooding Clarke*, *Nathaniel Richard Clarke*, *Hill Cox*, *Joseph Curtis the younger*, *Dugdale Stratford Dugdale*, *Samuel Dawes*, *Charles Henry Darwall*, *Henry Fryer Devey*, *John Davids Clerk*, *Thomas Day*, *Philip Dyott*, *Humphry Ewett*, *Thomas Lane Freer Clerk*, *Richard Lane Freer Clerk*, *John Lane Freer Clerk*, *Charles Smith Forster*, *John Forster*, *Francis Finch*, *Richard Westley Fletcher*, *Richard Fowler*, *Richard Fowler the younger*, *William Fowler*, *Richard Moore Fletcher*, *John Gough*, *Charles Gallimore*, *Thomas Webb Greene*, *Edmund Hartop*, *William Hartop*, *Phineas Hussey*, *Phineas Fowke Hussey*, *Henry Harding Clerk*, *William Haughton*, *John Holden Harrison Clerk*, *John Heeley*, *John Frederick Heeley*, *John Harris*, *Richard Jesson*, *John Jesson*, *Richard Jesson the younger*, *Clement Ingleby*, *John James*, *Edward John Littleton*, *Edward Richard Littleton*, *Francis Lawley*, *William Leigh*, *Daniel Ledsam*, *Frederick S. Ledsam*, *Thomas Levett Clerk*, *William Marshall*, *William Marshall the younger*, *William Mathews*, *Jesse Moore*, *Thomas Oerton*, *William Henry Osborne*, *Sir Robert Peel Baronet*, *John Moore Paget*, *Samuel Potter*, *Peter Potter*, *Samuel Partridge*, *Josiah Robins*, *William Reade*, *Richard Roberts*, *Sir Ed-*

ward

ward Scott Baronet, Sir Francis Edward Scott Baronet, Edward Dolman Scott, Douglas Scott, John Scott, William Spurrier Solicitor, Charles Simpson, George Bradnock Stubbs, John Stubbs Solicitor, John Smallwood, Robert Smith, Edward Swift, Edward Tongue, John Turner (Erdington), John Turner (Birmingham), Sir John Wrottesley Baronet, Christopher Wren, William Wills, Thomas Willmore, John Willmore, Robert P. Weddall, James Watt, John Wadhams, Thomas Walsh Doctor in Divinity, John Whittingham, William Wheelwright, 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.

IV. 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 respective 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 appointing Trustees on Vacancies,) to elect and appoint any Number of Persons not exceeding Five 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 being duly qualified shall have the like Powers for executing this Act as if they had been herein named.

Power to appoint additional Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Gough Arms Inn* in *Perry Barr* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Third *Wednesday* next after the passing of this Act, or as soon afterwards as conveniently may be, between the Hours of Eleven and Two, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and Places within the Neighbourhood of the said Road, as the said Trustees or the major Part of them present at such respective Meetings shall think proper and appoint.

First Meeting of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to make the said Road of such Width as they shall think proper, not exceeding Forty-eight Feet, in, upon, over, or through any Private Lands, Tenements, and Hereditaments, and also to make such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, Drains, Land Arches, Embankments, Foundations, Piers, Abutments, and other Works as they shall think necessary or expedient, and for such Purpose to take and use any Lands, Tenements, or Hereditaments, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the Lands, Tenements, and Hereditaments through which or where-
upon

Empowering the Trustees to make the Road.

upon such Road, Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, Drains, Land Arches, Embankments, Foundations, Piers, Abutments, and other Works as aforesaid is or are intended to be made or pass, and also upon any adjoining Lands, Tenements, or Hereditaments, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Plans deposited with the several Clerks of the Peace to be open to Inspection, and the Trustees not to deviate therefrom.

VII. And whereas Maps or Plans describing the said intended new Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same is intended to be carried, together with Books of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Offices of the respective Clerks of the Peace for the County of *Stafford* and the County of *Warwick*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof and Extracts therefrom, paying to such Clerk 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 either of them, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerks of the Peace respectively for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees in making such Road shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons or Party or Parties upon, in, over, or through whose Lands, Tenements, or Hereditaments any such Deviation beyond the said Distance of One hundred Yards shall be made.

Dwelling Houses, &c. not be taken except such as are mentioned in the Schedule.

VIII. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Road shall not authorize the said Trustees to pull down or take or use any Dwelling House or other Building, or to take or use any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, 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 Owners or Proprietors thereof or other Persons interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Unintentional Errors in Act or

IX. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road upon, in, over, or through any Lands, Tenements, and Hereditaments upon, in, over, or through

through which such Road is delineated on the said Maps or Plans, although such Lands, Tenements, and Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the said Books of Reference, if it shall appear to any Two or more Justices of the Peace for the County, Town, or Place within which such Lands, Tenements, or Hereditaments shall be situate,) in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake, and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Plan, or Book of Reference, not to prevent Execution of Act.

X. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Five Years next after the passing of this Act agree for or cause to be valued and shall pay for the Lands, Tenements, and Hereditaments which they are by this Act authorized to take, or so much thereof respectively as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers by this Act or by any other Act or Acts granted in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Lands, Tenements, or Hereditaments herein-before mentioned, cease and be utterly void; any thing in this Act or in any such Act or Acts as aforesaid contained to the contrary thereof notwithstanding.

Limiting Period of purchasing Property.

XI. And be it further enacted, That it shall be lawful for the said Trustees to erect or build upon the said Road 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 Gardens for such Toll Houses, 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 discontinue and remove the same or any of them, as they shall think proper.

Toll Houses to be erected, &c.

XII. 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,) Tolls.

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 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

[Local.]

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Breadth

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 Three Halfpence:

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 than a Score:

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

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 present 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.

Fraction of a Halfpenny. in Toll.

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

No Exemption allowed in respect of Carriages having the Nails of the Tire projecting more than One Quarter of an Inch.

XIV. 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 other Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or for 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 the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch from the Surface of such Tire.

No Tolls to be paid on repassing through the same Gate.

XV. Provided also, and be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the Passage 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

Coaches or other such like Carriages, or drawing Post Chaises or other such 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 such 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, (except Carriages laden with Soil, Dung, or Compost for improving Lands,) 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 Road for the Distance of One Mile or more.

XVI. Provided also, 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 Number of Tolls.

XVII. 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 Carriage, 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 Pay or Reward, for each Time of passing and for each Time of repassing along the said Road: 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.

Horses drawing Stage Coaches, &c. to be subject to Toll each Time of passing.

XVIII. 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, for drawing any Post Chaise or other Carriage, for each Time of passing along the said Road whenever a new Hiring thereof shall take place.

Post Chaises, &c. on every new Hiring.

XIX. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Road 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.

Weight of single Horse Carts limited.

XX. And be it further enacted, That all Carts or other such Carriages passing along the said Road, drawn by only One Horse, Beast, or Cattle, shall and may be weighed at any Weighing Machine on the said Road, and the like additional Tolls demanded and recovered for

One-horse Carts may be weighed.

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

Application
of the Money.

XXI. And be it further enacted, That the Money which shall be received under this Act shall be applied by the said Trustees in the Manner following; (that is to say,) in the first place, in paying and discharging all the Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incidental thereto, with lawful Interest for any Money which may have been advanced 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 the Remainder of such Monies (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 Expences incidental to the Execution of this Act,) shall be applied in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act, and in making and maintaining the Road by this Act authorized, and otherwise in putting this Act into execution; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may be borrowed or secured under or upon the Credit of this Act.

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 Railroad or Railroads 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 Road or any Part thereof, but such Railroad or Railroads shall be made and carried, either under the said Road by means of a Tunnel or Archway, or Tunnels or Archways, at such a Depth from the Surface of the said Road as will not disturb or injure the same, or over the said Road by means of an Arch of the same Span as the Width of the said Road, 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 Road; and in case any Railroad or Railroads shall be made or begun to be made to cross or pass over the said Road or any Part thereof, contrary to the Provisions of this Act, such Railroad or Railroads are hereby declared and shall be deemed to be an Encroachment, and may be removed by the Trustees of the said Road or their Surveyor; and the Expences of removing such Railroad or Railroads, 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 Railroad or Railroads shall also forfeit and pay any Sum not exceeding Five Pounds for each
and

and every Day during which the said Railroad or Railroads 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 or Statute relating to Turnpike Roads be levied, recovered, and applied.

XXIII. And be it further enacted, That this Act shall commence Term of Act. on the Third *Monday* 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 may then next follow.

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

The SCHEDULE referred to in the foregoing Act.

Numbers on Plan.	Owners.	Occupiers.	Description of Property.
<i>Township of Perry Barr in the Parish of Handsworth.</i>			
2	Sir Edward Dolman Scott Baronet	Sir E. D. Scott Baronet	Wood.
15	John Gough Esquire or the Trustees under the Will of the late John Gough Esquire	John Gough Esquire	Plantation.
25	Same - - -	Same - - -	Same.
28	Same - - -	Same - - -	Wood.
<i>Parish of Handsworth.</i>			
35	John Willmore - -	Sarah Ryley - -	Garden.
37	William Haughton -	Edward Payne and John Owen - -	Garden.
<i>Parish of Aston juxta Birmingham.</i>			
38	Benjamin Hildick -	Joseph Westwood and Francis Emery	Garden and Croft.

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