ANNO PRIMO

GULIELMI IV. REGIS.

****

Cap. xi.

An Act for repairing the Road from *Birmingham* to *Bromsgrove.* [11th *March* 1831.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from* Bromsgrove *in* 59 G.3. c. 49.
the County of Worcester *to* Birmingham *in the County of* Warwick: And whereas that Part of the said Turnpike Road which passes over *Bromsgrove Lickey* is extremely hilly and mountainous and inconvenient for Travellers, and it is expedient that the said Road should be diverted and turned so as to avoid the steep and long Ascents of the Hills: And whereas considerable Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken on the said Road, which Money still remains due and owing, and the same cannot be repaid, nor can the said Deviation be effected, and the Road otherwise improved and kept in repair, unless the Term and Powers of the said Act be further extended and enlarged: And whereas it would facilitate the Execution of the Purposes aforesaid if the said recited Act was repealed, and if the Powers thereby given, and such further Powers as may be necessary for repairing and maintaining the said Road, were granted and comprised in One Act: 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Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately Recited Act repealed.

immediately after the Third *Tuesday* next after the passing of this Act the said recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed.

This Act to be put in execution for the Term after mentioned.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from *Birmingham* to *Bromsgrove*; that is to say, from the Brook which crosses the said Road and divides the Parishes of *Birmingham* and *Edgbaston*, in the County of *Warwick*, to the *Strand Bridge* over *Spadsborne Brook*, at the Entrance into the Town of *Bromsgrove* in the County of *Worcester*.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Warwick* and *Worcester* respectively, together with *John Adams*, *William Anderton*, *John Arnold*, *John Ashmore*, *William Ashmore*, *Benjamin Ashmore*, *George Attwood*, *Roger Auster*, *John Auster*, *George Barker*, *Philemon Baylis*, *Robert Blyth*, *Henry Brettell*, *Joseph Brettell*, *William Bullock*, *William Chance*, *Thomas Collet*, *Thomas Collis*, *John Compson*, *Robert Cottrell*, *Charles Creswell*, *John William Crompton*, *George Derrington*, *William Derrington*, *William Fletcher*, *William Francis*, *Samuel Tertius Galton*, *John Howard Galton*, *Hubert Galton*, *Benjamin Guest*, *James Guest*, *John Harris*, *Philemon Baylis Haynes*, *John Healey*, *Timothy Hill*, *John Horton*, *John Horton* the younger, *Thomas Horton*, *George Francis Iddins*, *Clement Ingleby*, *Joseph Jakeman*, *Edward Johnstone* Doctor of Medicine, *John Kettle*, *Isaac Lea*, *Thomas Eyre Lee*, *Samuel Lloyd*, *James Lloyd*, *Francis Lloyd*, *John Maughan*, *John Merry*, *Thomas Moore*, *John Moore*, *Robert Eden Mynors*, *George Osborne*, *William Palmer*, *Seymour Walford Palmer*, *William Parks*, *Francis Perkins*, *Charles Pixell*, *Joseph Weatherley Phipson*, *Joseph Richards*, *Josiah Richards*, *William Henry Robeson*, *William Foley Rogers*, *Thomas Rogers*, *George Pierrepoint Rufford*, *William Congreve Russell*, *Samuel Ryland*, *John Scott*, *William Spurrier*, *Joseph Stock*, *William Taylor*, *Joseph Timmis*, *Thomas Taylor Vernon*, *George Vernon*, *William Ward*, *Joseph Willetts*, *Thomas Willmore*, *Richard Wood*, and their Successors, being duly qualified according to the Directions and Provisions of the several Acts for maintaining Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for improving and keeping in repair the said Road, and for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to elect and appoint any Number of Persons, not exceeding Five 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, being duly qualified as aforesaid, shall be Trustees for the Purposes of this Act, and are hereby invested with the

same Powers and Authorities for executing the same as if they had been herein named.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees shall meet on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, at some convenient House or Place upon or near to the said Road, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Places upon or near to the said Road as they shall think proper.

Power to continue and erect Toll Gates.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or to remove the Toll Gates and Side Bars now standing or being in, upon, or across the said Road, or any Lane or Way leading into the same, and also from Time to Time to erect and set up, or cause to be erected and set up, in or upon 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 the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, and also to continue, or, where Need shall be, to erect and build, or cause to be erected and built, proper Toll Houses, with suitable Outbuildings and Conveniences thereto, at or near each and every such Toll Gate, Turnpike, or Side Bar, and to inclose on the Sides of the said Road suitable Gardens for the Use and Convenience of the Occupiers of such Toll House or Toll Houses, (not exceeding One Eighth Part of a Statute Acre each,) with such Number of Lamps at such Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove or to alter or discontinue the aforesaid Toll Gates, Turnpikes, and Side Bars, Toll Houses and Gardens, or any of them, as the Trustees shall from Time to Time think proper and expedient.

Power to take Tolls.

VII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or for any Person under their Authority, to demand and take the Tolls following at every Turnpike Gate, Side Bar, or Chain continued, erected, or placed by virtue of this Act in, upon, across, or on or near the Side or Sides of the said Road, or any Part thereof; that is to say,

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Landau, Berlin, Vis-a-vis, Barouche, Phaeton, Curricle, Calash, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of the Breadth of Nine Inches in the Fellies or Soles thereof, the Sum of Two-pence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having Wheels of the Breadth of Six Inches and less than Nine Inches in the Fellies or Soles thereof, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart,

Cart, or other such Carriage, having Wheels of less Breadth than Six Inches in the Fellies or Soles thereof, the Sum of Four-pence Halfpenny:

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

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

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

Tolls on locomotive Steam Engines, &c.

Also for every locomotive Steam Engine for propelling or drawing any Carriage of whatsoever Description, for the Conveyance of Passengers or Goods, passing through any Turnpike Gate or Toll Bar erected or to be erected upon or by the Side of the said Turnpike Road, the Sum of Two Shillings:

And for every Carriage for the Conveyance of Passengers or Goods propelled or drawn by any such Engine, the Sum of One Shilling and Sixpence:

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, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

Tolls to be paid but once a Day.

VIII. 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, Cattle, Beast, or Carriage through any One of the said Toll Gates or Turnpikes or Side Bars, such Horse, Cattle, Beast, or Carriage 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 Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, any thing in this Act contained to the contrary notwithstanding.

Limiting the Number of Tolls to be taken on the whole Line of Roads.

IX. And be it further enacted, That no more than Two full Tolls shall be demanded or taken of and from any Person or Persons for the same Horses, Cattle, and Beasts passing and repassing through all or any of the Toll Gates, Turnpikes, or Side Bars erected or to be erected across or on the Sides of the said Road, in any One Day, such Day to be computed in manner before mentioned.

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

X. Provided always, and be it further enacted, That the said Tolls shall be payable at each and every Turnpike, Toll Gate, and Side Gate erected on the said Road, in respect of Horses, Asses, or other Beasts of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, for each Time during the same Day that any such Horse,

Horse, Ass, or other Beast of Draught shall pass through any of the said Turnpikes, Toll Gates or Side Gates, drawing any other Waggon, Wain, Cart, or such like Carriage than that which such Horse, Ass, or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which Toll shall have been paid.

Stage Coaches to pay each Time of passing.

XI. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach or Stage Waggon, Van, Caravan, or other Stage Carriage, and for and in respect of every Steam Engine, and the Carriages propelled or drawn thereby, conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches on account only of the Horses drawing the same having been changed.

Post Chaises, &c. on every new Hiring.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught let out to Hire and drawing any Post Chaise, Car, or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road, whenever a new Hiring of such Post Chaise, Car, or other Carriage shall have taken place.

Lime, &c. for Manure to be exempted from Toll.

XIII. And be it further enacted, That no Toll shall be demanded or taken at any of the Turnpikes or Toll Gates erected or to be erected on the said Road for any Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage loaded, or going empty to be loaded, or returning empty from having been loaded, with any Mould, Dung, Lime, Bones, Ashes, Marl, Compost, or other Manure, to be solely used for improving or manuring Land; and if any Person shall claim or take the Benefit of such Exemption not being legally entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Half to be paid to the Informer, and the other Half to the Treasurer of the said Road; and in all Cases the Proof of Exemption shall lie upon the Person claiming the same: Provided always, that no Person shall have or be entitled to the said Exemption from Toll for or in respect of any Waggon, Wain, Cart, or other Carriage having Wheels of less Breadth than Four Inches and a Half on the Sole or Bottom of the Fellies thereof.

Exemption of certain Persons from Payment of Tolls at any Gate erected near Bromsgrove.

XIV. Provided also, and be it further enacted, That no Toll shall be demanded or taken at any Toll Gate to be erected by Authority of this Act between the Town of *Bromsgrove* and the Junction of the new Line of Road hereby authorized to be made with the Turnpike Road from *Bromsgrove*, through *Halesowen*, to *Dudley*, at or near *Lydiat Ash*, of or from any Person or Persons for or in respect of any Carriage or Horse or other Beast going to *Bromsgrove* which shall have passed through and paid Toll at either of the Gates called *Lydiat Ash* and *Grange* Gates, erected on the said *Bromsgrove* and

Dudley Turnpike Road, such Person or Persons producing a Ticket denoting such Payment.

Power to make proposed Variation of Line.

XV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and carry the several proposed Variations of the present Turnpike Road in, upon, over, or through any private Lands or Grounds described in the Map or Plan and Book of Reference herein-after mentioned, and to make the same Road of such Width as they shall think proper, not exceeding Forty-five Feet, together with such Footpaths, Causeways, Bridges, Culverts, Fences, Ditches, and Drains as they shall think necessary or expedient.

Plan deposited with the Clerk of the Peace to remain, and be open to Inspection.

XVI. And whereas a Map or Plan describing the Line of the intended Deviation of the said Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the County of *Worcester*; 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 or therefrom at their Will and Pleasure, paying the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Road not to deviate from Plan.

Misnomers not to prevent the Execution of the Act.

XVII. Provided always, and be it further enacted, That if any of the Lands, Houses, Buildings, and other Premises to be taken and used for the Purposes of this Act shall happen not to be described in the said Map or Plan and Book of Reference, or any of the Owners and Occupiers of the same or any of the Lands, Houses, Buildings, or other Premises described in the said Map or Plan and Book of Reference, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the several Lands, Houses, Buildings, and other Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the same had been accurately described in the said Map or Plan and Book of Reference, and as if the Owners and Occupiers of the same had not been omitted or were properly and accurately named, provided it shall appear to any Two or more Justices of the Peace for the said County of *Worcester*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands,

Houses, Buildings, or other Premises had Notice that the same would be wanted for the Purposes of this Act.

Trustees restrained from pulling down Dwelling Houses, &c. except those mentioned in the Schedule, without Consent.

XVIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act 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 or set apart as a Nursery for Trees, or any Part thereof respectively, other than and except such as are specified in the Schedule hereunto annexed, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Limiting the Period of purchasing Property.

XIX. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years after the passing of this Act, agree for or cause to be purchased and paid for the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers by this Act granted to them for such Purpose shall cease, determine, and be utterly void and of no effect, save and except with the Consent of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, any thing herein contained to the contrary in anywise notwithstanding.

A Portion of the Dudley Road to form Part of this Road.

XX. And whereas the Line of Deviation of the said Road described in the aforesaid Map or Plan enters into and upon the Turnpike Road leading from *Bromsgrove*, through *Halesowen*, to *Dudley*, at or near a Place called *Lydiat Ash*, in the Parish of *Bromsgrove*, and the said *Bromsgrove* and *Dudley* Road terminates on its Junction with the present *Bromsgrove* and *Birmingham* Turnpike Road at the Distance of One thousand seven hundred and seventy-four Yards, which Length or Space of One thousand seven hundred and seventy-four Yards it is expedient should henceforth form Part of the said last-mentioned Road; be it therefore enacted, That from and after the said Line of Deviation shall be made and opened into the said Turnpike Road leading from *Bromsgrove*, through *Halesowen*, to *Dudley*, the said last-mentioned Turnpike Road shall terminate where the said new Line of Road hereby authorized to be made shall unite therewith, and that the aforesaid Part of the said *Bromsgrove* and *Dudley* Road which lies between such Junction and the present *Bromsgrove* and *Birmingham* Turnpike Road, at the Finger Post near a House called *Barnsley Hall*, containing in Length One thousand seven hundred and seventy-four Yards as aforesaid, shall from thenceforth become, be, and remain Part of the Turnpike Road from *Birmingham* to *Bromsgrove*, and be amended, improved, and kept in repair by the Trustees for putting this Act into execution.

Part of the Road discontinued on Completion of the new Line.

XXI. And be it further enacted, That from and after the said Line of Deviation shall be completed and opened, that Part of the said former Road leading towards *Bromsgrove* which lies between the

the Eastern Point of such Deviation near a Place called *Long Bridge*, and the Finger Post near a House called *Barnsley Hall*, shall be discontinued as Turnpike, and be no longer repaired under the Authority of this Act, but shall thenceforth become and be Part of the King's common Highway, and be repaired by and at the Expence of the Inhabitants of the several and respective Parishes, Townships, Hamlets, or Places within which such discontinued Road shall lie.

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

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 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 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 Archway or Archways 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 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 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.

Application of Tolls and other Monies.

XXIII. And be it further enacted, That out of the Tolls and other Monies which shall be raised or received by virtue of this Act the said Trustees shall in the first place pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Remainder of such Monies shall from Time to Time be applied in erecting Toll Houses, Toll Bars, Side Gates, Side Bars, and Weighing Machines, and in making, amending, altering, and improving the said Road and keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due or to grow due thereon.

XXIV. Pro-

No Money to be expended in repairing Streets.

XXIV. Provided always, and be it further enacted, That no Part of the Money arising or to be received by virtue of the said recited Act or of this Act shall be laid out in repairing, improving, or maintaining any Street, Highway, or Place in any Part of the Town of *Birmingham*, any thing herein contained to the contrary notwithstanding.

Public Act.

XXV. 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.

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

The SCHEDULE referred to by this Act.

OWNERS.	OCCUPIERS.	DESCRIPTION.
	COUNTY OF WORCESTER.	
	Parish of King's Norton.	
Matthias Attwood -	Matthias Attwood -	Plantation.
Ditto - - -	Ditto - - -	Ditto.
	Parish of Bromsgrove.	
James Adams - -	James Adams - -	Garden.
Ann Langston - -	Ann Langston - -	Ditto.
Nancy Bradley - -	Joseph Kimberly - -	Field and Garden.

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