ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. vi.

An Act for more effectually maintaining and improving the Roads from *Birmingham* to *Wednesbury* and to *Great Bridge*, and from thence to the *Portway* adjoining the *Bilston* and *Wednesbury* Turnpike Road, and to *Nether Trindle* near *Dudley*, and from *Trouse Lane* in the Parish of *Wednesbury* to *Darlaston*, in the Counties of *Warwick*, *Stafford*, and *Worcester*; and for making new Branches of Road communicating therewith. [20th *February* 1832.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King *George* the First, intituled *An* 13 G.1. c.14.
Act for repairing the several Roads leading from Birmingham *through the Town of* Wednesbury *to a Place called* High Bullen, *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Township of* Bilson, *and from* Great Bridge *through* Dudley *to* Kingswinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worcester: And whereas another Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for enlarging the* 21 G.2. c.20.
Term and Powers granted by an Act passed in the Thirteenth Year of

the Reign of His late Majesty King George *the First, for repairing the several Roads leading from* Birmingham *through the Town of* Wednesbury *to a Place called* High Bullen, *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Township of* Bilson, *and from* Great Bridge *through* Dudley *to* Kingswinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worcester: And whereas another Act was passed in the Twelfth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Terms and Powers of Two Acts, made in the Thirteenth Year of the Reign of King* George *the First and the Twenty-first Year of the Reign of King* George *the Second, for repairing the several Roads leading from* Birmingham *through the Town of* Wednesbury *to a Place called* High Bullen, *and to* Great Bridge, *and from thence to the End of* Gibbet Lane *next adjoining to the Township of* Bilson, *and from* Great Bridge *through* Dudley *to* Kingswinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worcester: And whereas such of the said Roads as lead from *Birmingham* to *High Bullen* and *Great Bridge*, and from thence to the *Portway* at the End of *Darlaston Lane* next to *Bilston* and to the *Nether Trindle* near *Dudley* aforesaid, were by the said Acts made one separate District, and put under the Care of separate Trustees, distinct from the other Roads described in the said Act: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term of Three Acts, of the Thirteenth Year of King* George *the First, the Twenty-first Year of His late Majesty, and the Twelfth Year of His present Majesty, so far as the same relate to the Roads from* Birmingham *through* Wednesbury *to* High Bullen *and to* Great Bridge, *and from thence to the* Portway *at the End of* Darlaston Lane *next to* Bilston *and to* Nether Trindle *near* Dudley, *in the Counties of* Warwick, Worcester, *and* Stafford; *and for making and keeping in repair a Road from* Trouse Lane *in the Parish of* Wednesbury *to* Darlaston *in the County of* Stafford: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts so far as the same relate to the Roads from* Birmingham *through* Wednesbury *to* High Bullen, *and other Roads therein mentioned, in the Counties of* Warwick, Worcester, *and* Stafford: And whereas the Trustees for executing the said recited Acts have proceeded to put the same into execution, and have made considerable Progress in repairing, widening, and otherwise improving the several Roads thereby directed to be repaired and improved, and have borrowed several large Sums of Money on the Credit of the Tolls thereby authorized to be taken, and the Debt thus incurred cannot be paid off, nor can the said several Roads be effectually amended, widened, improved, and kept in repair, unless the Powers and Provisions of the said Acts are altered, amended, and enlarged: And whereas it will be highly beneficial to the Public if the present Course of the said Road leading from *Great Bridge* to *Dudley*, and of the said Road leading from *Great Bridge* to the *Portway* aforesaid, were diverted: And whereas by making the said several Diversions a certain Part of the said Roads may be discontinued: And whereas,

12 G. 3. c. 110.

27 G. 3. c. 73.

56 G. 3. c. 51.

for the Purposes aforesaid, it is expedient that the said recited Acts should be repealed; and that more effectual Powers should be granted, as well for repairing, widening, diverting, and improving the present Roads included and comprised in the said last-mentioned Act, as for making and maintaining the Diversions and Improvements hereinbefore mentioned: 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 Fifteenth Day of *August* next after the passing of this Act the said several Acts shall be and the same are hereby repealed.

Recited Acts repealed.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put into execution for and during the Term hereinafter mentioned, for the Purpose of repairing, amending, widening, altering, lighting, watering, and improving the several Roads hereinafter described; (that is to say,) the Roads leading from the End of *Icknield Street* at *Hockley* in the Parish of *Birmingham* in the County of *Warwick* to the Junction of the Road leading to *Bilston* in *Wednesbury* aforseaid, and from the said Road at *Westbromwich* in the County of *Stafford* to *Great Bridge* in the same Parish, and from thence to the *Portway* adjoining to the *Bilston* and *Wednesbury* Turnpike Road in the said County of *Stafford*, and to the *Nether Trindle* near *Dudley* in the County of *Worcester*, and the said Road from *Trouse Lane* in the Parish of *Wednesbury* aforesaid to *Darlaston* in the said County of *Stafford*; and for making and maintaining a Diversion of the present Turnpike Road commencing from or near that Part of the present Turnpike Road as is situated above Five hundred Yards South-west of *Dudley Port Bridge* in the Parish of *Tipton* aforesaid, and terminating near *Nether Trindle* Toll Gate in the Parish of *Dudley* aforesaid; and another Diversion of the said present Turnpike Road commencing from or near *Ocker Hill*, and terminating at or near *Gospel Oak* Toll Gate, both in the said Parish of *Tipton*.

Description of the Roads to be repaired.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said respective Counties of *Warwick*, *Stafford*, and *Worcester*, for the Time being, together with *Charles Adams*, *John Addison*, *Thomas Adkins*, *William Charles Alston*, *John Badeley*, *John Bagnall*, *William Bagnall*, *George Barker*, *John Barrs*, *George Bayley*, *Joseph Bennitt*, *William Betts*, *Richard Bills*, *John Partridge Blakemore*, *Luke Booker* Doctor of Laws, *Thomas Botteley*, *James Botteley*, *Richard Bradley*, *Edwin Bullock*, *William Smallwood Bullock*, *George Carter*, *Cornelius Cartwright*, *Isaac Clarkson*, *John Clemson* the younger, *Simeon Constable*, *John Corrie*, *John Crowther*, *Isaiah Danks*, *Samuel Danks*, *Samuel Dawes*, *Henry Fryer Devey*, *Edward Dixon*, *James Smith Dorset*, *Edward Dudley* Clerk, *Edward Elwell*, *Henry Evans*, *Francis Finch*, *John Fisher*, *Samuel Tertius Galton*, *Thomas Green*, *Benjamin Guest*, *William Hadley* (of *Kempsey*), *William Hadley* (of *Handsworth*), *Joseph Hadley*, *James Hateley*, *Joseph Hateley*, *William Haughton*, *Joseph Halford*, *Thomas Hawkes*, *Abiather Hawkes*, *Robert Haynes*, *Benjamin Haynes*, *Booth Hodgetts*,

Appointment of Trustees.

Hodgetts, *Thomas Webb Hodgetts*, *Hyla Holden* Clerk, *Richard Homer*, *John Howells* Clerk, *Thomas Yate Hunt*, *Samuel Hunt*, *William Izon*, *Richard Jesson*, *George Jones*, *Whitmore Jones*, *William Jones*, *Job Jones*, *Archibald Kenrick* the elder, *Archibald Kenrick* the younger, *Samuel Kenrick*, *Daniel Ledsam*; *Joseph Frederick Ledsam*, *Thomas Lee*, *John Lilly*, *Samuel Lloyd* the younger, *Isaac Mason*, *John Nock*, *George Parker* (of *Oldbury*), *George Parker* (of *West Bromwich*), *John Pratt*, *Thomas Blois Price*, *Thomas Aston Proud*, *Richard Rabone*, *John Richardson*, *Jeffery Richardson*, *Jeremiah Ridout*, *John Rooth*, *John Rotton*, *Benjamin Round*, *Joseph Round*, *John Round*, *Abel Rooker*, *James Russell*, Sir *Edward Dollman Scott* Baronet, *George Silvester*, *Thomas Silvester*, *Timothy Smith*, *Samuel Smith*, *Thomas Smith*, *David Smith*, *John Spittle*, *John Tookey*, *John Turner*, *William Hammond Turner*, *John Twamley*, *John Wilkes Unett*, *James Villers*, *Job Wilkes*, *Philip Williams*, *Walter Williams*, *James Whitehouse*, *William Yates*, *John York*, and their Successors, being duly qualified to act as Trustees for Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected in manner directed by the Laws in force respecting Turnpike Roads in *England*, are hereby appointed Trustees for making, repairing, amending, widening, altering, and otherwise improving the said several Roads, and for otherwise carrying into full and complete Effect and Execution the several Powers and Provisions of this Act and of the General Turnpike Acts.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall and may be lawful for the Trustees appointed by this Act, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, to elect, nominate, and appoint any additional Number of Trustees (not exceeding Six in the whole) to be Trustees for the Purposes of this Act; and such Trustees so elected and appointed, being qualified as aforesaid, shall be Trustees for the Purposes of this Act, and shall have the same Powers and Authorities for executing this Act as if they had been hereby expressly named and appointed Trustees.

No Trustee to vote or act where interested.

V. Provided also, and be it further enacted, That no Trustee who is a Proprietor of any Share or Shares in any Canal, Railroad, Water, or Gas Light Company shall vote or act in or relating to any Question, Matter, or Thing between the said Trustees or any of such Companies in which he is such Proprietor; and if any such Trustee, so being such Proprietor, shall vote or act in or relating to any such Question, Matter, or Thing, every Trustee so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; which said Penalty 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.

Manner in which Meetings are to be held.

VI. And be it further enacted, That all Meetings of the said Trustees for putting this Act into execution shall be held in the following Manner; (that is to say,) alternately in the Town of *Birmingham*, at *Handsworth*, at *Wesbromwich*, and in the Town of *Wednesbury*; and that

that the First Meeting of such Trustees after the Commencement of this Act shall be at the *Stork* Tavern or at some other convenient Place in *Birmingham* on the Sixteenth Day of *August* One thousand eight hundred and thirty-two, that the Second Meeting shall be at the *Turk's Head* Inn or at some other convenient Place in *Wednesbury*, the Third at the *Swan* Inn or at some other convenient Place at *Westbromwich*, and the Fourth at the House of *John Crockett*, or at some other convenient Place at *Handsworth*, and so on in rotation at *Birmingham*, *Wednesbury*, *Westbromwich*, and *Handsworth*, at such Houses in the Townships of *Birmingham* and *Wednesbury*, and in the Parishes of *Handsworth* and *Westbromwich*, as the major Part of the Trustees assembled at their respective Meetings shall from Time to Time appoint.

Power to make new Roads.

VII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to set out, make, and complete, and from Time to Time repair, widen, divert, light, water, and improve, the said several Diversions and Improvements of Road hereinafter mentioned; (that is to say,) a new Line of Road or Diversion from the present Road, commencing at about Five hundred Yards South-west of *Dudley Port Bridge* in the Parish of *Tipton* aforesaid, and terminating near *Nether Trindle* Toll Gate in the Parish of *Dudley* aforesaid, and another new Line of Road or Diversion from the present Road commencing at or near *Ocker Hill* and terminating at or near *Gospel Oak* Toll Gate, both in the Parish of *Tipton*; and from and after the making thereof the same shall be and be deemed to be to all Intents and Purposes Part of the Road included in this Act, and shall be deemed and taken to be and shall be Public Highways to all Intents and Purposes: Provided always, that such first-mentioned new Line of Road or Diversion shall not be made, and the Powers and Provisions in this Act contained relating thereto shall not take effect, unless with the previous Consent of the Right Honourable *John William* Earl of *Dudley*, his Heirs or Assigns, in Writing under his or their Hand or Hands for that Purpose had and obtained.

Map or Plan deposited with the Clerk of the Peace to remain open to Inspection.

VIII. And whereas a Map or Plan describing the several Lines of the said Diversions, together with a Book of Reference to such Map or Plan, containing Lists of the Names of the several Owners or reputed Owners and Occupiers of Lands, Tenements, and Hereditaments through which the said several Diversions are intended to pass, have been deposited at the Office of the Clerk of the Peace of the County of *Stafford*, and another Map or Plan and Book of Reference at the Office of the Clerk of the Peace for the County of *Worcester*; be it therefore further 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 and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the said Clerks 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; and the said Trustees in making the said several Diversions shall not deviate more than One hundred Yards

Trustees not to deviate from Plan.

Yards from the Lines described in the said Maps or Plans without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, in, upon, through, or over whose Lands and Premises the said several Diversions shall respectively be made.

New Roads may be made notwithstanding Misnomers.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several new Lines of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands, Tenements, or Hereditaments through or over which the same are set out and described in the said Maps or Plans or Books of Reference, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, or of the Parish or Parishes in which such Lands, Tenements, and Hereditaments are mentioned to be situate, or the Parish or Parishes from, through, or into which the said new Lines of Road, or any or either of them, shall commence, pass, run, or determine, shall or may happen to be erroneously mentioned, described, omitted, or mis-stated in the said Maps or Plans or Books of Reference, in case it shall appear to any Two or more Justices of the Peace of the County wherein such Lands, Tenements, and Hereditaments shall be situate, and to be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only.

Dwelling Houses, &c. not to be taken except those mentioned in Schedule.

X. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, improving, or altering the said Roads comprised in this Act, and making the said new Lines, shall not extend or be construed to extend to authorize or empower 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, Plantation, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned and specified in the Schedule to this Act annexed.

Limiting the Period for purchasing the Property.

XI. And be it further enacted, That if the said Trustees shall not within the Space of Five Years from and after the passing of this Act agree for or cause to be valued the several Houses and Tenements mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them granted for such Purpose only shall cease, determine, and be utterly void and of no Effect, save and except with the Consent in Writing of the Owners and Occupiers of such Houses and Tenements; any thing herein contained to the contrary thereof in any wise notwithstanding.

Damage to new Roads by working Mines to be made good out of the Tolls.

XII. Provided always, and be it further enacted, That in case any Damage or Injury shall be done to the Diversions or Improvements hereby authorized to be made, in working and getting the Mines and Minerals in or under the same, or under the Lands adjoining, in the usual and accustomed Manner, the Person or Persons working

the said Mines shall not be liable to make good such Damage or Injury, but the same shall be made good out of the Tolls hereby authorized to be received and collected.

Discharging Trustees from Care of Part of old Road.

XIII. And whereas by making the said several Diversions and Improvements a certain Part of the said Road may be discontinued; be it therefore enacted, That from and after the making and completing the said new Line of Road or Diversion from near *Dudley Port Bridge* to near the *Nether Trindle* Gate, passable for Carriages, the Trustees appointed for putting this Act into execution shall be and they are hereby discharged from the Care and Maintenance of so much of the Turnpike Roads as lies between the Junction of the present Turnpike Road near *Burnt Tree Gate* with the Turnpike Road leading from *Dudley* through *Oldbury* to *Birmingham* and *Nether Trindle Gate*, and also between the Commencement of the said Diversion at *Ocker Hill* and the Termination thereof at or near *Gospel Oak* Toll Gate.

Trustees to cause Lamps to be erected.

XIV. And be it further enacted, That the said Trustees shall have full Power and Authority to cause such and so many Lamps, Lamp Posts, and Lamp Irons as they shall think proper to be erected or set up, and to continue all or any of such Lamps, Lamp Posts, and Lamp Irons now or hereafter to be erected and set up upon the said Roads, or to be affixed to the Premises of any Person whomsoever, making good any Damage which shall be done thereto by the same, and shall also have full Power and Authority from Time to Time to contract with any Person or Persons for lighting, maintaining, and repairing such Lamps, Lamp Posts, and Lamp Irons, and to give such Orders and Directions concerning the same as the said Trustees shall judge reasonable, necessary, or expedient, or as the said Services or Works may require.

For preventing the Escape of Gas.

XV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Trustees, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting the said Roads, the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing of any such Escape of Gas from any Inhabitant or Inhabitants, or other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Trustees, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice given, effectually stop and prevent any future Escape, and fully and satisfactorily remove the Cause of Complaint, then and in every such Case the said Trustees, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after

after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid.

Gas Pipes to be laid at least Four Feet from Water Pipes.

XVI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Trustees, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting the said Roads, for the Conveyance of any Gas in, under, through, along, or across the said Roads, shall be so laid at the greatest practicable Distance, and (whenever the Width of the said Roads will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, or across the said Roads, (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the said Trustees, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed in or about the said Roads within the Limits of this Act, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the joining with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Five Pounds.

To prevent Contamination of Water.

XVII. And be it further enacted, That whenever the Water of any Company of Proprietors or other Owners or Proprietors of any Waterworks within the Limits of this Act, or the Water of any Well or Pond belonging to or used by any Party or Persons whomsoever, shall be contaminated or affected by the Gas of the said Trustees, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed in and about the said Roads within the Limits of this Act, the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds; and the same shall be applied to and for the Use and Benefit of the said Company

Company of Proprietors, or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water and suing for such Penalty; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer or by the Manager or Chief Clerk for the Time being of or for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the beforementioned Penalty of Twenty Pounds, the further Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid such Penalty or Penalties, Forfeitures or Payments, shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by or in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together

with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, Forfeitures or Payments, and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

For ascertaining if the Water is contaminated.

XVIII. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed in or about the said Roads and Places within the Limits of this Act; be it therefore enacted, That in every such Case it shall be lawful for the said Company, or other the Owners or Proprietors of any Waterworks, Wells, or Ponds, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement which shall be taken up or disturbed, shall be borne and paid by the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned by the said Mains, Pipes, Conduits, or Apparatus of the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement which shall be broken up or disturbed in such Search or Examination, the Amount

 of

of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Penalty for conveying Washings into any Sewer, Stream, &c.

XIX. Provided always, and be it further enacted, That if the said Trustees, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed in lighting the said Roads within the Limits of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Feeder, Aqueduct, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Trustees, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Six Calendar Months next after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered,) in case any of the Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Trustees or any of them, or to the Company of Proprietors or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Trustees, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for

for each Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Act not to prevent any Persons lighting with Gas from being indicted for Nuisance.

XX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Trustees, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons, making, furnishing, or supplying any Gas used, burnt or consumed within the Limits of this Act, or any of the Servants or Officers or Workmen of the said Trustees, or of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works or the Means which shall be employed by them in making the said Gas or using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the said Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty on damaging Pipes.

XXI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Trustees, or to any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or, beyond his, her, or their Contract, consume, any of the inflammable Air or Gas supplied by the said Trustees, Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall forfeit and pay to the said Trustees, or to the Party or Person injured, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, or such Offender shall or may be committed to the Common Gaol or House of Correction of the County or Hundred where the Offence shall have been committed, there to remain for any Time not exceeding Three Calendar Months.

XXII. And

Removal of Pipes.

XXII. And be it further enacted, That if at any Time after the Commencement of this Act the said Trustees shall, under the Powers of the Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for regulating Turnpike Roads in *England*, make any Diversion or Diversions from the present Line of Road, and sell any Part of the said present Line of Road, then and in every such Case every Water or Gas Light Company, or other Persons, having laid down Pipes in such Part of the said Road as shall have been so sold, shall, within Thirty Days after Notice shall have been given to them by the said Trustees or their Clerk, at their own Costs and Charges remove and take away, or cause to be removed and taken away, the said Pipes so belonging to them as aforesaid, and in default thereof the said Trustees shall and are hereby authorized to remove and take away the same, and such Water or Gas Company or other Persons shall, on Demand, repay to the said Trustees the Amount of the Costs and Charges so incurred, and in default of Payment thereof within Seven Days after Demand thereof in Writing shall have been made to such Water or Gas Company or other Persons, (Proof of such Demand being made by the Oath of One credible Witness before any Justice of the Peace for the said Counties of *Warwick*, *Stafford*, or *Worcester*, where the said Pipes shall lie,) such Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company or other Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, and which Warrant such Justice is hereby empowered and required to grant; and such Charges and Expences shall be paid to the said Trustees or their Treasurer.

For punishing Persons wilfully damaging Lamps.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, or shall wilfully extinguish any of the said Lamps when lighted, it shall be lawful for any Justice of the Peace for the said Counties of *Warwick*, *Stafford*, or *Worcester*, in which the said Offence shall be committed, and he is hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons whomsoever who shall see such Offence committed to apprehend, as also for any other Person or Persons to assist in apprehending, such Offender or Offenders, and by the Authority of this Act, and without any other Authority, to convey him, her, or them, or to deliver him, her, or them into the Custody of a Peace Officer, or any Watchman or Superintendant appointed under this Act, in order to be secured and conveyed before some Justice of the Peace for the said Counties of *Warwick*, *Stafford*, or *Worcester*, in which the said Offence shall be committed, to be dealt with as hereinafter is directed; and the Party or Parties accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and that such Party or Parties, either by his, her, or their own Confession, or upon such Information as aforesaid, so convicted, shall for the First Offence

forfeit and pay any Sum not exceeding Ten Shillings for each Lamp so broken, thrown down, damaged, or extinguished as aforesaid, and for the Second Offence any Sum not exceeding Twenty Shillings, and for the Third and every other subsequent Offence any Sum not exceeding Forty Shillings; and full Satisfaction shall also be made to the said Trustees by such Offender or Offenders for the Damage so by him, her, or them done as aforesaid, to be ascertained on Oath before such Justice, and to be found by him at the Time of such Conviction; and in case such Offender or Offenders shall not, upon Conviction, pay such Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction for the said Counties of *Warwick*, *Stafford*, or *Worcester*, in which such Offence shall be committed, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture shall be sooner paid, and such Satisfaction made.

Persons accidentally damaging Lamps to make Satisfaction.

XXIV. And be it further enacted, That if any Person shall accidentally damage, throw down, or otherwise injure any of the said Lamps, or any Posts, Irons, or Furniture thereof, and shall not, upon Demand, make Satisfaction to the said Trustees for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said Counties of *Warwick*, *Stafford*, or *Worcester*, in which such Damage shall be done, and he is hereby required, upon Complaint made by the said Trustees, or by any Person on their Behalf, to summon before him the Party complained, of and upon his or her Appearance, or making Default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling House or last Place of Abode, if known, or that he or she could not be found,) such Justice shall proceed to examine the Matter of the said Complaint in a summary Way, and upon Proof thereof, either by Confession of the Party complained of or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of for the Damage or Injury so by him or her done, as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded (in case the same be not paid forthwith), upon the making of such Award or Order, to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering to him or her the Overplus (if any), upon Demand, after the Charges of prosecuting such Complaint and of such Distress and Sale shall be deducted; and in case sufficient Distress cannot be found such Justice shall commit the Party complained of to the House of Correction for the said Counties of *Warwick*, *Stafford*, or *Worcester*, in which such Damage shall be done, there to remain until he or she shall pay the Sum awarded, or for any Time not exceeding One Calendar Month.

Tolls to be collected.

XXV. And be it enacted, That from and immediately after the Commencement of this Act there shall be demanded and taken by such

such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse, Beast, or other Animal, Coach, Chaise, Waggon, Cart, or Carriage, shall be permitted to pass through any Toll Gate or Bar now erected upon the said Roads, or to be erected on the said Roads or on the Sides thereof, or on the said several Diversions or Improvements or the Sides thereof, from the Person or Persons or any of them for the Time being driving, using, or having the Care of such Horse, Beast, or other Animal, Coach, Chaise, Waggon, Cart, or Carriage, the respective Tolls following; that is to say,

Tolls.

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Gig or such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Ass, Mule, or other Beast or Cattle drawing any Coach, Stage Coach, Landau, Barouche, Sociable, Chariot, Hearse, Litter, Break, Chaise, or other such like Carriage, any Sum not exceeding Four-pence:

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, any Sum not exceeding Four-pence; 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, any Sum not exceeding Five-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, any Sum not exceeding Sixpence:

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

For every Score of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence, and so in proportion for every less Number:

For every Score of Calves, Swine, Sheep or Lambs, any Sum not exceeding Ten-pence; and so in proportion for any less Number:

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

For every Carriage impelled or drawn by Machinery or Steam, any Sum not exceeding Two Shillings:

And for every Carriage attached to any Carriage impelled or drawn by Machinery or Steam, any Sum not exceeding Two Shillings:

A Halfpenny to be taken where the

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted or authorized

Toll amounts to the fractional Part of a Halfpenny.

authorized to be taken, or in the Apportionment of such Tolls or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; and all the Tolls and Money to be collected or levied by virtue of this Act shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of to and for the several Uses, Intents, and Purposes, and in such Manner as hereinafter mentioned.

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

XXVI. 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 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.

Tolls to be paid but once a Day.

XXVII. 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 Turnpikes or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket being produced denoting the Payment thereof on the same Day (each Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through any other Gate or Gates, at any Time or Times during the same Day, to be computed as aforesaid.

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

XXVIII. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of Horses and other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, and also for and in respect of any Carriage impelled or drawn by Machinery or Steam, conveying Passengers or Goods for Pay, Hire, or Reward, every Time of such Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Taxed Cart, or other Stage Carriage, Machinery or Steam Carriage, passing or repassing along the said Roads: Provided also, that no further or additional Toll shall be payable in respect of any Horses drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises to be subject to Toll on every new Hiring.

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

Weight for single Horse Carts limited.

XXX. And for regulating the Weights to be allowed to Carts or other such 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 Ten Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth of *April* (both Days inclusive) One Ton Five Hundred Weight for each such Carriage and the Lading thereof.

One Horse Carts, or Steam Carriages, &c. may be weighed.

XXXI. 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 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 Roads drawn by only One Horse, Beast, or Cattle, and to the Owners and Drivers thereof; and every Waggon, Wain, Cart, or other such Carriage not drawn by any Horse or Beast, but impelled or drawn by Steam or Machinery, shall and may also be weighed at any such Weighing Machine; and all and every the Clauses and Provisions contained in any Act now in force for regulating the Weights of Waggons, Wains, Carts, or other Carriages in *England*, and imposing additional Tolls for Overweight, shall, from and after the Commencement of this Act, be and be deemed to apply to Waggons, Wains, Carts, and other such Carriages not drawn by any Horse or Beast, but impelled or drawn by Steam or Machinery; and all the Powers, Regulations, and Penalties in force relating to the weighing of Waggons, Carts, and other such Carriages drawn by more than One Horse, and to the Drivers, Masters, and Owners thereof, shall be applicable to Carts and such like Carriages, though drawn by One Horse only, and also to Waggons, Wains, Carts, or such like Carriages not drawn by any Horse or other Beast, but impelled or drawn by Steam or Machinery, and to the Drivers, Masters, and Owners thereof respectively.

Separate Accounts to be kept, and no Money to be expended on a Road where there is no Gate.

XXXII. And be it further enacted, That a separate and distinct Account shall be kept by the Clerk to the said Trustees, in a Book or Books to be provided for that Purpose, of all Monies laid out and expended in each respective Line of Road by this Act authorized to be diverted, widened, improved, or made, and also a separate and distinct Account of the Tolls collected or received at the several Gates erected or set up upon or across each of such respective Lines of Road: Provided also, that no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Branch or distinct Line of Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and

Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such distinct Line of Road or Branch Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

Empowering Trustees for executing this Act and the Trustees of the Handsworth Road Act to enter into an Agreement respecting Repairs of certain Parts of the Roads.

XXXIII. And whereas the Trustees of the said Roads are, under and by virtue of an Act passed in the First Year of His present Majesty's Reign, intituled *An Act for more effectually maintaining and improving the Road from* Soho Hill *in the Parish of* Handsworth *to the* Walsall *Road on the Northern Side of* Hamstead Bridge, *and another Road from* Brown's Green *to the Friary, all in the County of* Stafford, entitled to receive from the Trustees for executing the said Act of the First Year of His present Majesty's Reign a proportional Part of the Expences of repairing that Part of the said Turnpike Road which lies between the Town of *Birmingham* and the Point on the said Turnpike Road where the *Handsworth* Turnpike Road branches off from the same, and a like proportional Part of the other incidental Expences attending the Support and Repair of the said Turnpike Roads between the Town of *Birmingham* and the Point aforesaid: And whereas Difficulties have continually occurred in settling the Accounts relating to such Repairs and Expences; be it therefore further enacted, That it shall be lawful for the Trustees acting in the Execution of this Act, and the Trustees for executing the said Act passed in the First Year of His present Majesty's Reign, from Time to Time, and for any Term not exceeding the Term of this Act, to enter into an Agreement for settling what annual Sum of Money shall be paid by such last-mentioned Trustees to the Trustees acting in the execution of this Act in lieu of such Proportion of the Charges and Expences aforesaid; and it shall be lawful for the Trustees acting in the Execution of the said Act passed in the First Year of the Reign of His present Majesty, out of the Monies to arise by virtue of such Act, to pay or cause to be paid any Sum of Money so to be agreed upon to the Trustees acting in the Execution of this Act, or to their Treasurer, and it shall be lawful for the said last-mentioned Trustees to accept the same; any thing in this Act contained to the contrary notwithstanding.

Mains of Water and Gas Pipes, &c. to be made of Iron.

XXXIV. And be it further enacted, That all new or complete Mains of Pipes (not being Service Pipes fitted to any House or Building) for the Conveyance of Water or Inflammable Air or Gas, which after the Commencement of this Act shall be laid down beneath the Surface of the Roads by this Act authorized to be repaired, by or on account of any Water or Gas Light Company, and whether such new or complete Main of Pipes shall or shall not be substituted for or added to any other complete Main or Mains of Pipes for the Conveyance of Water or Inflammable Air or Gas, theretofore laid down for the Conveyance of Water or Inflammable Air or Gas, shall consist and be made of Iron alone and of no other Material; and if any Water or Gas Light Company, or any other Person, shall lay or cause to be laid down any Pipe or Pipes consisting or made of any Materials in violation of this Act, then and in such Case the Company or other Person so offending shall forfeit and pay the Sum of

Twenty

Twenty Pounds for every Foot in Length of Pipe which shall be so laid down consisting or made of any such Material.

Notice to be given of breaking up Roads.

XXXV. And be it further enacted, That it shall not be lawful to or for any Water or Gas Light Company, or any Person or Persons acting by or under their Authority, to break, take up, or disturb, or cause to be broken, taken up, or disturbed, the Ground or Soil in the said Roads or any of them, or any Part thereof, for the Purpose of laying down or repairing any Main Pipe or Pipes (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of their Intention to break or take up such Ground or Soil, signed by the Clerk or Inspector or Surveyor to the said Company, shall be given to the Surveyor of the said Trustees, specifying the Road and particular Part of such Road in which such Ground or Soil is intended to be broken or taken up, shall have been left for him at his Dwelling House or Office for the Space of Twenty-four Hours at the least before such Ground or Soil or any Part thereof shall be so broken or taken up (except in all Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Surveyor to the said Trustees immediately after such Ground or Soil or any Part thereof shall be broken or taken up); and if the said Company, or any Person or Persons acting by or under their Authority, shall break, take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground or Soil, without such Notice being given or left as aforesaid (except as aforesaid), then and in every such Case the said Company shall forfeit and pay to the said Trustees the Sum of Five Pounds for every square Yard of Ground or Soil, to be measured upon the Surface thereof, which shall be so broken or taken up without such Consent and Notice as aforesaid (except as aforesaid).

Requiring Companies, &c. to reinstate Roads.

XXXVI. And be it further enacted, That whenever and so often as any Canal, Railroad, Water, and Gas Light Companies, or other Persons, shall have lawfully broken up or removed the Ground or Soil in or of the said Roads or any of them, or any Part thereof, the said several Companies or other Persons shall and they are hereby required immediately thereafter to reinstate and make good, under the Superintendance and to the Satisfaction of the said Trustees or their Surveyor, such Ground or Soil in as good sound State or Condition as the same was or were in at the Time of being so broken up; and the said several Companies and other Persons shall carry away all the old Pipes and Materials, and all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and that during the Works the said Company or other Persons shall at their own Costs provide proper Watchmen with necessary Lights at Night, and otherwise secure and guard the said Works so as to prevent any Injury, Damage, or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said several Companies or other Persons shall neglect and make default in making good and reinstating such Ground or Soil as aforesaid, within Twenty-four Hours next after Notice given to or left for the said several Companies or other Persons at their House or Office, it shall be lawful for the said Trustees to reinstate and make good such Ground or Soil, and the Charges

Charges and Expences thereof shall be reimbursed and repaid by the said several Companies or other Persons, or their Treasurer, to the said Trustees or their Treasurer; and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been made by the Clerk to the said Trustees (Proof of such Demand being made by the Oath of One credible Witness before any Justice of the Peace for the said Counties of *Warwick*, *Stafford*, or *Worcester*, where the said Road so broken up shall lie), such Charges and Expences shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said several Companies or other Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, and which Warrant such Justice is hereby empowered and required to grant, and such Charges and Expences shall be paid to the said Trustees or their Treasurer; and in case the said several Companies or other Persons shall neglect to provide proper Watchmen with necessary Lights at Night, and otherwise secure and guard the said Works as aforesaid, the said several Companies and other Persons shall for every such Neglect forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

Pipes to be laid on Sides of Road, and no Pipes to be laid which shall prevent the draining the Water off the Roads.

XXXVII. And be it further enacted, That such Mains or Pipes shall be laid Eighteen Inches at least below the Surface of the Ground, to be measured from the upper Sides of such Mains or Pipes, and such Mains or Pipes shall be laid on the Sides of the said Road, and as near to the Footpaths as conveniently may be, unless in such Cases where the Intervention of a Common Sewer or other unavoidable Hindrance or Obstruction shall make a Deviation absolutely necessary, or when it shall be necessary for the Purpose of carrying any Main of Pipes across the said Roads for the Purpose of Communication from one Main Pipe to another; and that no Pipe or Pipes shall be laid down under the said Roads which shall in any Manner prevent the draining of Water off the said Roads.

Trustees may require Repair of Pipes.

XXXVIII. And be it further enacted, That when and so often as it shall appear to the said Trustees that any Main or Mains, Pipe or Pipes, Stop Cock, Plug, or other Thing belonging to any Water or Gas Light Company, beneath the Surface of the said Roads or any Part thereof, shall be broken or damaged, or in want of Repair or Alteration, it shall be lawful for the said Trustees to cause Notice to be given in Writing, signed by their Clerk, to the Company to whom such Main Pipe, Stop Cock, Plug, or other Thing doth or may belong, by either giving such Notice to a Clerk or Secretary or to a Turncock of such Company, or to some or one of them, or by leaving the same at the Place or Places of Abode of some or one of them, or at the Office or Counting-house of such Company, requiring that such Main Pipe, Stop Cock, Plug, or other Thing be forthwith repaired, altered, amended, or renewed by such Company; and that within Forty-eight Hours after such Notice shall be so given or left as aforesaid the said Company to or for whom, or to or for whose Officer or Servant, such Notice shall have been given or left as aforesaid, shall cause to be taken up the Ground or Soil beneath which the Main Pipe, Stop Cock, Plug, or defective Thing shall be, and shall

shall cause the Ground to be opened, and also cause the said Main Pipe, Stop Cock, Plug, or other Thing to be substantially repaired, altered, amended, or renewed, and the Ground or Soil properly filled in with hard Rubbish or other good Materials, and rammed down and reinstated within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the said Trustees or any Five or more of them, and to their Satisfaction; and also, within Forty-eight Hours after such Main Pipe, Stop Cock, Plug, or other Thing shall be so substantially repaired, amended, altered, or renewed, and the Ground or Soil above the same shall be so filled in and rammed down and reinstated, the said Company shall cause Notice to be given to the said Trustees that such Reparation, Alteration, Amendment, or Renewal hath been made, and that the Ground or Soil hath been refilled, rammed down, and reinstated in the Manner directed by this Act; and in case the said Water or Gas Company to or for whom such Notice shall be given or left as aforesaid, and to whom such Main Pipe, Stop Cock, Plug, or other Thing referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, amended, or renewed, as the Case may be, and the Ground, Soil, or Pavement to be filled in and rammed down and reinstated to the Satisfaction of the said Trustees, in Manner and within the Time aforesaid, or shall neglect to give or cause to be given Notice thereof as aforesaid, then the said Company shall for every such Neglect or Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings.

For regulating Stand Cocks during Frosts.

XXXIX. And be it further enacted, That no Water Company or any Person or Persons whose Mains or Pipes shall be laid beneath the Surface of the said Roads or any of them, or any Part thereof, shall place or set up, or cause or suffer to be placed or set up, any Stand Cock or Pump, or other Instrument, Machine, or Thing, for the Supply of Water in Times of Frost or otherwise, in the said Roads or any of them, or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout, to be to the Satisfaction of the said Trustees or their Surveyor; and any Water Company or other Person or Persons who shall set up or cause or suffer to be set up any Stand Cock, Pump, or other Instrument, Machine, or Thing, furnished with any other than a Metal Cock and Spout, and which shall not be to the Satisfaction of the said Trustees or their Surveyor, shall forfeit and pay for every such Offence the Sum of Twenty Shillings.

No Inclosures to be made, or Materials for building to be laid on Roads, without Consent of Trustees.

XL. And whereas Persons, without any sufficient Leave for that Purpose, inclose or otherwise occupy Part of the said Roads, for the making of Mortar and depositing of Bricks, Lime, Timber, and other Materials, Matters, and Things, to the great Annoyance, Obstruction, and Danger of Passengers and Carriages, and to the Detriment of the said Roads; be it therefore further enacted, That if any Person or Persons shall erect, build, or set up, or cause or procure to be erected, built, or set up, any Inclosure, Post, Bar, or Rail, or lay or deposit any Stone, Bricks, Lime, Timber, Gravel, Sand, or other Matter, Materials, or Thing, in or upon any Part of the said Roads or

or Footpaths, without the Consent of the said Trustees in Writing first had and obtained, or beyond such Bounds or Limits as shall be expressed in such Consent, or without such Inclosure, or continue the same beyond the Time directed or allowed by the said Trustees, it shall be lawful for the said Trustees or their Surveyor, in any or either of the said Cases, to cause the same to be removed, taken, and carried away, and deposited in such Place or Places as the said Trustees shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all Costs, Charges, and Expences attending the removing and taking away, depositing, and keeping the same as aforesaid, such Costs, Charges, and Expences being first settled and ascertained by any One Justice of the Peace of the said Counties of *Warwick*, *Stafford*, or *Worcester*, where the said Offence shall be committed; and in case the said Owner or Owners, Offender or Offenders, shall neglect or omit to pay such Costs, Charges, and Expences within Five Days after the same shall have been so settled and ascertained, it shall be lawful for the said Trustees or their Surveyor to sell all such Materials, Matters, and Things, and reimburse themselves and himself such Costs, Charges, and Expences as aforesaid, and of such Sale or Sales, rendering the Overplus (if any) to such Owner or Owners, Offender or Offenders, on Demand.

To prevent watering the Roads without Consen of the Trustees.

XLI. And be it further enacted, That if any Person or Persons shall water any of the said Roads or Footpaths without the Consent and under the Direction of the said Trustees or their Surveyor, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Railways to be made level with the Surface of the Road.

XLII. And be it further enacted, That all Railways to be hereafter made by any Person or Persons across any of the said Roads 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, also at the Expence of such Proprietors, and under the Superintendence and Direction of the Surveyor of the said Roads; and in case any Person or Persons shall make or proceed to make any Railway 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, every such Person or Proprietor shall forfeit and pay the Sum of Forty Shillings for every Day after the Expiration of such Seven Days which any such Railway shall continue or remain contrary to the Provisions of this Act; and which said Penalties shall be evied, recovered, and applied as any Peralty 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.

XLIII. And

Steam Engines, &c. not to be erected within a certain Distance of the Roads.

XLIII. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards from any Part of the said Roads, unless such Steam Engine, Gin, or other like Machine or Machinery shall be within some House or other Building, or behind some Wall or Fence sufficient to conceal or screen the same from the said Road, so that the same may not be dangerous to Horses, Passengers, or Cattle, nor shall it be lawful for any Person to make or cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, 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 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.

The Trustees and Clerk declared competent Witnesses in Actions, &c.

XLIV. And whereas by the said recited Act passed in the Third Year of His late Majesty's Reign, it is enacted, that the Trustees and Commissioners of every Turnpike Road might sue and be sued in the Name or Names of any One of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being, and that no Action or Suit to be brought or commenced by or against any Trustees or Commissioners of any Turnpike Road, by virtue of the said Act or any other Act or Acts, in the Name or Names of any One of such Trustees or Commissioners, or their Clerk or Clerks, should abate or be discontinued by the Death or Removal of such Trustee, Commissioner, Clerk or Clerks, or any of them, or by the Act of such Trustee, Commissioner, Clerk or Clerks, or any of them, without the Consent of the said Trustees or Commissioners, but that any One of such Trustees or Commissioners, or the Clerk or Clerks for the Time being of such Trustees or Commissioners, should always be deemed to be the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, in every such Action or Suit; provided always, that every such Trustee, Commissioner, Clerk or Clerks, should be reimbursed and paid, out of the Monies belonging to the Turnpike Road for which he or they should act, all such Costs, Charges, and Expences as he or they should be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants: And whereas Doubts have arisen whether any such Trustee, Commissioner, or Clerk is competent to give Evidence in any Action or Suit in which he may be Plaintiff or Defendant, and it is expedient that such Doubts should be removed, and also that such Trustee, Commissioner, and Clerk should be a competent Witness respectively; be it therefore enacted, That no Trustee, Commissioner, or Clerk shall be deemed incompetent to give Evidence or be disqualified from giving Testimony in any such Action or Suit by reason of such Trustee, Commissioner,

missioner, or Clerk being Plaintiff or Defendant, as the Case may be, in any such Action or Suit, nor shall such Evidence or Testimony, for the Reasons aforesaid, be rejected, or liable to be questioned or set aside.

Application of Money in hand and of Tolls and Money to be borrowed.

XLV. And be it further enacted, That out of the Money already received or borrowed by virtue of the said former Acts hereby repealed, or any of them, and out of the Money to be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted, the said Trustees shall in the first place pay and discharge all the Costs and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for any Money to be borrowed or advanced for Payment of such Costs and Expences, from the Time of advancing the same to the Time of the Repayment thereof, and all 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, or for Books, Advertisements, Salaries to Officers, and other Expences incidental to the Execution of this Act) shall be applied in keeping down the Interest of the Principal Money now or heretofore advanced or borrowed on the Credit of the Tolls collected or arising from or payable on account of the said Roads, and which may hereafter be borrowed on the Credit of this Act, or of the Tolls to arise from or to be collected on or to be paid in respect of the said Roads or Diversions, and afterwards in repairing, amending, widening, altering, lighting, watering, and improving the said Roads and Diversions, and otherwise in putting this Act into execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on or arising from or payable in respect of the said Roads, and the Principal Monies which may hereafter be borrowed by virtue of this Act.

Trustees to retain a further Sum yearly towards redeeming the Debt.

XLVI. And be it further enacted, That it shall be lawful for the Trustees for the Time being of the said Roads, and they are hereby authorized, directed, and required, yearly and every Year during the Continuance of this Act, to deduct and retain, from and out of the Tolls arising or to arise and be received in pursuance of this Act, the Sum of Three hundred Pounds at the least, to be applied for the Purpose of redeeming or reducing the Debt already incurred or hereafter to be incurred on the Credit of the said Tolls, in manner herein-before mentioned; and when and as soon as the whole of the Debt due on the Credit of the said Tolls shall be reduced to One thousand Pounds, the said Expenditure of the yearly Sum of Three hundred Pounds shall cease, unless the said Trustees, at any Meeting, of which Twenty-one Days Notice shewing the Purpose thereof shall be given, by affixing such Notice in Writing on all the Toll Gates or Turnpikes at that Time erected on the said Roads, and by inserting such Notice in One or more Newspaper or Newspapers generally circulated in the Neighbourhood of the said Roads, shall order or direct the said yearly Sum of Three hundred Pounds to be retained, or applied in discharge of the Debt then remaining due on the Credit of the said Tolls, or any Part thereof, in which Case the Sum of Money so to be retained shall be applied

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in the Manner hereinbefore expressed and directed with respect to the Sums already invested and to be hereafter retained, until the whole of the Debt due on the Credit of the said Tolls shall be paid off.

Power to borrow more Money not exceeding a certain Sum.

XLVII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, from Time to Time and at all Times during the Continuance of this Act, at any Meeting or Meetings to be held for that Purpose, of which Twenty-one Days Notice shall be given in Two Newspapers to be circulated in the Neighbourhood of the said Roads, and also affixed on all the Turnpike Gates then erected on the said Roads, by any Writing or Writings under their Hands and Seals, to borrow and take up at Interest, on the Credit of the Tolls arising by virtue of this Act, such further Sum or Sums of Money as they shall think fit, so as the Monies which are now due, and the total Amount of the Monies which may be so borrowed, shall not exceed in the whole Twelve thousand Pounds, and they may and they are hereby empowered, by such Writing or Writings as herein-before specified and set forth, to demise or mortgage the said Tolls or any Part or Parts thereof, and the Turnpikes or Toll Houses for collecting the same, in manner aforesaid, as a Security to any Person or Persons, or their Trustee or Trustees, for each Sum or Sums of Money so to be borrowed, and the Interest thereof.

Money not to be laid out in repairing Streets, &c.

XLVIII. Provided always, and be it further enacted, That no Part of the Money received or to be received by virtue of this Act shall be laid out in cleansing, paving, lighting, watering, or repairing any Street, Road, or Highway within the respective Towns of *Birmingham* and *Wednesbury*.

Public Act.

XLIX. 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 and Continuance of Act.

L. And be it further enacted, That this Act shall commence and take effect upon the Sixteenth Day of *August* One thousand eight hundred and thirty-two, and shall continue to be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE referred to by the foregoing Act.

Description of Property.	Owners.	Occupiers.
	Parish of Tipton.	
Blacksmiths Shop, Garden and Stable - -	Wyrley Birch Esquire -	Isaac Smith. William Houlston.
Garden - - -	Sir Horace David Cholwell Saint Paul Baronet, and Company of Proprietors of Birmingham Canal Navigations -	Elizabeth Twigg.
Ditto - - -	Ditto - - -	Moses Ashcroft.
Garden and Yard - -	Sir Horace David Cholwell Saint Paul Baronet.	William Holmes.
Garden - - -	Ditto - - -	Esther Turner.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1832.