ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxxvi.

An Act to repeal the Acts and Parts of Acts relating to the *Pedmore* and *Holly Hall* Districts of Roads, and to substitute other Provisions for the same. [17th *June* 1852.]

WHEREAS an Act was passed in the Second Year of the Reign of King *George* the Third, intituled *An Act for* 2 G. 3. c. 78.
amending and widening the Road from the Market House in Stourbridge *to* Colly Gate *in* Cradley, *and from* Pedmore *to* Holly Hall, *and from* Colly Gate *to* Halesowen, *and from the Turnpike Road on* Dudley Wood *to* Redwall Green *in the Parish of* King's Norton, *and from* Carter's Lane *to the* Bell *Inn at* Northfield *in the Counties of* Worcester, Stafford, *and* Salop: And whereas another 22 G. 3. c. 95.
Act was passed in the Twenty-second Year of the same Reign, Chapter 95, for continuing the Term and altering and enlarging the Powers of the before-recited Act, so far as the same related to the Roads leading from the Market House in *Stourbridge* to *Colly Gate*, and from *Pedmore* to *Holly Hall*, and from *Colly Gate* to *Halesowen*, and for opening a more commodious Communication with the *Birmingham* Turnpike Road, whereby the said Roads were divided into Two Districts, called respectively "The *Stourbridge* and *Halesowen*

District" and "The *Pedmore* and *Holly Hall* District," and a separate
38 G. 3. c. 44. Body of Trustees was appointed for each of the said Districts: And whereas another Act was passed in the Thirty-eighth Year of the same Reign, Chapter 44, for continuing the Term and altering and enlarging the Powers of the Two before-mentioned Acts, so far as the same related to the Road leading from *Pedmore* to *Holly Hall*, and for repairing several other Roads in the Counties of *Worcester* and *Stafford*, whereby Three other Roads were declared to be Part of the *Pedmore* and *Holly Hall* District of Roads; and by the same Act the Tolls arising on that Portion of the Roads therein comprised which forms the *Pedmore* District in this Act mentioned, and the Tolls arising on the Remainder of the said Roads which form Part of the *Rowley* District in this Act mentioned, were directed to be divided into Two separate and distinct Parts and Allotments, and separate and distinct Accounts were directed to be kept of the same, and separate Modes of Application were
59 G. 3. c. 96. prescribed for the same Tolls respectively: And whereas another Act was passed in the Fifty-ninth Year of the same Reign, Chapter 96, for enlarging the Term and Powers of the Three Acts before mentioned, so far as related to the Road leading from *Pedmore* to *Holly Hall* and other Roads therein mentioned, and for repairing another Road in the Counties of *Stafford* and *Salop*, or One of them, whereby another Road (being the Road in this Act secondly described in the Description of the *Rowley* District) was made Part of the *Pedmore* and *Holly Hall* District of Roads: And whereas the Powers granted by the said Acts, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls by the said Acts authorized to be taken upon the Roads respectively comprised in the *Pedmore* District and the *Rowley* District as herein-after described, both of which were comprised in the said *Pedmore* and *Holly Hall* District, which Money still remains owing, together with certain Interest on a Portion thereof, and such Money cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Acts, so far as the same relate to the *Pedmore* and *Holly Hall* District of Roads, should be repealed, and that further and more effectual Powers should be granted in lieu thereof, and that the Management of the said Districts of Roads should be consolidated; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

I. That

The Pedmore and Rowley Road Act, 1852.

Recited Acts repealed, and this Act to be put in force.

I. That upon the Twenty-first Day of *October* next after the passing of this Act the said recited Acts of the Thirty-eighth and Fifty-ninth Years of the Reign of King *George* the Third, and also so much of the said recited Acts of the Second and Twenty-second Years of the same Reign as relates to the *Pedmore* and *Holly Hall* District of Roads, shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Pedmore and Rowley* Road Act, 1852."

Monies and Property to vest in the new Trustees.

III. That all Rents, Arrears of Toll, and other Monies due to, and all Property and all Choses in Action vested in, the Trustees of the *Pedmore* and *Holly Hall* District of Roads under the said recited Acts shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees of the *Pedmore* and *Holly Hall* District of Roads under the said recited Acts were liable at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Worcester* and *Stafford*, or either of them, together with *Thomas Badger* of the *Grange*, *Thomas Badger* the younger of *Dudley*, *John Badley*, *Samuel Bennitt*, *Pynson Wilmot Bennitt*, *John Bolton*, *James Samuel Bourne*, *Joseph Green Bourne* Clerk, *William Bourne*, *Thomas Brewin*, *James Caulfield Browne* Clerk, *William James Caulfield Browne* Clerk, *William Barrows*, *William Barrows* the younger, *Alfred Haden Barrs*, *Frederick William George Barrs*, *Benjamin Best*, *Henry Antrobus Cartwright* Clerk, *Edward Lowe Cresswell*, *Josiah Cresswell*, *William Crump* Clerk, *Thomas Davies*, *William Edward Davies*, *Edward Davies* Clerk, *John Davies* Clerk, *Edward Dixon*, *Edward Dixon* the younger, *Edward Dudley* Clerk, *Thomas Dudley*, *Robert Dudley*, *Edwin Dudley*, *Francis Downing*, *Isaac Downing*, *William Fellowes*, *Thomas William Fletcher*, *James Fisher*, *Samuel Day Fereday*, *John Freeth*, *Michael Grazebrook*, *Michael Phillips Grazebrook*, *William Grazebrook*, *Joseph Guest*, *James Griffin*, *James Avery Griffin*, *Joseph Haden*, *William Haden*, *Richard Haines*, *Job Haines*, *Charles Fleetwood Hewitt*, *John Hyde Houghton*, *George Haden Hickman*, *George Rushbury Hickman*, *William Hunt*, *John Hunt*, the Honourable *William Henry Lyttelton* Clerk, *John Maughan*, *Henry Persehouse Parkes*, *John*

The Pedmore and Rowley Road Act, 1852.

John Pudsey, *William Robinson*, *Francis Tongue Rufford*, *Richard Smith*, *Edward Fisher Smith*, *Frederick Smith*, *Thomas Steedman*, *Thomas Sidaway*, *Edward Terry*, *Edward Truelove Terry*, *John Round Tilley*, *Walter Williams*, *William Williams*, *Henry Williams*, *Joseph Griffin Walker*, *Henry Money Wainwright*, *Edward Harper Wainwright* Clerk, *William Seager Wheeley*, *John Wheeley*, *Benjamin Woolley*, and *James Wood*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. That it shall be lawful for the Trustees, from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VI. That the Trustees shall hold their First Meeting at the *Dudley Arms* Inn in the Town of *Dudley* in the County of *Worcester*, or at some other convenient Place in the Neighbourhood of the said Roads, at Noon on the Twenty-second Day of *October* One thousand eight hundred and fifty-two, or as soon thereafter as conveniently may be, and shall then, and from Time to Time thereafter, adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VII. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VIII. That this Act shall be put into execution for the Purpose of maintaining and keeping in repair the present Turnpike Road leading from *Pedmore* in the Turnpike Road leading to *Bromsgrove*, by the *Lye Forge*, over the *Thorns* in the Parish of *Kingswinford* in the County of *Stafford*, to *Holly Hall* in the Turnpike Road leading to *Dudley*; and also the Road leading from *Queen's Cross* in the Parish of *Dudley* in the County of *Worcester* to the firstly described Road at or near the Canal Bridge thereon (which Two Roads before described shall constitute and be called the *Pedmore* District); also the Road leading from the Town of *Dudley* aforesaid through the Village of *Rowley* in the County of *Stafford* where it joins the Public

Public Highway (formerly a Turnpike Road) leading from *Dudley Wood* to *Rednal Green* upon *Blackheath* in the Parish of *Rowley Regis* in the County of *Stafford*; also the Road leading from *Blackheath* aforesaid through the Parishes of *Rowley Regis* and *Halesowen* to or near to a Place called *Hill Top* in the latter Parish in the Turnpike Road leading from *Halesowen* to *Birmingham*; and also the Road leading from a Place called *Dixon's Green* in the said Parish of *Dudley* where it joins the said Turnpike Road leading from *Dudley Wood* to *Rednal Green* at or near a Place called *Bumble Hole* in the said Parish of *Dudley* (which Three lastly described Roads shall constitute and be called the *Rowley* District).

Present Tolls continued for a Time.

IX. That, notwithstanding the Repeal of the said recited Act of the Fifty-ninth Year of the Reign of King *George* the Third, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or upon the Sides of the said Roads until the Fifth Day of *November* One thousand eight hundred and fifty-two.

Power to take new Tolls.

X. That upon and after the Fifth Day of *November* One thousand eight hundred and fifty-two it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or shall be upon or on the Sides of the said Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Sociable, Berlin, Chariot, Landau, Barouche, Chaise, Phaeton, Omnibus, Van, Caravan, Curricle, Chair, Gig, Hearse, Taxed Cart, or other such Carriage, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon or other Carriage of the like Nature having upright cylindrical Wheels of the Breadth of Nine Inches or more, and of equal Diameter in the whole Breadth of the Fellies or Sole, the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Nature having Wheels of the Breadth of Six Inches and less than Nine Inches, or which shall not be upright, cylindrical, and of equal Diameter in the whole Breadth of the Fellies or Sole thereof, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Nature having Wheels of less Breadth than Six Inches, the Sum of Fivepence:

For every Dog drawing any Truck, Sledge, Barrow, or other Carriage, the Sum of One Penny:

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

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

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

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

For every Carriage of whatever kind drawn or propelled by Steam or Machinery or any Power other than Animal Power, if with Two Wheels or less, the Sum of Two Shillings and Sixpence, and if with Three Wheels or more, then for each Wheel thereof the Sum of One Shilling:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be, by virtue of this Act, upon or across the said Roads or on the Sides thereof.

Lime, &c. not exempt from Toll.

XI. That no Horse or other Beast drawing any Carriage laden with or going empty to fetch or returning empty after conveying any Lime, Limestone, or Chalk, whether intended to be used for Manure or not, shall be exempted from the Tolls by this Act made payable.

As to Fraction of a Halfpenny in Tolls.

XII. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting Number of Tolls to be payable on the Roads.

XIII. That no more than One full Toll shall be taken in either of the said Districts for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll through all the Toll Gates erected or to be erected or continued on the District of Roads on which such Toll shall have been paid.

Persons having paid Tolls to return free.

XIV. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, or any Post-chaise or other Carriage travelling for Hire, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any of the said Roads, or on the Sides thereof, shall (upon a Ticket denoting such Payment being produced) be permitted in returning through the same Toll Gate, and in going and returning through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

XV. That

Postchaises, &c. to pay on fresh Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Mortgagees to take possession for Payment of Interest only.

XVI. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of the said recited Acts upon the Tolls payable upon any of the said Roads shall be duly paid at the Rate herein-after specified with reference to such Mortgages within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon any of the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest at the Rate herein-after specified with reference to such Mortgages respectively from Time to Time becoming due upon all the existing Mortgages of the Tolls payable upon any of the said Roads without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Accounts that the Interest due on all Mortgages of the said Tolls up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Reduction of Arrears of Interest on Pedmore District.

XVII. Whereas the Principal Monies now due and owing on the Credit of the Tolls arising on the *Pedmore* District amount to the Sum of Two thousand Pounds, and the Arrears of Interest thereon amount to the Sum of Three thousand seven hundred Pounds or thereabouts, and it is expedient that such Arrears should be reduced: Be it enacted, That upon and after the Commencement of this Act the

the Sum of Two thousand Pounds shall be and be deemed to be the whole Sum due for such Arrears of Interest; and the Sums due to all Mortgagees of the said Tolls for Arrears of Interest shall be abated and reduced proportionately until the whole Amount of such Arrears shall be reduced to the Sum of Two thousand Pounds.

Application of Monies.

XVIII. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in paying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and the Expenses of the ordinary Management of the said Roads, not exceeding in any One Year for such last-mentioned Expenses the Sum of Eighty Pounds:

Thirdly, in maintaining and repairing the said Roads, and putting this Act in execution with reference thereto:

Fourthly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* upon the Principal Sum of Seven hundred and fifty Pounds now due on the Credit of the Tolls arising on the *Rowley* District, and for the Time being remaining unsatisfied:

Fifthly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of Two thousand Pounds now due on the Credit of the Tolls arising on the *Pedmore* District, or upon such Part of such Principal Sum as shall for the Time being remain unsatisfied:

Sixthly, in paying off the Principal Sum of Seven hundred and fifty Pounds now due on the Credit of the Tolls arising on the *Rowley* District, and for the Time being remaining unsatisfied:

Seventhly, in paying off the said Principal Sum of Two thousand Pounds due upon the Credit of the Tolls arising on the said *Pedmore* District, or such Part of such Principal Sum as shall for the Time being remain unsatisfied:

Eighthly, in paying off the said Sum of Two thousand Pounds, Arrears of Interest, or such Part thereof as shall for the Time being remain unsatisfied:

Lastly, in improving the said Roads, if deemed necessary, by an Outlay not exceeding in the whole the Sum of One thousand Pounds, and in reducing the Tolls payable upon the said Roads.

As to Mode of discharging Debt.

XIX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall at any general annual or other Meeting (of

(of which Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, Notice shall be given to each of the Creditors to the Satisfaction of whose Debts such Sum shall, under the Provisions of this Act, be applicable, by Circular under the Hand of the Clerk for the Time being, addressed with a sufficient Direction to the usual or last known Place of Abode of each such Creditor, and posted at least Ten Days before such Meeting,) apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Monies in or towards the Discharge whereof such Sum under the Provisions of this Act shall be applicable to the Creditor who shall, by Proposal in Writing transmitted to the Clerk to the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of other Monies in or towards the Discharge whereof such Sum under the Provisions of this Act shall be applicable to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors of the same Class, by such Proposals as aforesaid, shall have offered to accept any equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors to the Discharge of whose Debts such Sum shall under the Provisions of this Act be applicable, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed.

XX. That no more Money shall be borrowed by the Trustees on the Credit of the Tolls arising on the said Roads.

No Money to be taken or laid out in Towns.

XXI. That no Money shall be laid out by the Trustees on the said Roads within the Town of *Dudley*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected by them therein.

Roads not exempted from Pro-

XXII. That nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any General Acts relating to the

Provisions of future General Act.

the Consolidation or other improved Arrangement of the Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXIII. That this Act shall commence on the Twenty-first Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXIV. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Roads" or "the said Roads" shall mean the Roads to which this Act applies:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, and Chains.

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