ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxxiii.

An Act for more effectually repairing the Road from *Stourbridge* in the County of *Worcester* to *Bridgnorth* in the County of *Salop*.

[24th *July* 1854.]

WHEREAS an Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the* High Street *in the Town of* Stourbridge *in the County of* Worcester *to the Boundary Stone between the Parish of* Worfield *and the Liberties of the Borough of* Bridgnorth *in the County of Salop:* And whereas considerable Sums of Money are due and owing upon the Credit of the Tolls authorized to be taken by such Act, amounting to the Principal Sum of Three thousand five hundred and thirty Pounds, or thereabouts: And whereas the Term granted by such Act, and from Time to Time continued 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eight hundred and fifty-four, unless the same be further continued: And whereas it is expedient that such Act should be repealed, and that further and more effectual Powers should be granted instead thereof, but these Purposes cannot be effected without the Authority of Parliament: May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

56 G. 3. c. xvi.

The Stourbridge and Bridgnorth Road Act, 1854.

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,)

Recited Act repealed, and this Act to be put in force.

I. Upon the Commencement of this Act the recited Act of the Fifty-sixth Year of the Reign of His Majesty King *George* the Third shall be repealed, and this Act shall be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Stourbridge and Bridgnorth* Road Act, 1854."

Interpretation of Terms.

III. In the Construction of this Act, the following Words and Expressions have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Word "Person" includes "Corporation:"

The Expression "Trustees" means the Trustees for the Time being for executing this Act:

The Expression "Road" means the Road to which this Act relates:

The Expression "Toll Gate" or "Toll Gates" includes Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Monies and Property vested in New Trustees.

IV. Upon the Commencement of this Act, all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees under the recited Act, shall be vested in the Trustees; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under the Act hereby repealed; and they shall be liable (except for such Debts and Liabilities as are by this Act altered, reduced, or extinguished,) to all the Debts and Engagements to which the Trustees acting under such Act were liable.

Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Worcester*, *Stafford*, and *Salop*, or either of them, together with *Edward Farrer Acton*, *Edward William Frederic Acton*, *Thomas Addenbrooke Addenbrooke*, *William Akroyd*, *George Bate*, *Joseph Green Bourne*, *William Bowen*, *Joseph Bennitt*, *William Bennitt*, *Samuel Bennitt*, *William Bennitt* the younger of *Compton*, *Pynson Bennitt*, *Samuel Causer*, *William Blow Collis*, *John Hodgetts Hodgetts Foley*, *Henry Wentworth Foley*, *William Foster*, *William Orme Foster*, *William Henry Freer*, *Richard Leacroft Freer*, *Edward Lloyd Gatacre*, *James Amphlett Grove*, *Cornelius Jesson* Clerk, *George M'Kenzie Kettle*, *Benjamin Littlewood*, *John Francis Lee*, *Thomas Yate Lee*, *William Moseley*, *Rowland Price*, *Charles*

Charles Roberts, *John Robins*, *Edward Wakeman* Clerk, and *George Wharton* Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for executing this Act.

Power to appoint additional Trustees.

VI. The Trustees may at any Meeting elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Five in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VII. The Trustees shall hold their First Meeting at the "*Cat and Partridge*" Inn, in *Enville*, or at some other convenient Place on or near the Road, on the Day of the Commencement of this Act, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn themselves, to meet at such Time and at such Place in *Enville*, or in the Neighbourhood of the Road, as they shall think proper.

Power to appoint Committees.

VIII. The Trustees may from Time to Time appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part of the Road, or to execute any of the Purposes of this Act; and the Committee or Committees may proceed and act according to such Appointment, and in conformity to any Rules, Instructions, or Regulations which may be made or laid down by the Trustees.

Road to which this Act is applicable.

IX. This Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving, and keeping in repair the present Road, from the Boundary Stone of the Township of *Stourbridge* at the Commencement of the Hamlet of *Wollaston*, passing thence from, through, or into the several Parishes, Townships, Liberties, or Hamlets of *Wollaston* in the County of *Worcester*, *Kinver*, *Enville*, and *Bobbington* in the County of *Stafford*, and *Alveley*, *Claverley* and *Worfield* in the County of *Salop*, to the Boundary Stone situate upon the said Road, between the Parish of *Worfield* and the Liberties of the Borough of *Bridgnorth* in the said County of *Salop*.

Present Tolls continued for a Time.

X. Notwithstanding the Repeal of the recited Act, the several Tolls now payable by virtue of such Act shall continue to be payable at the Toll Gates upon or at the Sides of the Road, until Twelve of the Clock at Night on the Thirty-first Day of *December* One thousand eight hundred and fifty-four.

XI. From

Tolls to be taken.

XI. From and after Twelve of the Clock at Night on the said Thirty-first Day of *December* the Trustees may demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which shall be upon or at the Side of the Road, such several and respective Tolls as the Trustees shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricle, Phaeton, Caravan, Hearse, Chair, Taxed Cart, or other such like Carriage, Sixpence;

For every Horse, Mule, or Pair of Oxen, Bullocks, or other Neat attle, drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, Fourpence;

For every Horse, Mule, or Pair of Oxen, Bullocks, or other Neat Cattle, drawing any Waggon, Cart, or other Carriage of the like Nature with Wheels of the Breadth of Six Inches or upwards, Threepence;

For every Ass drawing any Waggon or other Carriage, Threepence;

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Machinery, or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage;

For every Dog drawing any Truck, Cart, or other Carriage or Vehicle whatever, the Sum of One Penny;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, Twopence;

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

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

Which Tolls shall be paid before any Animal or Carriage in respect of which a Toll is payable shall pass through any Toll Gate upon or at the Side of the Road.

Gates not to be erected on certain Parts of the Road.

XII. Provided always, That the Trustees shall not erect or set up, or cause to be erected or set up, any Toll Gate upon or at the Side of that Part of the Road lying between a Public House called or known by the Name of "The *Gatehangs Well*," in the Parish of *Oldswinford*, and the Lodge or Cottages near a Wood called the *New Wood* in the Parish of *Kinver*, without the Consent in Writing of the Person for the Time being entitled to the Freehold and Inheritance of a certain Mansion and Estate called *Prestwood House*, in the said Parish of *Kinver*; nor between *Enville Common* and the Parish Church of *Enville*, without the Consent in Writing of the Person for the Time being entitled to the Freehold and Inheritance of a certain Mansion and Estate called *Enville Hall*, in the Parish of *Enville*.

XIII. Pro-

One Half Toll to be taken for Lime.

XIII. Provided always, That One Half only of the Tolls by this Act granted shall be demanded or taken for or in respect of Horses or other Beasts employed in carrying or conveying, or going to carry or convey, or returning after having been employed only in carrying or conveying, Lime to be used for manuring or improving Land.

Certain Exemptions from Toll.

XIV. Provided also, That no Toll shall be demanded or taken from any Person residing at the Mansion House called the *Hyde*, or at any Place within the Hamlet of *Stourton* in the Parish of *Kinver*, upon his passing with any Horse, Cattle, or Carriage through any Toll Gate erected upon or on the Side of the Road between the Top of *Stourton Hill* and the Bridge over the *Staffordshire* Canal Navigation, at or near the *Stewponey*, into or from the Turnpike Road leading from *Wolverhampton* to *Kidderminster*.

As to the Fraction of a Halfpenny in Tolls.

XV. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of such Tolls, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid but once a Day at the same Gate, except, &c.

XVI. Every Animal and Carriage in respect whereof such Tolls shall have been paid at any Toll Gate upon or at the Side of the Road shall, upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through such Toll Gate, and through any other Toll Gate which the Ticket for such Payment shall free, except in the Cases herein-after mentioned.

Limiting the Number of Tolls to be taken on the same Day.

XVII. No more than Two full Tolls shall be taken, except in the Cases herein-after mentioned, for passing or repassing any Number of Times on the same Day, with the same Animal or Carriage, through all or any of the Toll Gates upon or at the Side of the Road.

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

XVIII. The Tolls by this Act made payable for or in respect of any Horse or Beast drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage propelled by Machinery, used for the same Purpose, shall be payable and paid every Time of passing or repassing along the Road.

Postchaises, &c. every new Hiring.

XIX. The Tolls by this Act made payable for or in respect of any Horse or other Beast let out to hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery, let out to hire, shall be payable and paid every Time of passing or repassing along the Road whenever any new Hiring thereof shall take place.

Horses, &c., drawing different Waggons, &c.

XX. The Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that such Horse or other Beast of Draught shall pass through any Turnpike upon the Roads, drawing any other laden Waggon, Wain, Dray, Cart, or such like Carriage, than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which such Tolls shall have been paid.

As to Interest on Money borrowed.

XXI. Whereas the Principal Money now owing on the Credit of the Tolls authorized to be taken on the Road amounts to the Sum of Three thousand five hundred and thirty Pounds, with an Arrear of Interest due thereon of the Amount of Two thousand eight hundred and forty-eight Pounds Nineteen Shillings and Twopence, or thereabouts: Be it enacted, That the whole of such Arrear of Interest on the said Principal Money, up to the First Day of *January* One thousand eight hundred and fifty-four, shall be and is hereby extinguished.

Application of the Monies.

XXII. 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,)

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

Secondly, in paying the Expenses of erecting and providing, altering and keeping in repair, the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Road; but the Amount so applied shall not exceed the Sum of Fifty Pounds *per Annum*, exclusive of the Wages of Toll-gate Keepers, and Expenses of Actions at Law or other legal Proceedings or Indictments:

Thirdly, in paying Interest, after the Rate of Four Pounds *per Centum per Annum*, from the First Day of *January* One thousand eight hundred and fifty-four, upon the said Principal Sum of Three thousand five hundred and thirty Pounds, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Road:

Fourthly, in paying the Expenses of maintaining and keeping in repair the Road, but to an Amount not exceeding One hundred and fifty Pounds in any One Year:

Fifthly, in reducing, paying off, and discharging in manner herein-after mentioned the said Principal Sum of Three thousand five hundred and thirty Pounds, or such Part thereof as for the Time being shall be due and owing on the Credit of the Tolls authorized to be taken on the Road:

And lastly, in further maintaining, repairing, and improving the said Road:

Provided

After authorized Payments Tolls to be reduced.

Provided always, that after the several Payments herein-before authorized shall have been made, and the Trustees shall have a Surplus in hand to the Amount of Two hundred Pounds, they shall from Time to Time reduce the Tolls by this Act authorized to be collected, in such Manner as they shall think proper.

As to the Mode of discharging Debt.

XXIII. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall apply such Sum in the Payment of a proportionate Part of such Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such Sum shall be so applied, cause Notice to be given of the intended Application of such Sum in a Newspaper published in the County of *Worcester* and in a Newspaper published in the County of *Salop*, or by Letter addressed to each Mortgagee; and the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Credit of such Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid, the Trustees shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Credit of such Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Creditors, or pay such Composition rateably between or amongst such Creditors as the Trustees shall 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 such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on such Tolls, or may pay the same to such of them as may be determined by Lot, or otherwise as the Trustees shall think fit.

Mortgagees not to enter into possession but for Arrears of Interest.

XXIV. Whenever and so long as the Interest of any Mortgage upon the Tolls of the Road shall be duly paid at the Rate in this Act mentioned within Three Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession

possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due at the Rate in this Act mentioned, upon all the Principal Sums for the Time being owing on the Credit of such Tolls, 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 yearly Days whereon the Interest in such Principal Sums shall be payable, render to the Clerk to the Trustees 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 Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such 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 Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of such 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.

No Money to be laid out or taken in any Town.

XXV. No Money shall be laid out on any Portion of the Road comprised within the Limits of any Local Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

No more Money to be borrowed on the Tolls.

XXVI. It shall not be lawful for the Trustees to borrow any further Sum of Money on the Credit of the Tolls by this Act authorized to be taken.

Road not exempt from Provisions of future General Acts.

XXVII. Nothing in this Act contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXVIII. This Act shall commence on the First Day of *November* 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.

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