ANNO SECUNDO

GULIELMI IV. REGIS.

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Cap. li.

An Act for maintaining several Roads leading to and from the Town of *Tamworth* in the Counties of *Stafford* and *Warwick*. [23d *May* 1832.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening several Roads* 10 G. 3. c. 99. *leading to and through the Borough of* Tamworth, *and other Roads therein mentioned, in the Counties of* Stafford, Warwick, *and* Derby: And whereas another Act was passed in the Twenty-second Year of the Reign of His said late Majesty, intituled *An Act for enlarging* 22 G. 3. c. 99. *the Term and Powers of an Act of the Tenth Year of His present Majesty, intituled 'An Act for repairing and widening several Roads 'leading to and through the Borough of* Tamworth, *and other Roads 'therein mentioned, in the Counties of* Stafford, Warwick, *and* Derby:' And whereas another Act was passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for enlarging the* 52 G. 3. c. 25. *Term and Powers of Two Acts of His present Majesty, for repairing several Roads leading to and through the Borough of* Tamworth, *and other Roads therein mentioned, in the Counties of* Stafford, Warwick, *and* Derby, *and in the County of the City of* Lichfield: And whereas it is expedient that the Term and Powers of the said Acts should be extended and enlarged, and that the Tolls granted by such Acts should be increased: And whereas it would facilitate the Execution of the Objects herein-before mentioned if the said Acts were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas the beneficial Objects herein-

herein-before mentioned 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 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 Twenty-first Day of *September* next after the passing of this Act the said recited Acts of the Tenth, Twenty-second, and Fifty-second Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of improving, repairing, and maintaining in repair the several Roads herein-after mentioned; that is to say, the Road leading from the Town of *Tamworth* to the Turnpike Road in the County of the City of *Lichfield* leading from *Lichfield* to *Coleshill*; the Road leading from the Town of *Tamworth* aforesaid to the Turnpike Road in the Parish of *Alrewas* in the said County of *Stafford* leading from *Lichfield* to *Burton-upon-Trent* in the said County of *Stafford*; the Road from the End of *Oakley Lane* in the Parish of *Croxall* in the said County of *Stafford* next to the *Mease Lane* to the End of *Rye Lands Lane* in the said Parish of *Croxall* in the County of *Derby*; the Road from *Elford Mill* in the Parish of *Elford* and County of *Stafford*, through the Liberties of *Hazelor*, *Harleston*, and *Haunton*, to *Clifton Campville* in the said County of *Stafford*, terminating at that Part of the Road which is opposite to the West End of the Church of *Clifton Campville* aforesaid, and where the Road to *Statfold* branches off; the Road leading from the Town of *Tamworth* aforesaid to the Turnpike Road in the Parish of *Drayton Bassett* in the said County of *Stafford* leading from *Lichfield* to *Coleshill*, at *Bassett's Pole*; the Road leading from the Town of *Tamworth* aforesaid, over *Bowbridge*, to Two Gates in the Parish of *Tamworth* and County of *Warwick*, and from Two Gates aforesaid, through the Parishes of *Tamworth*, *Kingsbury*, *Nether Whitacre*, and *Over Whitacre*, in the said County of *Warwick*, to the cross Roads in *Over Whitacre*, *Field* adjoining the Turnpike Road leading from thence to *Coventry*; and the Road leading from the Town of *Tamworth* aforesaid to the Turnpike Road between *Coleshill* and the said City of *Lichfield* at the *Green Man* Public House near *Moxall Park Corner* in the said County of *Warwick*; and which said Roads shall be called "The *Tamworth* Roads".

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the respective Counties of *Stafford* and *Warwick*, together with *Joseph Adams* of *Drayton*, *Francis Blick* of *Tamworth*, Clerk, *Richard Bird* senior, of *Tamworth*, *William Bourne* of *Elford Park*, *Richard Bird* junior, of *Tamworth*, *John Boultbee* of *Baxterley*, *Thomas Bradgate Bamford* of *Wilncote*, *Edward Blick* of *Walton-upon-Trent*, Clerk, *Charles Bourne* of *Fisherwick*, *Thomas Bindley* of *Tamworth*, *Charles Blick* of *Saint John's College*, *Cambridge*, Clerk, Sir *George Chetwynd* of *Grendon Hall*, Baronet, Sir *William Cave* of *Stretton*, Baronet, *Charles Edward Collins* of *Lullington*, Clerk, *William Cox* of *Tamworth*, *William Dyott* of *Freeford*, *Edward Wingfield*

Dickenson of *Dosthill House*, *Dugdale Stratford Dugdale* of *Merrivale Hall*, *Joseph Dester* of *Bramcote*, *Thomas Freeman* of *Tamworth*, *William Humberston Cawley Floyer* of *Hints*, *Richard Francis Alexander Freeman* of *Tamworth*, *William Floyer* of *Hints*, *Charles Floyer* of *Hints*, Clerk, *John Flavell* of *Hogshill*, *Charles Earl Freeman* of *Tamworth*, *Arthur Hinckley* of *Hints*, *John Harding* of *Bonehill*, *Charles Harding* of *Bonehill*, *James Hargreaves* of *Shenstone* Clerk, *Joseph Heath* of *Tamworth*, *Thomas Holmes* of *Tamworth*, *Samuel Holworthy* of *Croxall*, Clerk, *Samuel Hanson* of *Coton*, Clerk, the Honourable *Fulke Greville Howard* of *Elford Hall*, *John Hall* of *Tamworth*, *Francis Hackett* of *Moor Hall*, *William Philips Inge* of *Thorpe Constantine*, *William Inge* of *Thorpe*, *George Inge* of *Thorpe*, Clerk, *Joseph Knight* of *Tamworth*, *Thomas Levett* of *Packington Hall*, Clerk, *Francis Lawley* of *Middleton Hall*, *Theophilus Levett* of *Wichnor*, *William Michael Lally* of *Drayton Bassett* Clerk, *Robert Watkin Lloyd* of *Tamworth*, Clerk, *Joseph Mould* of *Kingsbury*, *Robert Nevill* of *Tamworth*, Sir *Robert Peel* of *Drayton Manor*, Baronet, *William Yates Peel* of *Bonehill*, *Edmund Peel* of *Bonehill*, *Bolton Peel* of *Dosthill*, *William Prinsep* of *Newton*, *Richard Peters* of *Tamworth*, *William Parsons* senior, of *Tamworth*, *William Parsons* junior, of *Tamworth*, *Shirley Palmer* of *Tamworth*, Doctor of Physic, *James Pipe* of *Tamworth*, *Shirley Farmer Steele Perkins* of *Sutton Coldfield*, *Thomas Price* Clerk, *Charles Edward Repington* of *Amington Hall*, *William Robinson* of *Tamworth*, *Thomas Roly* of *Kingsbury*, *John Snead* of *Elford*, Clerk, *Henry Stokes* of *Bolehall*, *Samuel Pole Shaw* of *Cliff*, *John Smith* of *Wigginton*, *William Tongue* of *Cumberford*, *Cyprian Thompson* of *Eazeley*, *Lord Charles Vere Ferrars Townshend*, *Samuel Tylecote* of *Tamworth*, *Robert Taylor* of *Clifton Campville*, Clerk, *Stanley Pipe Wolferstan* of *Statfold*, *Thomas Willington* of *Tamworth*, *John Webster* of *Wilnecote*, *John Watkins of Clifton Campville*, Clerk, *Robert Willoughby* of *Cliff*, *Henry Rushworth Woolley* of *Middleton*, Clerk, *Michael Ward* of *Lapley*, Clerk, the Honourable *John Willoughby*, *Samuel Yeomans* of *Bonehill*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, at any of their Meetings to be held in pursuance of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees herein named, and such additional Trustees so elected and being duly qualified shall have the like Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *King's Arms* Inn in *Tamworth*, or at some other convenient Place near to or in the Neighbourhood of the said Roads, on the Twenty-first Day of *September* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock and Four of the Clock, and shall and may then, and from Time to Time afterwards, adjourn to and meet

meet at such Times and Places within *Tamworth* aforesaid, or near to or in the neighbourhood of the said Roads, as the said Trustees, or the major Part of them present at such respective Meetings, shall think proper and appoint.

Power to continue the present Toll Gates.

VI. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines now erected upon the said Roads or upon the Sides thereof, and also to erect or construct others in lieu thereof or in addition thereto, upon the said Roads, or upon any Part or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge proper, and from Time to Time to alter or to take down, and re-erect or re-construct, or to discontinue and remove the same or any of them, as they the said Trustees shall think proper.

Tolls.

VII. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Coach, Stage Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Litter, Break, Chaise, Curricle, Phaeton, Gig, Taxed Cart, Spring Cart, or Carriage of any Denomination constructed upon Springs, or other such like Carriage, the Sum of Ninepence:

For every Horse, Ass, Mule, or other Beast or Cattle, drawing any Waggon, Wain, Cart, (except as herein-after is mentioned as to a One Horse 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, the Sum of Four-pence Halfpenny; 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, the Sum of Seven-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Seven-pence Halfpenny; and for a single Horse, Ass, Mule, or other Beast or Cattle drawing any Cart laden with Coals, Bricks, Stone, Sugar Hogsheads laden, or other heavy Goods or Articles, or passing unladen in order to repass laden with Coals, Bricks, Stone, Sugar Hogsheads laden, or other heavy Goods or Articles, the Sum of Seven-pence; but if drawing any Market Cart, or Cart laden with Garden Produce, or other light Goods or Articles, or returning unladen, having previously passed laden with such Garden Produce or other light Goods or Articles, the Sum of Four-pence Halfpenny:

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

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence, and so in proportion for any less Number:

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny, and so in proportion for any less Number:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling and Sixpence:

And

And for every Waggon, Wain, Cart, or other such like Carriage, having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above such Tire, the Sum of Ten Shillings; such last-mentioned Toll to be in lieu of any Penalty to which by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, the Owner or Driver of any such Waggon, Wain, Cart, or other such like Carriage would be subject or liable 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.

Fractional Part of a Halfpenny in Tolls.

VIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Tolls by this Act authorized to be taken, the Sum of One Halfpenny may be demanded and received in lieu of such fractional Part.

Limiting the Number of Tolls for passing and re-passing.

IX. And be it further enacted, That no more than One Toll (except as herein provided to the contrary) shall be taken for or in respect of the same Horse, Beast, or Cattle, or Carriage, for passing and re-passing Once in any One Day through all and every the Toll Gates or Toll Bars upon the said Roads.

Toll to be again paid for Horses or Cattle returning with another Lading.

X. Provided nevertheless, and be it further enacted, That if any Horse, Beast, or Cattle for which Toll shall have been paid at any of the said Toll Gates or Toll Bars shall return drawing another or a different Waggon, Wain, Cart, or other such Carriage, such Horse, Beast, or Cattle shall not be permitted to return through the same Toll Gate or Toll Bar on the same Day without Toll being again paid for such Horse, Beast, or Cattle, if in so returning such Horse Beast or Cattle shall pass or travel upon any of the said Roads for the Distance of One Mile or more.

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

XI. And be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle drawing Stage Carriages, of whatsoever Description, carrying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing upon the said respective Roads: Provided always, that no further or additional Toll shall be payable in respect of Horses, Beasts, or Cattle drawing such Stage Carriages on account only of the Horses, Beasts, or Cattle drawing the same having been changed.

Post Chaises on every new Hiring.

XII. And be it further enacted, That the Tolls by this Act granted shall be paid for or in respect of Horses, Beasts, or Cattle let out to Hire, whether for riding or for drawing Post Chaises or other Carriages, for each Time of passing upon the said respective Roads whenever a new Hiring thereof shall take place.

Weight of single Horse Carts limited.

XIII. And be it further enacted, That the Weights to be allowed Carts or other such Carriages drawn by One Horse, Beast, or Cattle

Cattle shall never exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Twelve Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Eight Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts to be weighed.

XIV. And be it further enacted, That all Carts or other such Carriages passing upon the said Roads, drawn by One Horse, Beast, or Cattle, may be weighed at any Weighing Machine on the said Roads, and the like additional Tolls may be 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 One Horse, Beast, or Cattle, and to the Drivers and Owners thereof.

Two Thirds of the Tolls granted by this Act only to be taken until increased by Trustees.

XV. And whereas the Tolls by this Act granted are of greater Amount than the Tolls granted by the said former Acts hereby repealed: And whereas it may not be necessary at present to exact the full Amount of the Tolls by this Act granted; be it therefore enacted, That a Toll, in each Case not exceeding Two Thirds of the Tolls by this Act granted, shall be demanded or received, under the Authority of this Act, unless and until an Increase upon the Two Thirds of such Tolls (such Increase not to exceed the Tolls in this Act specified) shall be directed to be demanded and received at some Meeting of the said Trustees to be specially convened for the Purpose of considering and determining the Amount of such Increase; of which Meeting and of the Object thereof One Calendar Month's previous Notice shall be published in some Newspaper usually circulated in the County of *Warwick* and in some Newspaper usually circulated in the County of *Stafford*.

Leases to be vacated.

XVI. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to be held within Three Calendar Months next after the passing of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after such Meeting; and from and after such Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said Trustees, which in all Cases is hereby reserved, to receive and recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain thereby, to be paid at such Times and in such Proportions as the said Trustees shall deem reasonable and

 proper;

proper; and such Compensation and Satisfaction may be recovered by such respective Lessees, or by their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within Six Calendar Months next after the same shall have become due, and have been demanded of the Clerk or Treasurer to such Trustees, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster:* Provided always, that in case such Trustees and Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same may be recovered by Action at Law, as herein-before mentioned; provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls by this Act granted as they shall think reasonable and proper for the unexpired Term of their respective Leases or Agreements.

Application of the Tolls and Money borrowed.

XVII. And be it further enacted, That the Monies already received or to be received under the Authority of the said former Acts hereby repealed or any of them, and also all Monies which shall be received under or by virtue of this Act, shall be applied by the said Trustees in manner following; (that is to say,) in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto, with lawful Interest for any Money which may have been or which shall be advanced for the Payment thereof or of any Part thereof, from the Time that the same or any Part thereof shall have been advanced to the Time of the same being repaid; in the next place, in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act; in the next place, in paying and discharging any Interest now due or which may hereafter from Time to Time become due on the Credit of the said former Acts hereby repealed; in the next place, in defraying the Expence of improving, repairing, and maintaining in repair the said Roads, and of otherwise executing the Purposes of this Act; in the next place, in repaying any Principal Money which may hereafter be borrowed and secured under or upon the Credit of this Act; and lastly, in repaying the Principal Money due on the Credit of the said former Acts hereby repealed.

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

XVIII. And be it further enacted, That no Part of the Money to be received by virtue of the said former Acts hereby repealed or of this Act, shall be laid out in paving, repairing, improving, or cleansing any public Street, Road, or Highway within the Town of *Tamworth* aforesaid.

For Protection of Streets, Causeways, &c.

XIX. Provided nevertheless, and be it further enacted, That all and every the Powers, Provisions, Regulations, Penalties, Remedies, Matters, and Things by the general Laws relating to Turnpike Roads in *England* made applicable to the Preservation of Turnpike Roads, and the Causeways or Footpaths adjoining the same, and to the Prevention and Removal of Nuisances, Annoyances, Obstructions, and Encroachments, and to the Punishment of Offenders therein, and to the Recovery of Fines and Penalties for such Offences, shall extend and be

be construed to extend to the public Streets, Highways, and Roads within the Town of *Tamworth*, and the Footways or Causeways adjoining thereto, although such public Streets, Roads, and Highways shall not be repaired by the said Trustees.

Duration of Act.

XX. And be it further enacted, That this Act shall commence on the Twenty-first Day of *September* next after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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