Anno ſexto

Georgii III. Regis.

An Act for diſcontinuing the Uſe of ſeveral Roads leading into and over *Fiſherwick Park*, in the County of *Stafford*; and for building and maintaining a publick Bridge croſs the River *Tame*, at or near *Elford Mill Ford*, in the ſaid County; and for repairing, and keeping in Repair, the Road from ſuch Bridge to *Hademore Gate*, in the Road leading through *Whittington* to *Lichfield*.

WHEREAS there is at preſent a Road from the City of Lichfield, into the County of Leiceſter, leading through Huddlesford Lanes into a Tract of Land called Fiſherwick Park, belonging to the Right Honourable Arthur Earl of Donegall, through the North Gate of the ſaid Park; and from thence very near to his Manſion-houſe there, where the ſame divides into ſeveral Branches; and thence paſſes over the River Tame at Three ſeveral Fords, called Fiſherwick Ford, Elford Ford, and Elford Mill Ford, and unites again on the Eaſt Side of the ſaid River, near to Elford Mill: And whereas the ſaid Park having been open to the Preamble.

Public, by reason of the said Roads, Passengers have been used to go over various other Parts of the said Park, to the great Annoyance of the same: And whereas the said Lanes, called Huddlesford Lanes, are, from the Nature of the Soil, in a very ruinous Condition, and cannot be sufficiently repaired, so as to render the Passage through the same safe and commodious, but at a very great Expence: And whereas the said Fords in the said River Tame are frequently impassable for a considerable Time together, by reason of the great Overflowings of the said River, which frequently happen in the Winter and Wet Seasons, and often rise very high, by Means of the Conflux of the Rivers Trent and Meese near the Mouth of the said River Tame: And whereas there is a Ferry at Elford Ford aforesaid, but the same is only fit or intended for Foot Passengers or Cattle; and in such Seasons, when the Floods run high, and in stormy Weather, is very dangerous even for them, and frequently cannot carry them to any dry Place of Landing; and many other Inconveniences attend the Passage over the said River: And whereas there is not any Bridge over the said River Tame, on the South of Elford Mill aforesaid, nearer than Hopwas Bridge, which is at the Distance of Four Miles and upwards from the said Mill, nor on the North Side of the said Mill, nearer than Salter's Bridge, which is at the Distance of Three Miles and upwards from the said Mill, both which Bridges are, from their low Situations, frequently inaccessible to Foot Passengers, and, in Times of Floods, very dangerous to pass with Cattle or Carriages: And whereas there is another public Road from the City of Lichfield aforesaid into the said County of Leicester, through the Village of Whittington, and by the South and East Sides of Fisherwick Park aforesaid, on the Outside thereof, and over the said River Tame, by the most Southern of the said Fords, called Elford Mill Ford, near to which the said Roads unite as aforesaid: And whereas that Part of the said Road which lies between the City of Lichfield and a Gate called Hademore Gate, is upon a dry Gravelly or Sandy Soil, and may easily be kept in good Repair; and if the other Part of the said Road, from the said Gate to Elford Mill Ford, which is now much out of Repair, was put into and kept in good and effectual Repair, and a substantial convenient public Bridge built and maintained over the said River, at or near the said Elford Mill Ford, for the free Passage of Cattle, Carriages, and Foot Passengers, at all Times, an easy, convenient, safe, and certain Communication would be

established between the said City of Lichfield, the Borough of Walsall, and other great Trading Towns and Places on the West Side of the said River, and the Villages of Elford, Harlaston, Haunton, Clifton, and Parts adjacent, in the Counties of Stafford, Derby, and Leicester, lying on the East Side of the said River; which would be of mutual Benefit to the several Counties on each Side of the said River, and be of public Utility: And whereas the said Earl of Donegall is willing, at his own Expence, to erect and maintain such Bridge, together with proper Causeways and other Requisites, and to repair and keep in Repair the said Road from Hademore Gate to the said proposed Bridge, upon being duly authorized and impowered to stop up and discontinue all Roads and Ways through or over his said Park, or any Part thereof, or which lead into the same only, and to no other Place: 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 it shall and may be lawful to and for the Right Honourable Arthur Earl of Donegall, in the Kingdom of Ireland, his Heirs and Assigns, and such Person and Persons as he or they shall employ for that Purpose; and he and they are hereby authorized and impowered, at his and their own proper Costs and Charges, to build, erect, and maintain, a substantial and sufficient Bridge for Foot Passengers, Horses, Waggons, Carts, and other Carriages, cross the said River Tame, at or near the said Ford called Elford Mill Ford, and also to raise and maintain sufficient Causeways, and other Conveniencies at the Ends of, or near to, the said Bridge; and he and they shall have full Power and Authority to dig and cut the Banks of the said River, and also to dig, cut, and build, on the several Islands on either Side of the said Ford, and to do all other Matters and Things necessary and proper for building the said Bridge, and other the Purposes aforesaid; and also to make and repair a sufficient Road from the said Bridge to Hademore Gate aforesaid, and that the said Bridge, Causeways, and Road, when compleated and repaired, shall at all Times thereafter be free and open to all His Majesty's Liege Subjects, to pass over the same, on Foot or with Horses, Cattle, Waggons, Carts, or other Carriages.

Earl of *Donegall* impowered to build a Bridge, &c.

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After the Bridge, &c. is completed, &c.

And be it further enacted by the Authority aforesaid, That when the said Bridge and Causeways shall be completed, and the said Road from the said Bridge to Hademore Gate shall be sufficiently repaired, it shall be lawful for any Three Justices of the Peace of and for the County of Stafford, and they are hereby authorized and required to sign and seal Two Certificates thereof, which shall be Duplicates of each other, on Parchment, for which no Stamp Duty shall be due or payable; One of which Certificates shall be delivered to the said Earl of Donegall, his Heirs, or Assigns, the other shall be delivered at the next General Quarter Sessions of the Peace for the County of Stafford, after the signing thereof, to the said Court of Sessions; which Court, upon Proof being made of the signing thereof, shall file and keep the same of Record for ever, and a Copy or Copies thereof at any Time thereafter made out and signed by the Clerk of the Peace for the said County for the time being, who is hereby required to make out and sign such Copies, taking a reasonable Fee for the same, shall be admitted as Evidence in any Court whatsoever; and that from and after the signing of such Certificate as aforesaid, the said Earl of Donegall, his Heirs, and Assigns, shall and may, at all Times thereafter, hold and use the said Land called Fisherwick Park, free and clear, and for ever thereafter discharged from all Roads, Ways, Paths, Passages, and Easements whatsoever, which his Majesty's Liege Subjects, or any Person or Persons whatsoever, now have, use, or claim, or at any Time heretofore have had, used, or claimed, or may hereafter claim by Virtue or under Colour of any Grant, Prescription, Custom, or other Title whatsoever, antecedent to the passing of this Act, through, over, into, out of, or in, the same, and every or any Part thereof; and it shall also be lawful for the said Earl, his Heirs, and Assigns, to stop up, take away, and extinguish the Use of a certain Road, leading from the said Park to Huddlesford Lane, as far as to the Cross Way where the Gate now stands; and of a certain other Road, leading from the said Park towards a Place called the Hurst, as far as to the Cross Way leading from Whittington to Willeford; and also of a certain Road from the said Park to the said Place called Fisherwick Ford; and also of a certain other Road from the said Park to Elford Ford and Elford Ferry aforesaid; and of all other Roads, Ways, Paths, and Passages, which lead to the said Park only, and to no other Place: And no

certain Roads may be stopped up,

Person

Person or Persons whatsoever, at any Time or Times thereafter, shall use, claim, or demand, any Road, Way, or Passage, over the said Park, or any other Road there by extinguished, upon any Account whatsoever, either with any Horse, Beast, Cattle, or Carriage, or as a Way, Path, or Passage, for Passengers on Foot, or otherwise; and that at all Times thereafter, the said Ferry kept at Elford aforesaid shall be discontinued, abolished, and extinguished, as a public Ferry, and that no Person shall thereafter be obliged to keep or maintain any Ferry Boat there; any Right, Claim, Usage, or Custom, to the contrary in any wise notwithstanding.

Elford Ferry discontinued.

And be it further enacted by the Authority aforesaid, That the Owner or Owners of the said Land, called Fisherwick Park, shall, from time to time, and at all Times thereafter, repair and sustain the said Bridge and Causeways, and the Road leading from the said Bridge to Hademore Gate, and shall be liable to be compelled to the Repair thereof, in all such Ways as other Tenants or Owners of Land, bound to repair Roads ratione Tenuræ, are by Law compellable to repair the same.

Land Owners subject to Repairs.

And be it further enacted by the Authority aforesaid, That the Expence of passing this Act shall be paid by the said Earl of Donegall, his Heirs, Executors, Administrators, or Assigns.

Earl of *Donegall* to pay Expences of this Act.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person, for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County of Stafford, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by the Authority and in pursuance of this Act; and if it shall appear to be so done, or that such Action shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their, Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant

Limitation of Actions.

General Issue.

or

Treble Costs. or Defendants, shall and may recover Treble Costs, and shall have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.