ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. lxxxv.

An Act for improving certain Roads within the Counties of *Worcester*, *Salop*, and *Stafford*, called "The *Dudley* and *New Inn* District of Roads."

[6th *June* 1832.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of King *George* the Third, intituled *An Act for making, amending, widening, and keeping in repair a Road from* Eve Hill *near* Dudley *to the* New Inn *in the Parish of* Pattingham, *and from the Turnpike Road at or near* Shut End *in the Parish of* Kingswinford *to the Turnpike Road leading from* Dudley *to* Wolverhampton, *in the Counties of* Worcester, Salop, *and* Stafford: 30 G. 3. c. 102.
And whereas another Act was passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty for repairing the Road from* Dudley *to the* New Inn, Pattingham, *and also the Road from* Shut End *to join the* Wolverhampton *Turnpike Road, in the Counties of* Worcester, Stafford, *and* Salop: 51 G. 3. c. 28.
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 the said Acts should be increased: And whereas it would be of public Advantage if Power were granted to make the Diversion or Alteration in the Line of the said Roads herein-after mentioned: And whereas it would facilitate the Execution of the Objects herein-before men-

tioned if the Acts herein-before recited were repealed, and if other Powers and Provisions were granted and made instead thereof, and were embodied in One Act: And whereas the beneficial Objects herein-before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 Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *August* next after the passing of this Act the said recited Acts of the Thirtieth Year and of the Fifty-first Year of the Reign of King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

Defining the Object and Powers of Act.

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 *Eve Hill* in the Town of *Dudley* in the County of *Worcester* to a Place called the *New Inn*, in the Parish of *Pattingham* in the County of *Stafford*, at the Junction of the Turnpike Road leading from *Wolverhampton* to *Bridgnorth*, and the Road leading from *Shut End* in the Parish of *Kingswinford* in the said County of *Stafford*, at the Junction of the Turnpike Road leading from *Dudley* to *Kingswinford*, to a Place called *Shavers End*, in the Parish of *Dudley* aforesaid, at the Junction of the Turnpike Road leading from *Dudley* to *Wolverhampton*; and also for the Purpose of making and maintaining a Diversion of the present Turnpike Road leading from and out of the said Road from *Dudley* to the *New Inn*, commencing near to certain Dwelling Houses belonging to the Right Honourable the Earl of *Dudley*, situate in the Parish of *Himley* in the County of *Stafford*, and passing through the several Parishes of *Himley*, *Kingswinford*, and *Sedgley* in the County of *Stafford*, and *Dudley* in the County of *Worcester*, and terminating near to a Place called *Caddicks End*, in the Parish of *Dudley* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the respective Counties of *Worcester*, *Stafford*, and *Salop*, together with *John Addenbrooke Addenbrooke*, *Edward Addenbrooke Addenbrooke*, *John Addenbrooke*, *Henry Addenbrooke*, *Edward Amphlett*, *George Aston*, *John Aston*, *Joseph Aston*, *Thomas Badger*, *Isaac Badger*, *Septimus Badger*, *Thomas Badger* the younger, *Henry Isaac Badger*, *Richard Badger*, *John Badley*, *Dudley Bagley*, *William Rose Baker*, *Daniel Banton*, *Joseph Bennitt*, *William Bennitt* the younger, *James Bevan* Clerk, *Luke Booker* Clerk, *Herbert Dudley Bourne*, *Thomas Boycott*, *Richard Bradley*, *Thomas Brettel*, *Joseph Cartwright Brettel*, *Samuel Stone Briscoe*, *Joseph Bryan*, *Thomas Higgins Burne*, *Thomas Caddick*, *Cornelius Cartwright*, *Cornelius Cartwright* (*Himley*), *Cornelius Cartwright* the younger, *Henry Antrobus Cartwright* Clerk, *William Henry Cartwright* Clerk, *William Chinner*, *William Henry Cope*, *James Cotton*, *George Dalton* the younger, *William Dalton* Clerk, *Edward Sherington Davenport* Clerk, *Edward Davies* Clerk, *Thomas Davies*, *Thomas Dethick* Clerk, *Edward Dixon*, *Edward Dixon* the younger, *Joseph Dixon*, *Francis Downing*, *Henry Downing*,

Benjamin Dudley, *Edward Dudley* Clerk, *Hartil Dudley*, *Robert Dudley*, *Thomas Dudley*, *John Eld*, *William Fellowes*, *William Fellowes* the younger, *Dudley Bagley Fereday*, *John Turton Fereday*, *John Fereday*, *John Fereday* the younger, *Samuel Foley*, *William Foley*, *Edward Gatacre*, *Edward Lloyd Gatacre*, *John Gibbons*, *Benjamin Gibbons*, Sir *Stephen Richard Glynne* Baronet, *Michael Grazebrook*, *William Grazebrook*, *Thomas Worrall Grazebrook*, *George Grazebrook*, *James Amphlett Grove*, *Edward Guest*, *Joseph Guest*, *Edward Haden*, *Joseph Haden*, *William Haden*, *Samuel Hassall*, *Abiathar Hawkes*, *Abiathar Hawkes* the younger, *John Blackburne Hawkes*, *Roger Wright Hawkes*, *Thomas Hawkes*, *James Shaw Hellier*, *Thomas Shaw Hellier*, *Timothy Hill*, *Booth Hodgetts*, *Joseph Hodgetts*, *Joseph Wainwright Hodgetts*, *Thomas Webb Hodgetts*, *John Hodgson* Clerk, *Alexander Hordern*, *Henry Hordern*, *Mathew Houghton*, *John Howells* Clerk, *Mark Bolton Hughes*, *James Hunt*, *Samuel Hunt*, *Thomas Yate Hunt*, *William Jenkins*, *Cornelius Jesson* Clerk, *Henry Jesson*, *Henry Jesson* the younger, *John Jesson*, *Richard Lakin*, *Henry Lane*, *Benjamin Leadbetter*, *Edward John Littleton*, *William Mosely*, *Joseph Moss*, *Joseph William Moss*, *Charles Neve* Clerk, *Oliver Newey*, *George Saxby Penfold* Doctor in Divinity, Clerk, *John Perry*, *William Bradney Pershouse*, *John Pidcock*, *John Henzey Pidcock*, Sir *George Pigott* Baronet, *Richard Powell*, *John Pritchard*, *George Pritchard*, *Thomas Peach Pudsey*, *John Rann*, *John Roberts*, *John Robinson*, *John Robinson* the younger, *William Robinson*, *Proctor Robinson* Clerk, *Joseph Royle*, *William Royle*, Sir *Horace David Cholwell Saint Paul* Baronet, *Horace Saint Paul*, *Daniel Shaw*, *Thomas Sidaway*, *Ferdinando Smith*, *William Sprigg*, *Benjamin Stokes*, *Henry Cavendish Taylor*, *Farmer Taylor*, *Edward Terry*, *Richard Thursfield* Clerk, *John Thompson*, *John Thompson* the younger, *John Scarlett Turner*, *John Twamley*, *Edward Harper Wainwright* Clerk, *Thomas Wainwright*, *William Humble Ward* Clerk, *Thomas Whitmore*, *Thomas Whitmore* the younger, *John Williams*, *Philip Williams*, *Thomas Williams*, *Walter Williams*, *John Wilson*, *William Wilson*, *Thomas Wilson*, *Thomas Hattam Windle*, *Benjamin Woolley*, *Benjamin Woolley* the younger, Sir *John Wrottesley* Baronet, *John Wrottesley*, *Robert Wrottesley* Clerk, 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, at their First Meeting to be held for the Execution of this Act, to elect and appoint any Number of Persons, not exceeding Six 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 *Dudley Arms* Inn within the Town of *Dudley* aforesaid, or at some other convenient Place near to or in the Neighbourhood of the said Roads, on the Tenth Day of *August* next after the passing of this Act, or as soon afterwards

aftewards as conveniently may be, between the Hours of Eleven and Two of the Clock, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places within the Town of *Dudley* aforesaid, or near to or in the Neighbourhood of the said Roads, as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

Diversion may be made.

VI. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the Diversion of Road herein-before mentioned of such Width as they shall think proper, not exceeding Forty-two Feet, together with such Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of such Diversion as they shall think expedient, and for the Purposes aforesaid to pull down or take and use any Buildings, Lands, Tenements, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands, Tenements, or Hereditaments upon, in, over, or through which the said Diversion, Footpaths, Causeways, Embankments, Bridges, Arches, Culverts, Ditches, Drains, and Fences, or any of them, are intended to be made or pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands, Tenements, or Hereditaments for any of the Purposes of this Act; and if any Person shall remove, injure, or destroy any of the Stakes or other Marks used for the Purposes aforesaid, such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Plans deposited with the respective Clerks of the Peace to remain there, and be open to Inspection.

VII. And whereas Maps or Plans describing the said intended Diversion of Road, and the Lands, Tenements, and Hereditaments upon, in, over, or through which the same is intended to be carried, together with Books of Reference to such Maps or Plans, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited in the Offices of the respective Clerks of the Peace for the Counties of *Worcester* and *Stafford;* be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said respective Clerks of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to such Clerk 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 Maps or Plans and Books of Reference, or either of them, or any Copy thereof respectively or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law; and the said Trustees in making such Diversion shall not extend beyond nor deviate from the Line described in the said Maps

Limiting Deviations from Plan.

or

or Plans to a greater Distance than One hundred Yards, without the Consent in Writing of the Person or Persons, or Party or Parties, upon, in, over, or through whose Lands, Tenements, or Hereditaments such Extension or Deviation beyond the said Distance of One hundred Yards shall be made.

Dwelling Houses, &c. not to be taken without Consent.

VIII. Provided always, and be it further enacted, That the Powers and Authorities by this Act given for making the said Diversion shall not authorize the said Trustees to pull down, or to take, use, or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the Schedule to this Act annexed,) without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and obtained.

Unintentional Errors in Act or Books of Reference not to prevent Execution of Act.

IX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversion upon, in, over, or through any Lands, Tenements, or Hereditaments upon, in, over, or through which the same is delineated on the said Maps or Plans, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the said Books of Reference, if it shall appear to any Two or more Justices of the Peace for the County, Division, or Place within which such Lands, Tenements, or Hereditaments shall be situate, in case of Dispute about the same, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and shall remain in the Custody of the Clerk of the Peace for the Time being of such County, Division, or Place.

Limiting Period of purchasing Property.

X. And be it further enacted, That if the said Trustees shall not, within the Space of Three Years next after the passing of this Act, agree for or cause to be valued, and shall pay for, the Lands, Tenements, and Hereditaments which they are by this Act authorized to take, then and from thenceforth the Powers by this Act or any other Act or Acts granted in relation to the taking of Lands, Tenements, or Hereditaments for the Purposes of Turnpike Roads, shall, so far as relates to the Lands, Tenements, or Hereditaments herein-before mentioned, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands, Tenements, or Hereditaments respectively; any thing in this Act, or in any such Act or Acts as aforesaid, contained to the contrary thereof notwithstanding.

Damage to new Roads by working Mines.

XI. Provided always, and be it further enacted, That in case any Damage or Injury shall be done to the Diversion or Improvements hereby authorized to be made in working or getting in the ordinary Manner the Mines or Minerals in or under the same, or under the

Lands adjoining, the Person or Persons working such 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.

Part of old Line to be abandoned as Turnpike Road after Diversion made.

XII. And be it further enacted, That when and so soon as the said Diversion of Road shall have been made and completed fit for the Passage of Horses, Cattle, and Carriages, so much of the present Line of Road in lieu whereof such Diversion shall have been made shall cease to be under the Controul of the said Trustees; and so much and such Part or Parts of the Land constituting the former Road as in the Judgment of the said Trustees may be unnecessary shall be discontinued as public Highway; and so much of the Land constituting the former Road so discontinued as aforesaid for which Rent is now paid or payable to the Owner or Owners shall be restored and given up to such Owner or Owners; and so much thereof as shall have been purchased by the Trustees acting in the Execution of the said former Acts hereby repealed shall and may be sold for the Benefit of the Trust in the Manner, and subject to the Conditions, Provisions, and Regulations in that Behalf contained in an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England; and so much of the said Land as shall not have been so purchased, and for which no Rent is paid or payable as aforesaid, shall vest in the respective Owners of the adjoining Lands in manner following; (that is to say,) one Moiety thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side thereof.

3 G. 4. c. 21.

Trustees empowered to water the Roads.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Roads, and also the said Diversion of Road, or any Part or Parts thereof, to be watered, and for that Purpose to cause Wells to be made and sunk, and Pumps to be constructed, as they shall think proper, upon or by the Sides of the said Roads, for the Purpose of obtaining and supplying Water; and it shall also be lawful for the said Trustees to obtain Water from any other Sources, and in any other Manner, for the Purpose of watering the said Roads, and to pay all Expences attending or incident to the watering of the said Roads out of the Funds of the said Roads.

Trustees to cause Roads to be lighted.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Roads, and also the said Diversion of Road, or any Part or Parts thereof, to be lighted, and for that Purpose to cause such and so many Lamps, Lamp Posts, and Lamp Irons as they shall think proper to be erected or set up, or to be affixed to the Premises of any Person whomsoever, making good any Damage which shall be done thereto by the same, and also to contract with any Person or Company of Proprietors, or other Body Corporate, for lighting, maintaining, and repairing such Lamps, Lamp Posts, and Lamp Irons, and to make such Orders and Directions concerning the same as the said Trustees shall judge proper or as the said Services or Works may require, and to pay all Expences attending or incident to the lighting of the said Roads out of the Funds of the said Roads.

XV. And

For preventing the Escape of Gas.

XV. And be it further enacted, That in case the said Roads shall be lighted with Gas, and any such 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 of Proprietors, or Body Politic or Corporate, or any other Person whomsoever, making, furnishing, or supplying any Gas to be burnt or consumed in lighting the said Roads, the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing from any Inhabitant or other Person whomsoever of any such Escape of Gas, 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 of Proprietors, Body Politic or Corporate, or other Person 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 of Proprietors, Body Politic or Corporate, or other Person as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day 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 Pipes or other Conduits to be laid or used by the said Trustees, or by any Company of Proprietors, or Body Politic or Corporate, or other Person whomsoever, making, furnishing, or supplying any Gas to be burnt or consumed in lighting the said Roads for the Conveyance of such Gas in, through, or under 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, through, or under 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 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 may 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 Company of Proprietors, or Body Politic or Corporate, or other Person, supplying any Gas to be burnt or consumed in lighting the said Roads, 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 such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in every respect prevent the said Gas from escaping therefrom or from

any

any Part thereof, upon pain of forfeiting the Sum of Twenty Pounds for every Default.

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, or the Water of any Spring, Reservoir, Well, or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Trustees, or of any Company of Proprietors, Body Politic or Corporate, or other Person whomsoever making or supplying any Gas to be burnt or consumed in lighting the said Roads, the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person 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 of Proprietors, or other the Owners or Proprietors of any Waterworks, Spring, Reservoir, 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 of Proprietors, Body Politic or Corporate, or other Person 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, Spring, Reservoir, 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 of Proprietors, Body 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 of Proprietors, Body Politic or Corporate, or other Person as aforesaid, shall not, within Twenty-four Hours next after such Notice, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid, shall forfeit and pay to the Treasurer for the Time being or to any of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or of any Spring, Reservoir, Well, or Pond, 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 before-mentioned 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 by or 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 of the Directors of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, or of any Spring, Reservoir, Well, or Pond, 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 of Proprietors, Body Politic or Corporate, or other Person as aforesaid, before any Justice of the Peace for the County wherein such Spring, Reservoir, Well, or Pond is situated, 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 of Proprietors, Body Politic or Corporate, or other Person 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 all such Penalties, Forfeitures, or Payments, and Costs, when so levied, shall be paid to the Treasurer, or to any 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 of Proprietors, Body Politic or Corporate, or other Person making or supplying any Gas to be burnt or consumed in lighting the said Roads; 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, Springs, Reservoirs, Wells, or Ponds, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid, the Costs and Expences of the said digging, Search, and Examination, and Repair of the Road or Pavement which shall be taken up or disturbed, shall be borne and paid by the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person 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 of Proprietors, Body Politic or Corporate, or other Person as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, Springs, Reservoirs, Wells, or Ponds, 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 of Proprietors, Body Politic or Cor-

porate, or other Person as aforesaid, any Loss, Injury, or Damage which may be occasioned by the said Mains, Pipes, Conduits, or Apparatus of the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person as aforesaid, in and by such Search and Examination, and also to the Road or Pavement which shall be broken up or disturbed in such Search or Examination, the Amount 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 of Proprietors, or Body Politic or Corporate, or other Person whomsoever, making or supplying any Gas to be burnt or consumed in lighting the said Roads, 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 into any Sewer, Drain, or Ditch communicating therewith, 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 spoiled or corrupted, then and in every such Case the said Trustees, or such Company of Proprietors, or Body Politic or Corporate, or other Person 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 Twelve 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 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 into any Sewer, Drain, or Ditch communicating therewith, 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 Politic or Corporate, or other Person as aforesaid, and the said Trustees, Company of Proprietors, Body Politic or Corporate, or other Person 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 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 of Proprietors, Body Politic or Corporate, or other Person as aforesaid, shall forfeit and pay the Sum of Twenty Pounds 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 a 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 of Proprietors, Body Politic or Corporate, or any Person making or supplying any Gas to be burnt or consumed in lighting the said Roads, or any of the Servants or Officers or Workmen of the said Trustees, or of any such Company of Proprietors, Body Politic or Corporate, or other Person 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 supplying any such Gas, 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 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 of Proprietors, or Body Politic or Corporate, or other Person 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 of Proprietors, or Body Politic or Corporate, or other Person, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, on the Oath or Affirmation of some credible Witness, before some 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 Twice 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,

committed, there to remain for any Time not exceeding Three Calendar Months.

Removal of Pipes.

XXII. And be it further enacted, That if at any Time hereafter the said Trustees shall, under the Powers of any Act or Acts passed or to be passed for regulating Turnpike Roads in *England*, make any Diversion 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 Ten 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 some credible Witness before some Justice of the Peace for the said County or respective Counties within which such 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.

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

XXIII. And be it further enacted, That all new or complete Mains or Pipes (not being Service Pipes fitted to any House or Building) for the Conveyance of Water or inflammable Air or Gas, which after the passing of this Act shall be laid down beneath the Surface of the said Roads 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 other Materials than as herein-before mentioned, such Company or other Person so offending shall forfeit and pay the Sum of Twenty Shillings 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.

XXIV. And be it further enacted, That it shall not be lawful for any Canal, Railway, 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 of the said Roads, or any of them, or any Part thereof, for the

the Purpose of making any Canal, Feeder, or Railway, or laying down any Main or other Pipe or Pipes, or of repairing or altering any of such Works, unless Notice in Writing of their Intention to break up such Ground or Soil, signed by the Clerk or Inspector or Surveyor to the said Company, shall be given to the Clerk of the said Trustees, specifying the Road and particular Part of such Road so intended to be broken 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 up (except in Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Clerk to the said Trustees immediately after such Ground or Soil or any Part thereof shall be broken up); and if such Company, or any Person or Persons acting by or under their Authority, shall break up or disturb, or cause to be broken up or disturbed, any such Ground or Soil, without such Notice 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 up without such Notice as aforesaid.

Requiring Companies, &c. to reinstate Roads.

XXV. And be it further enacted, That whenever and so often as any Canal, Railway, Water, or Gas Light Company, or other Person, shall have lawfully broken up or removed the Ground or Soil of any of the said Roads, the said several Companies or other Persons shall and they are hereby required immediately thereafter to reinstate and make good, under the Superintendence and to the Satisfaction of the said Trustees or their Surveyor, such Ground or Soil in as good 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 during the Works of 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 any such Company or other Person shall neglect to make good and reinstate such Ground or Soil as aforesaid within Twenty-four Hours next after Notice given to or left for the said Company or Person at their respective Houses or Offices, it shall be lawful for the said Trustees to reinstate and make good such Ground or Soil; and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or Person, or their respective Treasurers, to the said Trustees or their Treasurer; and in default of Payment thereof within Seven 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 some credible Witness before any Justice of the Peace for the County within which 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 Company or Person, 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 Company or Person shall neglect to provide proper Watchmen with necessary Lights, and otherwise secure and guard the said Works as aforesaid, such Company or Person shall forfeit and pay to the said Trustees any Sum not exceeding Five Pounds for every such Offence.

Regulations as to laying of Pipes.

XXVI. And be it further enacted, That all Mains and Pipes shall be laid Two Feet 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, or where there is no Footpath as near to the Outside of the Road, as conveniently may be, except in 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.

For punishing Persons wilfully damaging Lamps, Pumps, &c.

XXVII. And be it further enacted, That if any Person shall wilfully break, throw down, or otherwise injure 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, or shall wilfully injure any of the Wells or Pumps by this Act authorized to be sunk or constructed, it shall be lawful for any Justice of the Peace for the said Counties of *Worcester*, *Salop*, or *Stafford* 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 accused; or it shall be lawful for any Person whomsoever who shall see such Offence committed to apprehend, as also for any other Person to assist in apprehending such Offender, and by the Authority of this Act, and without any other Authority, to convey him, or to deliver him into the Custody of a Peace Officer in order to be secured and conveyed before some Justice of the Peace for the said Counties of *Worcester*, *Salop*, or *Stafford* in which the said Offence shall be committed, to be dealt with as herein-after is directed; and the Party accused being brought before any such Justice, such Justice shall proceed to examine upon Oath any Witness who shall appear or be produced to give Information touching such Offence; and such Party, being convicted of such Offence, either by his own Confession or upon such Information as aforesaid, shall for the First Offence forfeit and pay any Sum not exceeding Forty Shillings, and for the Second Offence any Sum not exceeding Five Pounds, and for the Third and every other subsequent Offence any Sum not exceeding Ten Pounds, and shall also make full Satisfaction to the said Trustees for the Damage so by him done as aforesaid, such Damage to be ascertained by such Justice at the Time of such Conviction; and in case such Offender shall not upon Conviction pay such Forfeiture by him incurred, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him,

him, her, or them to the House of Correction for the said Counties of *Worcester*, *Salop*, or *Stafford* 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 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, &c. to make Satisfaction.

XXVIII. And be it further enacted, That if any Person shall accidentally break, throw down, or otherwise injure any of the said Lamps, or any Posts, Iron, or Furniture thereof, or any of the said Wells or Pumps, and shall not, upon Demand, make Satisfaction to the said Trustees for the Injury by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said Counties of *Worcester*, *Salop*, or *Stafford* in which such Injury 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 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 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 some credible Witness, shall award and order such Satisfaction to be made by the Party complained of for the Injury so by him 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 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 *Worcester*, *Salop*, or *Stafford* 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 Three Calendar Months.

Power to continue Toll Gates, &c.

XXIX. 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 build others in lieu thereof or in addition thereto, upon the said Roads, or upon any Part or Parts thereof respectively, or upon the said Diversion or upon the Sides thereof, 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.

XXX. 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,

Calash, Hearse, Litter, Break, Chaise, Curricle, or other such like Carriage, the Sum of Four-pence:

For every Horse, Ass, Mule, or other Beast, drawing any Gig or other such like Carriage drawn by One Horse or other Beast only, the Sum of Sixpence:

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, the Sum of 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, the Sum of Five-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Four Inches and a Half, the Sum of Sixpence:

For every Horse, Ass, Mule, or other Beast, 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 than a Score:

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

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

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
4 G. 4. c. 95. 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 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.

Fractional Part of a Halfpenny in Tolls.

XXXI. 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.

One Toll for passing and repassing.

XXXII. And be it further enacted, That no more than One full Toll (except as herein provided to the contrary) shall be taken for or in respect of the same Horse, Beast, or Cattle, or Carriage, in any One Day, for passing and repassing once through all the Toll Gates or Toll Bars now erected or hereafter to be erected upon all the said Roads.

Horses repassing with a different Waggon, &c. to pay again.

XXXIII. 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

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 be subject to Toll for every Time of passing;

XXXIV. Provided nevertheless, 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 whatever Description, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing upon the said Roads: Provided always, that no further or additional Tolls 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.

XXXV. Provided also, 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, either for riding or for drawing Post Chaises or other Carriages, for each Time of passing upon the said Roads whenever a new Hiring of such Horses, Beasts, or Cattle shall take place.

Weights of Single-horse Carts limited.

XXXVI. And be it further enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse or Beast 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 Ten 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 Five Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts and Steam Carriages to be weighed.

XXXVII. And be it further enacted, That all Carts or other such Carriages passing upon the said Roads drawn by One Horse or Beast 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 or Beast, and to the Drivers and Owners thereof respectively; and all Waggons, Wains, Carts, or other such Carriages, not drawn by any Horse or Beast, but impelled or drawn by Steam or Machinery, shall and may also be weighed at any Weighing Machine; and all the Provisions, Powers, and Regulations now in force for regulating the Weights of Waggons, Wains, Carts, or other Carriages in *England*, and imposing additional Tolls for Overweight, shall 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 to the Drivers, Masters, and Owners thereof respectively.

Penalty on Renters of Tolls compounding for Overweight.

XXXVIII. And whereas great Injury may be done to the said Roads by the Farmers or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages by Law liable to be weighed and to be charged in respect of Overweight; be it therefore enacted, That if any Lessee, Farmer, or Renter of the Tolls by this Act granted, or the Deputy or Agent of such Lessee, Farmer, or Renter, shall make any Composition by the Year or otherwise with any Person or Persons whomsoever for or in lieu of the Tolls of any Waggon, Wain, Cart, or other Carriage by Law liable to be weighed, and charged for or in respect of the Overweight thereof, every such Lessee, Farmer, or Renter, Deputy or Agent, shall, on Conviction thereof, by Confession or upon the Oath of any Witness, before any of His Majesty's Justices of the Peace for either of the Counties through which the said Roads may pass, forfeit and pay, besides the Costs and Charges attending the Conviction, a Sum of Money not exceeding Ten Pounds, and shall also forfeit his or her Contract or Lease for renting the Tolls, if the said Trustees shall think proper to order that the same shall be thereupon made void, and every such Composition shall be and the same is hereby declared to be null and void; and one Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the Surveyor or Treasurer of the said Roads, to be employed towards the Repair thereof.

Leases to be vacated.

XXXIX. 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 Time and in such Proportion as they the said Trustees shall deem reasonable and 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 other Monies.

XL. And be it further enacted, That the Money already received or which shall be received by the said Trustees under the Authority of the said former Acts hereby repealed or of either of them, and also the Money which shall be received by them under or by virtue of this Act, shall (without Prejudice to the existing Mortgages) be applied by the said Trustees in manner following; (that is to say,) in the first place, and in preference to all other Disbursements whatever, 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 defraying the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones, Posts, and Fences, and of Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act (except the Expences of improving, repairing, and maintaining the Roads by the said Acts hereby repealed authorized to be made, and of making and maintaining the Diversion of Road by this Act authorized, for which Provision is herein-after made); in the next place, in paying and discharging all Interest which is accumulated and is now due, and also any Interest which may from Time to Time hereafter become due, on the Credit of the former Acts hereby repealed; in the next place, in defraying the Expences of improving, repairing, and maintaining in repair the Roads by the said former Acts authorized to be made, and of making and maintaining the said Diversion of Road by this Act authorized to be made, and of otherwise executing the Purposes of this Act, and in lighting and watering the said Roads; in the next place, in repaying the Principal Money due on the Credit of the former Acts hereby repealed; in the next place, in paying and discharging any Interest which may from Time to Time become due on the Credit of this Act; and, lastly, in repaying any Principal Money which may hereafter be borrowed and secured under or on the Credit of this Act, but so nevertheless that the present Mortgages under the former Acts hereby repealed shall have Priority of the Mortgages to be made under or by virtue of this Act.

No Part of the Money to be laid out in repairing Streets.

XLI. And be it further enacted, That no Part of the Money received by virtue of the said former Acts hereby repealed or of this Act shall be laid out in paving, repairing, lighting, watering, or cleansing any Street, Road, or Highway within any Town through which the said Roads pass.

No Inclosures to be made or Materials for building to be laid on Roads with-

XLII. And whereas Persons, without sufficient Leave for that Purpose, inclose or otherwise occupy Part of the said Roads for the making of Mortar, and for depositing Bricks, Lime, Timber, and other Materials, to the great Annoyance of Passengers and Carriages, and to the Detriment of the said Roads; be it therefore enacted,

out Consent of Trustees.

enacted, That if any Person shall erect or set up any Inclosure, Post, Bar, or Rail, or shall deposit any Stone, Bricks, Lime, Timber, Gravel, Sand, or other Matter, Material, or Thing, in or upon any Part of the said Roads or Footpaths, without the Consent of the said Trustees in Writing first obtained, or beyond such Bounds or Limits as shall be expressed in such Consent, or shall continue the same beyond the Time allowed by the said Trustees, it shall be lawful for the said Trustees or their Surveyor to cause the same to be removed, and deposited in such Place or Places as the said Trustees shall direct, there to be detained until the Owner or Offender shall have paid and discharged all Costs, Charges, and Expences attending the removing and depositing and detaining the same as aforesaid, such Costs, Charges, and Expences being first ascertained by some Justice of the Peace for the County within which the said Offence shall be committed; and in case the said Owner or Offender shall neglect or omit to pay such Costs, Charges, and Expences within Seven Days after the same shall have been so ascertained, it shall be lawful for the said Trustees or their Surveyor to sell all such Materials, Matters, and Things, and to reimburse themselves and himself such Costs, Charges, and Expences as aforesaid, and all Expences attending such Sale or Sales, rendering the Overplus (if any) to such Owner or Offender, on Demand.

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

XLIII. And be it further enacted, That all Railways already made or to be hereafter made or laid down across any of the said Roads, and not under the Authority of any Act or Acts of Parliament, shall be made level with the Surface of the said Roads, and directly across and at Right Angles with the Line of the said Road, and not in an oblique or transverse Direction, and with Groove or Box Rails not more than One Inch and a Half wide in the Groove, and the upper Part or Surface of the said Rails which shall be laid upon the said Road shall be made in the indented or notched Form ordinarily used on Turnpike Roads in the Neighbourhood, and not smooth, to the Intent to prevent Horses from slipping thereon; 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, and also the Road to the Extent of Three Feet on each Side such Railways and close to the Rails thereof, shall, on such Parts thereof as cross the said Roads, be laid or paved with Pebbles or other hard small Stones, and be kept continually on a Level with the upper Part of the Rails of such Railways, and be 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 shall make or cause to be made or laid down, or shall begin to form and make or lay down, any such 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 have and keep in repair such Railway, pursuant to the Provisions of this Act, or in case the Proprietor of any such Railway already made and formed shall not alter any such Railway and Works so already made and formed so as to render the same in all respects conformable to the Provisions of this Act, within Seven Days after Service of Notice on

on such Proprietor, either personally, or by leaving such Notice at his last or usual Place of Residence, by the Surveyor of the said Roads, or other Officer of the said Trustees, requiring the Person making such Railway, or the Proprietor of such Railway, to make the same, or to place such Groove or Box Rails, or to pave or alter and keep in repair the same as aforesaid, every such Person or Proprietor shall forfeit and pay the Sum of Twenty Shillings for every Day after the Expiration of such Seven Days which any such Railway shall continue or remain unaltered or in an imperfect State of Repair.

Power to enter Mines where Pits or Shafts have been sunk within Two hundred Yards of the Road.

XLIV. And be it further enacted, That when any Pit or Shaft shall have been sunk or made for the Purpose of working any Mines, Quarries, or other Works within the Distance of Two hundred Yards of any Part of the said Roads, it shall be lawful for the said Trustees, and for such other Person or Persons as he or they shall appoint, and they are hereby respectively empowered, when and as often as they shall think necessary, to enter upon the Land or Ground where such Shafts or Pits shall be so sunk or made as aforesaid, and to descend into the Mines, Quarries, and Works within or under the same, and for that Purpose to have the free Use of all or any of the Shafts, Windlasses, Ropes, Engines, Gins, Machinery, and other Things then in use within, about, or belonging to the said Mines, Quarries, and Works, both in descending into the said Mines, Quarries, and Works respectively, and in ascending from the same or any of them, for the Purpose of inspecting the said Mines, Quarries, and Works, as such Trustees or other Person or Persons as aforesaid shall think necessary; and if any Person shall wilfully obstruct or molest any such Trustee or other Person as aforesaid in the Inspection of any such Mine, Quarry, or Work, such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Steam Engines not to be placed within a certain Distance of Roads.

XLV. And be it further enacted, That it shall not be lawful for any Person to erect any Steam Engine, or any Gin or other Machine, for working Mines or otherwise, or to sink any Shaft or Pit, within the Distance of Thirty Yards from the said Roads, unless such Steam Engine, Gin, or other Machine, Shaft, or Pit be inclosed within some Building or Wall, or other sufficient Fence, to guard and screen the same from the said Road; nor shall it be lawful for any Person to make any Fire for burning or calcining Ironstone, Limestone, Clay, or Bricks, or for making or burning Cokes, within the like Distance, without the same being effectually fenced off from the Road by a Wall of sufficient Height so as to prevent Horses passing along the said Road from seeing such Fire; and if any Person shall offend in any of the Cases aforesaid (and in all such Cases the Owner or Proprietor shall be deemed to be the Offender) such Person shall forfeit and pay such Sum of Money not exceeding Twenty Shillings for each Day during which such Engine, Gin, or other Machine, Shaft, Pit, or Fire, shall be permitted to continue, after Notice in Writing shall have been given to or left for him to remove or properly fence in the same, as the Justice before whom such Offender shall be required to appear shall adjudge him to pay.

To prevent watering the Roads without Consent of the Trustees.

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

General Clause as to Penalties.

XLVII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act shall and may be recovered, levied, and applied in such and the same Manner as any Penalty or Forfeiture for any Offence on any Turnpike Road may by any Law or Statute relating to Turnpike Roads be recovered, levied, and applied.

The Trustees and Clerk declared competent Witnesses in Actions, &c. 1 G. 4. c. 35.

XLVIII. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, 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 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, 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.

Rule for Construction of certain Expressions in the Act.

XLIX. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Term of Act.

L. And be it further enacted, That this Act shall commence on the Tenth Day of *August* next after the passing hereof, 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.

LI. 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.

SCHE-

SCHEDULE referred to in the foregoing Act.

No. on Plan.	Description of Property.	Owners Names.	Occupiers Names.
		Parish of Himley.	
2 *b.*	Garden and Smith's Shop -	Earl of Dudley -	Widow Gordon
11	Garden - -	Ditto - -	Samuel Stone Briscoe.
		Parish of Kingswinford.	
15	Orchard - -	Earl of Dudley -	Benjamin Lowe.
16	Ditto and Garden -	Ditto - -	Ditto.
23	Garden - -	John H. H. Foley Esquire - -	Thomas Bate.
26	Ditto - -	Richard Homer and others, Heirs of Keelinge -	Samuel Marsh.
31	Ditto - -	Earl of Dudley -	Martha Short.
		Parish of Sedgley.	
35	Garden - -	Earl of Dudley -	James Wilkes.
37	Ditto - -	Ditto - -	William Baker.
39	Ditto - -	Ditto - -	Mary Bradley.

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