ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. li.

An Act for enlarging the Term and Powers of ſeveral Acts, ſo far as the ſame relate to the Roads from *Birmingham* through *Wedneſbury*, to *High Bullen*, and other Roads therein mentioned, in the Counties of *Warwick*, *Worceſter*, and *Stafford*.

[31ſt *May* 1816.]

WHEREAS an Act was paſſed in the Thirteenth Year of the Reign of His Majeſty King *George* the Firſt, intituled *An Act for repairing the ſeveral Roads leading from* Birmingham *through the Town of* Wedneſbury, *to a Place called* High Bullen, *and to* Great Bridge; *and from thence to the End of* Gibbet Lane, *next adjoining to the Townſhip of* Bilſon; *and from* Great Bridge *through* Dudley *to* Kingſwinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worceſter: And whereas another Act was paſſed in the Twenty-firſt Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act paſſed in the Thirteenth Year of the Reign of His late Majeſty King* George *the Firſt, for repairing the ſeveral Roads leading from* Birmingham *through the Town of* Wedneſbury *to a Place called* High Bullen, *and to* Great Bridge; *and from thence to the End of* Gibbet Lane, *next adjoining to the Townſhip of* Bilſon;

13 G. 1.

21 G. 2. c. 20.

Bilſon; *and from* Great Bridge, *through* Dudley *to* Kingſwinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worceſter: And whereas another Act was paſſed in the Twelfth Year
12 G. 3. c. 110. of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Terms and Powers of Two Acts made in the Thirteenth Year of the Reign of King* George *the Firſt, and in the Twenty-firſt Year of the Reign of King* George *the Second, for repairing the ſeveral Roads leading from* Birmingham *through the Town of* Wedneſbury, *to a Place called* High Bullen, *and to* Great Bridge, *and from thence to the End of* Gibbet Lane, *next adjoining to the Townſhip of* Bilſon, *and from* Great Bridge *through* Dudley *to* Kingſwinford, *and to the further End of* Brittel Lane, *in the Counties of* Warwick, Stafford, *and* Worceſter: And whereas ſuch of the ſaid Roads as lead from *Birmingham* to *High Bullen*, and to *Great Bridge*, and from thence to a Place called *The Portway*, at the End of *Darlaſton Lane* next to *Bilſton*, and to a certain Place called *The Nether Trindle*, near *Dudley* aforeſaid, were by the ſaid Acts made one ſeparate Diſtrict, and put under the Care of ſeparate Truſtees, diſtinct from the other Roads deſcribed in the ſaid Acts: And whereas another Act was paſſed in the Twenty-ſeventh
27 G. 3. c. 73. Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Term of Three Acts of the Thirteenth Year of King* George *the Firſt, the Twenty-firſt Year of His late Majeſty, and the Twelfth Year of His preſent Majeſty, ſo far as the ſame relate to the Roads from* Birmingham *through* Wedneſbury *to* High Bullen, *and to* Great Bridge; *and from thence to* The Portway *at the End of* Darlaſton Lane, *next to* Bilſton, *and to* Nether Trindle *near* Dudley, *in the Counties of* Warwick, Worceſter, *and* Stafford; *and for making and keeping in Repair a Road from* Trouſe Lane, *in the Pariſh of* Wedneſbury, *to* Darlaſton *in the County of* Stafford: And whereas a conſiderable Sum of Money hath been borrowed on the Credit of the Tolls authorized to be collected upon the Roads within the ſaid ſeparate Diſtrict, and the ſaid Road from *Trouſe Lane* to *Darlaſton*, which Money ſtill remains due, and the ſame cannot be paid off, nor can the ſaid Roads be kept in good Repair, unleſs the Term and Powers of the ſaid Acts, ſo far as relates to the Roads within the ſaid ſeparate Diſtrict, and the ſaid Road from *Trouſe Lane* to *Darlaſton* be continued, and ſome of the Powers thereof altered and enlarged: 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 the ſaid recited Acts, and all the Tolls, Powers, Proviſions, Exemptions, Penalties, Clauſes, Matters, and Things therein contained, and which are now in force, (except ſuch as relate to Exemptions from Stamp Duties, and ſuch as are by this Act varied, altered, or repealed), ſhall ſo far as the ſame relate to the ſaid Roads leading from *Birmingham* to *High Bullen* and to *Great Bridge*, and from thence to *The Portway* at the End of *Darlaſton Lane* aforeſaid; and to *Nether Trindle* aforeſaid, (being the Roads compriſed in and made a ſeparate Diſtrict as before mentioned), and likewiſe ſo far as the ſame relate to the ſaid Road from *Trouſe Lane* aforeſaid to *Darlaſton* aforeſaid, be and remain in full Force, and ſhall be executed for and during the Term herein-after mentioned, in like Manner and as fully and effectually as if the ſame were herein particularly repeated and re-enacted.

Former Acts continued.

II. And

Power to call intermediate Meetings.

II. And be it further enacted, That whenever any Three Truſtees acting in the Execution of the ſaid recited Acts and this Act, ſhall, by Writing under their Hands, direct the Clerk to the ſaid Truſtees to call a Meeting upon ſome Emergency, or for ſome particular Purpoſe, the ſaid Clerk is hereby required, by Writing under his Hand, to be affixed upon all the Turnpikes or Toll Gates then erected on the ſaid Roads, at leaſt Five Days before ſuch Meeting, to give Notice of a Meeting of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting; and the Proceedings of the ſaid Truſtees at all ſuch Meetings reſpecting the Matters contained in ſuch Notice and no other, ſhall be valid and effectual to all Intents and Purpoſes as if ſuch Meeting had been held in purſuance of Adjournment.

Reſtricting the Erection of Toll Gates on the Main Road between Soho Hill and Birmingham.

III. And be it further enacted, That from and after the Expiration of Four Calendar Months, to be computed from the paſſing of this Act, the Toll Houſe and Toll Gate now ſtanding and being in *Great Hampton Street* in *Birmingham* aforeſaid, commonly called the *Birmingham Gate*, with the Erections thereunto belonging, ſhall be taken down and removed by and at the Expence of the ſaid Truſtees, and the Materials thereof be ſold by them, and the Money ariſing thereby applied for the Purpoſes of the ſaid recited Acts and of this Act, or otherwiſe the ſaid Materials ſhall be uſed and applied for erecting another Toll Houſe and Toll Gate, or other the Purpoſes of the ſaid Acts reſpectively, as the ſaid Truſtees ſhall order and direct; and that the ſaid Truſtees ſhall and may erect and ſet up another Toll Houſe and Toll Gate, and take and receive all the Tolls by this Act authorized to be taken beyond the Place where the *Handſworth* Turnpike Road divides and branches off from the Road leading from *Birmingham* towards *Wedneſbury*; but nothing herein or in the ſaid recited Acts contained ſhall authorize or empower the Erection of any Toll Houſe or Toll Gate acroſs the main Road between the Top of *Soho Hill* aforeſaid and the Town of *Birmingham* aforeſaid, nor of any Side Bar between the Site of the ſaid Toll Houſe in *Great Hampton Street* and the Top of *Snow Hill*, in the Town of *Birmingham*: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to reſtrain or prevent the ſaid Truſtees from continuing the Side Bar already ſet up by them on the Line of the ſaid Roads between *Soho Hill* and the Town of *Birmingham* aforeſaid, nor from erecting and ſetting up between *Soho Hill* and the Site of the ſaid Toll Houſe in *Great Hampton Street* aforeſaid, One or more other Side Bar or Side Bars, if they ſhall think the ſame expedient and proper to be erected or ſet up, nor from their collecting or taking at the ſaid Side Bar or Side Bars already erected or hereafter to be erected the ſeveral Tolls by this Act and the ſaid recited Acts authorized to be taken.

Truſtees diſcharged from Repairs of the Road from the North-weſtern End of Conſtitution Hill in Birmingham.

IV. And be it further enacted, That from and after the Expiration of the ſaid Four Calendar Months, to be computed as aforeſaid, the Truſtees for putting this Act in Execution ſhall be ſubject and liable to the Repair of the ſaid Roads towards *Wedneſbury*, from the North-weſtern End of a certain Street or Place in *Birmingham* called *Conſtitution Hill*, and oppoſite to a certain Public Houſe there called or known by the Name of *The Shakeſpear Head*, and late in the Tenure of the Widow *Haines*; and the ſaid Truſtees ſhall not, from and after the Expiration of the ſaid Four Calendar

Calendar Months, to be computed as aforesaid, be bound to repair or support, or have any Power or Controul over the said Road which lies South-eastwardly of the said North-western End of *Constitution Hill* aforesaid in the Town of *Birmingham* aforesaid, any Thing in the said recited Acts contained to the contrary notwithstanding.

Trustees empowered to sell the Site of the Toll House, &c. in Great Hampton Street.

V. And be it further enacted, That the said Trustees shall or may, subject to and under the Restrictions in this Act contained, sell and absolutely dispose of the Site of the said Toll House in *Great Hampton Street* in *Birmingham* aforesaid, and the Garden and Appurtenances thereunto belonging, and now occupied therewith, to any Person or Persons who may be willing to purchase the same, in such Manner and at such Time or Times, as the Trustees assembled at any Meeting, or the major Part of the Trustees so assembled, shall order or direct; and it shall and may be lawful to and for the said Trustees and they are hereby required to assure the same to such Person or Persons as shall become the Purchaser or Purchasers thereof, by entering a Minute or Memorandum of the Sale or Sales in their Minute or Order Book or Books, and delivering to such Purchaser or Purchasers a Copy of the Entry thereof, and a Receipt for the Purchase Money, signed by any Five or more of the said Trustees, which Copy and Receipt shall be a good and valid Title to such Purchaser or Purchasers, and his, her, or their Heirs and Assigns in Fee Simple, and be available as Evidence of such Title in any Court or Courts of and in any Suit at Law or Equity; and the said Trustees shall and they are hereby required to apply the Money which shall arise and be received from the Sale of the said Site, Garden, and Premises for the Purposes of the said recited Acts and this Act.

First Offer to be made to Proprietors of adjoining Estates.

VI. Provided always, and be it enacted, That the Offer of the Purchase of the Site of the said Toll House, or other Piece or Pieces of Ground not wanted for the Purposes of the said recited Acts or this Act, shall be first made to the Owner of the Land adjoining thereto; and in case such Owner shall be desirous of becoming the Purchaser of such Site or other Piece or Pieces of Ground, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury in such and the like Manner as the Price for any Land to be taken in pursuance of the said recited Acts or any of them, are directed to be settled and ascertained in and by the said recited Acts, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained by the Jury to be the Value thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by the said recited Acts is directed, with respect to Purchases made by the said Trustees *mutatis mutandis*; and in case such Owner shall refuse to pay such Money, upon Demand made thereof by the Treasurer or Clerk to the Trustees, and Tender of the Conveyances of such Site or Piece or Pieces of Ground, the same shall and may be recovered by the said Trustees, by Action of Debt, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such Site or Piece or Pieces of Ground, it shall and may be lawful to and for any Person or Persons (not interested in the Premises), to make an Affidavit,

to

to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Diviſion, or Place where ſuch Site or other Piece or Pieces of Ground ſhall lie, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch Site or Piece or Pieces of Ground (as the Caſe may be), and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to or refuſed by ſuch Owner:

Empowering Truſtees for executing this Act, and the Truſtees of the Handſworth Road Act, to enter into an Agreement reſpecting Repairs of certain Parts of the Road.

VII. And whereas the Truſtees of the ſaid Diſtrict of Roads are, under and by virtue of an Act paſſed in the Forty-ninth Year of His preſent Majeſty's Reign, intituled *An Act for making and repairing a Road from* Soho Hill *in the Pariſh of* Handſworth *to the* Walſall *Turnpike Road on the Northern Side of* Hamſtead Bridge, *and alſo another Road from* Browne's Green *to a Houſe called* The Friary, *all in the County of* Stafford, entitled to receive from the Truſtees for executing the ſaid Act of the Forty-ninth Year of His preſent Majeſty's Reign One Moiety of all the Charges and Expences incurred in and expended by the Truſtees of the ſaid Diſtrict of Roads, in repairing that Part of the ſaid Turnpike Road which lies between the Top of *Soho Hill* and the Town of *Birmingham* aforeſaid, and alſo a proportional Part of the other incidental Expences attending the Support and Repair of the ſaid Turnpike Roads between the ſame Points: And whereas Difficulties have continually occurred in ſettling the Accounts relating to ſuch Repairs and Expences; be it therefore further enacted, That it ſhall be lawful for the Truſtees of the ſaid Diſtrict of Roads, and the Truſtees for executing the ſaid Act, paſſed in the Forty-ninth Year of His preſent Majeſty's Reign, from Time to Time, and for any Term not exceeding the Term of this Act, to enter into an Agreement as to what annual Sum of Money ſhall be paid by ſuch laſt-mentioned Truſtees to the Truſtees of the ſaid Diſtrict of Roads, in lieu of ſuch Moiety and Proportion of the Charges and Expences aforeſaid; and it ſhall be lawful for the Truſtees acting in the Execution of the ſaid Act paſſed in the Forty-ninth Year of the Reign of His preſent Majeſty, out of the Monies to ariſe by virtue of ſuch Act, to pay or cauſe to be paid any Sum of Money ſo to be agreed upon to the Truſtees for the ſaid Diſtrict of Roads, or to their Treaſurer, and it ſhall be lawful for the Truſtees of the ſaid Diſtrict of Roads to accept the ſame, any Thing in the ſaid Acts herein-before recited or this Act contained to the contrary notwithſtanding.

Truſtees may ſue and be ſued in the Name of their Clerks.

VIII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk, and that no Action to be brought or commenced by or againſt the ſaid Truſtees or any Five or more of them, by virtue or on account of the ſaid recited Acts or this Act, or either of them, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Five or more of them; but the Clerk for the Time being to the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in ſuch Action (as the Caſe may be): Provided always, that every ſuch Clerk, in whoſe Name any ſuch Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of the ſaid recited Acts or of this Act, ſhall always be reimburſed and paid out of the Monies to ariſe by virtue of the ſaid recited Acts and this Act, all

all such Costs, Charges, and Expences, as by the Event of any such Proceedings he shall pay, bear, expend, or be put unto, or become chargeable with, by reason of his having been so made Plaintiff or Defendant therein as aforesaid.

Penalty on Persons riding on Causeways.

IX. And be it further enacted, That if any Person shall ride upon any Causeway or Footpath upon or adjoining to the said Roads, or shall drive any Horse, Mare, Gelding, Cattle, or Swine, or any Carriage thereon, or wilfully pull up, destroy, or injure the Posts, Rails, or Fences thereof, or any Part of such Posts, Rails, or Fences respectively; or if any Person or Persons shall make or assist in making any Fire or Fires, commonly called *Bonfires*, or shall set fire to, or let off, or throw away any Squib, Rocket, Serpent, or Firework whatsoever; or bait or assist in baiting any Bull, or turn or drive any Horse, Mare, Gelding, Ass, Cattle, or Swine, for the Purpose of grazing or otherwise, or play at Bandy or Quoits, or Ninepins, or Football, or any other Game or Games, on any Part or Parts of the said Roads, or the Causeways or Footpaths, every Person so offending shall for every such Offence respectively forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture by the said Acts or either of them inflicted, is thereby directed or authorized to be levied, recovered, and applied.

Tickets to be printed.

X. And be it further enacted, That upon Payment of any of the Tolls granted or made payable by or by virtue of the said recited Acts or either of them, or this Act, the Collector or Receiver shall and he is hereby required to deliver *gratis* to the Person paying such Toll a Note or Ticket denoting such Payment, and which Notes or Tickets shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several or respective Gates which such Tickets shall free, or which ought under the Provisions of the said recited Acts or this Act to be passed free for One Payment of Toll.

For preventing Toll Collectors taking undue Tolls.

XI. And be it further enacted, That all and every the Toll Collectors being Lessee of the Tolls by the said Acts authorized to be collected and taken, or appointed, either by the said Trustees or by any such Lessee or Lessees, to collect the Tolls payable at any Turnpike Gate to be continued or erected by virtue of the said recited Acts or this Act on the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Turnpike Gate, immediately on his beginning to collect such Toll or coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person

or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in Answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Tolls, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge.

Toll Collectors not to make use of scurrilous Language to Travellers.

XII. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls by the said Acts, or any of them, authorized to be taken, shall, after Demand thereof made, either at the Turnpike Gate where such Toll should be collected, or immediately after passing through the same, neglect or refuse to pay the said Tolls, or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, or for the Trustees, or for any other Officer duly appointed for that Purpose, to seize and distrain any Horse or Horses, or other Cattle, in respect whereof such Tolls are payable, with their Harness and Accoutrements, or their Lading, or any Carriage with its Lading, or such of them or any Part thereof as such Collector may think fit; and if such Tolls, and the reasonable Charges of such Seizure and Distress shall not be paid within the Space of Three Days next after the Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, or Things so seized or distrained, or such of them or such Part thereof as will be sufficient to satisfy such Tolls, and the Expence of making such Distress and Sale, returning the Overplus of the Money (if any), and what shall remain unsold, on Demand, to the Owner thereof, after such Tolls and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall have been deducted; and if any Dispute shall happen about the Amount of the Tolls due, or about the Charges of making, keeping, or selling any Distress taken by virtue of the said recited Acts or this Act, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and of the Charges of Distress and Sale, and of keeping the Distress (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County, Town, or Place where such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

How Payment may be enforced.

XIII. And be it further enacted, That in case any Dispute, Suit, Litigation, or Appeal shall arise touching or relating to the said Tolls, or any

Collectors of Tolls to be

of

competent Witneſſes.

of them, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, Litigation, or Appeal, on account of his, her, or their being appointed to collect ſuch Tolls, or acting under ſuch Authority as aforeſaid.

Accounts of the Truſtees to be open to the Inſpection of Creditors.

XIV. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe to be entered in a Book regular Accounts of the Receipts and Diſburſements, and of the ſeveral Articles for which ſuch Sums have been diſburſed, which Book ſhall be kept by the Treaſurer or Clerk, in order that any of the Truſtees, or any Creditor or Creditors on the ſaid Tolls, may at all ſeaſonable Times have Acceſs thereto, and take Copies or Extracts therefrom without paying any Thing for the ſame; and in caſe the ſaid Treaſurer or Clerk ſhall refuſe to permit ſuch Perſon or Perſons as aforeſaid to inſpect or take Extracts from ſuch Book of Accounts, he ſhall forfeit and pay for every ſuch Offence any Sum not exceeding the Sum of Five Pounds.

General Exemptions from Tolls.

XV. And be it further enacted, That no Toll ſhall be demanded, taken, or received at any of the Turnpikes or Toll Gates erected or to be erected or continued upon the ſaid Roads, for any Horſes, Cattle, or Carriages of whatſoever Deſcription, employed or to be employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning therefrom; nor for the Horſes belonging to any Officers or Soldiers on their March or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers, nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for the Horſes of any Rector, Vicar, or Curate going to or returning from his own Pariſh Church or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; nor from any Perſon or Perſons going to or returning from Church, Chapel, or other uſual Place of Religious Worſhip within the Pariſh or Place where he, ſhe, or they may reſide, on *Sundays*, or on any other Day on which Divine Worſhip is or ſhall be ordered by Authority to be celebrated, or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Hamlet, or Place through which any Part of ſuch Roads lie; nor for any Horſes, Beaſts, Cattle, or Carriages uſed or employed for the Purpoſe only of carrying or conveying Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Warwick*, *Worceſter*, or *Stafford*, or for any City, Town, or Borough in either of the ſaid Counties; or of carrying or conveying Vagrants ſent by legal Paſſes; or of carrying or conveying Hay, Straw, or Corn in the Straw, not ſold and diſpoſed of, or going to be ſold or diſpoſed of, but going to be laid up in the Barns, Stables, or Yards of the Owners thereof; or of carrying or conveying any Dung, Mould, Manure, or Compoſt,

(other

(other than Lime) to be uſed only for manuring the Land, or going or returning empty in that Employment; nor for any Horſes, Beaſts, or Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Plough, Harrow, or other Implement of Huſbandry, unleſs the Carriage bearing any ſuch Plough, Harrow, or other Implement of Huſbandry, be alſo laden with any other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture; nor for any Horſe, Beaſt, or other Cattle, when going to or returning from being ſhod or farried; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying Materials for making or repairing any Highway or Public Road within any ſuch Pariſh, Hamlet, or Place as aforeſaid, or for rebuilding, building, or repairing any preſent or future Bridge or Bridges on the ſaid Roads under this Truſt; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Roads only, or ſhall not paſs more than One hundred Yards thereon; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for Exerciſe, Inſpection, or Review, provided that ſuch Perſon is in the Uniform of his Corps, and has his Arms, Furniture, and Accoutrements according to the Regulations appointed for ſuch Corps, at the Time of claiming the Exemption; and if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall lie upon the Perſon claiming the ſame.

Owners or Drivers of Waggons conveying Military Stores not to be ſubject to Penalties for Overweight.

XVI. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or in this Act contained to the contrary notwithſtanding.

Penalty on Renters of Tolls compounding for Overweight.

XVII. And be it further enacted, That no Farmer or Farmers, Renter or Renters of the Tolls of any Turnpike or Toll Gate now erected or hereafter to be erected upon the ſaid Roads, or his or their Deputy or Deputies, Agent or Agents, ſhall, without the Conſent in Writing of the ſaid Truſtees for that eſpecial Purpoſe given, make any Compoſition by the Year or otherwiſe with the Inhabitants of any Town or Place, or with any Perſon or Perſons whomſoever, for or in lieu of the Tolls of any

Waggon, Wain, Cart, or other Carriage liable to be weighed at the Engine or Engines erected or to be erected upon the ſaid Roads, for or in reſpect of the Overweight thereof; and in caſe any Farmer or Renter, or Perſon or Perſons, ſhall offend herein, every ſuch Farmer or Renter, Deputy or Agent, ſhall on Conviction thereof, by Confeſſion or upon the Oath of One Witneſs before any One of His Majeſty's Juſtices of the Peace for the County in which the Offence ſhall be committed, forfeit and pay, beſides the Coſts and Charges attending the Conviction, any Sum not exceeding Five Pounds, and ſhall alſo forfeit his or their Contract or Leaſe for renting the Tolls, if the Truſtees or any Five or more of them ſhall think proper to order that the ſame ſhall be thereupon vacated and 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 as aforeſaid ſhall be paid to the Informer, and the other Moiety to the Surveyor or Treaſurer of the ſaid Roads, to be applied towards the Repair thereof, the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo convicted, by Warrant under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices as aforeſaid.

Power to declare Leaſes of Tolls void, on Non-payment of Rent.

XVIII. And be it further enacted, That if upon or after any letting or Agreement for letting the ſaid Tolls by the ſaid Acts or any of them authorized to be taken, or any Part thereof, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame, or any Part thereof, on the Days appointed for Payment thereof, then and in ſuch Caſe the ſaid Truſtees ſhall and may, and are hereby empowered, at any Meeting after Notice of the holding of ſuch Meeting ſhall have been given to the Leſſee or Leſſees of the ſaid Tolls, and ſhall have been alſo affixed upon all the Turnpikes or Toll Gates then erected or ſtanding upon or acroſs the ſaid Roads, Ten Days at leaſt before ſuch Meeting, to declare any Leaſe of the ſaid Tolls, or any Contract or Agreement for letting the ſame, void, and ſuch Leaſe, Contract, or Agreement ſhall be thereupon void to all Intents and Purpoſes from the Time of ſuch Declaration; but the ſaid Leſſee or Leſſees, or his or their Surety or Sureties ſhall nevertheleſs be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract, or Agreement, and for all Coſts, Charges, Damages, and Expences which the ſaid Truſtees, or their Treaſurer for the Time being, ſhall or may pay, ſuſtain, or be put unto, by reaſon of the Non-performance of any Covenant or Agreement, Covenants or Agreements, to be contained in any ſuch Leaſe, Contract, or Agreement on the Part of ſuch Leſſee or Leſſees.

For obtaining Poſſeſſion of Toll Houſes.

XIX. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls by the ſaid Acts or any of them authorized to be taken, or any Perſon or Perſons claiming under him or them, ſhall, at the Expiration of the Term for which ſuch Tolls ſhall be leaſed, or for the Space of Two Days after the Demiſe, Leaſe, or Agreement for letting of ſuch Tolls ſhall be declared void as aforeſaid, refuſe to deliver up the Poſſeſſion of the Toll Houſe or Toll Houſes, Buildings and Premiſes, which ſhall have been demiſed to him or them, with the Tolls ſo leaſed, it ſhall be lawful for any Juſtice of the Peace for the County or Place where ſuch

Toll

Toll Houſe or Toll Houſes, Buildings, and Premiſes ſhall be ſituate reſpectively, by Warrant under his Hand and Seal to order the Conſtables and other Peace Officers of the Pariſh or Place where ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, ſhall be ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, with proper Aſſiſtants, to enter ſuch Toll Houſe or Toll Houſes, Buildings, and Premiſes reſpectively, in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods and Chattels, out of ſuch Toll Houſe or Toll Houſes, Buildings and Premiſes, and to put any Perſon or Perſons whom the ſaid Truſtees or any Five or more of them ſhall appoint, in Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Buildings and Premiſes, ſo that the Tolls payable thereat may thenceforth be received and taken for the Uſe of the ſaid Truſtees, to be applied as by the ſaid recited Acts or this Act is directed.

Application of Compenſation when exceeding 200l.

XX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as in the ſaid Acts mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing the ſaid recited Acts and this Act, to the Intent that ſuch Money may be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making the Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes

poſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 20l.

XXI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the Truſtees for executing the ſaid recited Acts and this Act, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

When leſs than 20l.

XXII. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall not exceed Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Acts or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded

as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery on Motion or Petition.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, in pursuance of the said recited Acts or this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or of this Act, the Purchase Money for

The Court may order reasonable Expences of Purchases to be paid by Trustees.

for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance thereof, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Work.

XXVI. And be it further enacted, That ſo much of the ſaid recited Acts as relates to the Performance of Statute Labour on the ſaid Diſtrict of Roads, ſhall be and the ſame is hereby repealed; and that all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall be lawful for any Two or more Juſtices of the Peace for the Counties of *Warwick*, *Worceſter*, and *Stafford*, within their reſpective Juriſdictions, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part and Proportion of Statute Work ſhall every Year be done upon the ſaid Diſtrict of Roads by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſaid Diſtrict of Roads lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Hamlet, or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh, Hamlet, or Place within their reſpective Juriſdiction, to bring in Liſts before ſuch Juſtices, at ſome Place, to be expreſſed in ſuch Summons, (within Five Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who within ſuch Pariſh, Hamlet, or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts, or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner, and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in force and effect for Repairs of the Public Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may appoint and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Roads as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu

of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper, to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in Default of Payment thereof, the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by the ſaid recited Acts authorized or directed to be recovered; and each and every Perſon who ſhall refuſe or neglect to do ſuch Statute Work as aforeſaid, (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode, for that Purpoſe, by any Surveyor to the ſaid Truſtees) ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team, or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſcharge the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Roads; and if any Surveyor of the Highways for any of the ſaid Pariſhes, Hamlets, or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For ſecuring tranſient Offenders.

XXVII. And whereas Offences may be committed againſt the ſaid recited Acts and this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, Collectors, Surveyors, or other Officers reſpectively, and ſuch Perſon or Perſons as they or he ſhall call to their or his Aſſiſtance, without any Warrant or other Authority than this Act, to ſeize and detain any ſuch unknown Perſon or Perſons as ſhall commit any Offence or Offences againſt the ſaid recited Acts or this Act, and to take him, her, or them before any Juſtice of the Peace for the County or Place where the Offence or Offences ſhall be committed, to be dealt with according to Law.

For paying the Expences of this Act.

XXVIII. And be it further enacted, That the Charges and Expences incurred in and about the obtaining and paſſing of this Act, together with lawful Intereſt for the Money which ſhall be advanced from Time to Time for that Purpoſe, ſhall be paid out of any Money already raiſed upon the ſaid Diſtrict of Roads by virtue of the ſaid recited Acts, or out of

of the first Monies which shall be raised or borrowed upon the Credit of the said recited Acts and this Act, in respect of the same, or out of any Money to be collected by virtue thereof, in preference to all other Payments whatsoever.

For getting Materials to repair the Roads.

XXIX. And be it further enacted, That so much and such Parts of the said recited Acts as authorizes the said Surveyors, by Order of the said Trustees of the said District of Roads, to get Materials for repairing such Roads, shall be and the same is and are hereby repealed; and it shall and may be lawful for the Surveyor or Surveyors of the said Roads, and all such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the said Roads, out of any Waste or Common Ground, Common River or Brook, in any Parish, Town, or Place in, adjoining to, or lying near the said Roads, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same, they the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks whence such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and if sufficient Quantities of Materials cannot be had or found in or upon any such Waste or Common Ground, Common River or Brook, then and in such Case the Surveyor or Surveyors, as other Persons as aforesaid, may by Order of any Two Justices of the Peace, search for, dig, gather, and take away any such Materials in and out of the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, planted Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of the Materials, and for the Damage done to the Owners and Occupiers of such Grounds where and from whence the same shall be dug, gathered, and carried away, or over which the same, or any other Materials for making or repairing the said Roads, shall be carried, as the said Justices shall adjudge reasonable.

Notice to be given before Materials taken.

XXX. And be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any Person or Persons acting under the Authority of this or the said recited Acts, to dig, gather, get, take, or carry away any Materials for repairing such Roads, out of or from any inclosed Lands or Grounds, without the Consent in Writing of the Owners or Occupiers thereof, first had and obtained for that Purpose, and until Ten Days previous Notice in Writing, signed by the Surveyor of the said Roads, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House, or last usual Place of Abode of such Owners or Occupiers, to appear before any Justice or Justices of the Peace acting in and for the County or Place in which such Lands or Grounds shall be situate, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Owner or Occupier or his Agent shall attend pursuant to

to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize such Surveyor or other Person to dig, gather, get, take, and carry away such Materials, in such Manner as is directed by the said recited Acts, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justice or Justices may (upon Proof on Oath of the Service of such Notice, and which Oath they or any of them are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier or his Agent had attended.

Penalty on taking away Materials got by Surveyors.

XXXI. And be it further enacted, That if any Person or Persons shall take or carry away any Materials which shall have been dug or gathered for the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence any Sum not exceeding the Sum of Five Pounds.

Saving Rights of Commissioners under Birmingham Improvement Act.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent the Commissioners for carrying into Execution an Act passed in the Fifty-second Year of the Reign of His present Majesty, intituled *An Act for better paving, lighting, watching, cleansing, and otherwise improving the Town of* Birmingham, *in the County of* Warwick, *and for regulating the Police and Markets of the said Town*, from exercising and carrying into Execution any of the Powers or Authorities vested in them by the said Act for removing and preventing all Nuisances, Obstructions, and Annoyances whatever, which shall or may exist or be made upon that Part of the said Turnpike Road which lies in the Parish of *Birmingham* aforesaid; but that all and every of the Powers, Provisions, and Authorities vested in them by the said Act, shall and may be exercised and carried into Effect, in, over, and upon the said Road, as in other Parts of the said Town of *Birmingham*, in like Manner in every Respect as if this Act had not passed.

Public Act.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

XXXIV. And be it further enacted, That the said recited Acts (subject to the Alterations, Additions and Amendments in this Act contained) and this Act, shall be put in force and be executed, with respect to the said District of Roads, for and during the Residue now to come of the

Term granted by the said recited Acts, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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