ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 9.

An Act for enlarging the Terms and Powers of Two Acts of the Sixth and Twenty-seventh Years of His present Majesty, for repairing and widening the Road from *Muckley Corner* to *Walsall* and *Wednesbury*, and to *Leigh Brook* and *Ocker Hill*, and several other Roads, in the County of *Stafford*, so far as the same relate to the Two first Districts of Road therein comprised. [23d *March* 1807.]

WHEREAS an Act was passed, in the Sixth Year of His present Majesty, *for repairing and widening the Road from* Muckley Corner *to* Walsall *and* Wednesbury, *and to* Leigh Brook *and* Ocker Hill, *and several other Roads, in the County of* Stafford: And whereas another Act was passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act, passed in the Sixth Year of the Reign of His present Majesty, for repairing and widening the Road from* Muckley Corner *to* Walsall *and* Wednesbury, *and to* Leigh Brook *and* Ocker Hill, *and several other Roads, in* 6 G. 3. c. 99. 27 G. 3. c. 90.

in the County of Stafford, *ſo far as the ſame relates to the Two firſt Diſtricts of Road therein compriſed*: And whereas the Truſtees appointed in and by virtue of the ſaid Acts, have made conſiderable Progreſs in the Execution thereof, ſo far as the ſame relate to the ſaid Firſt and Second Diſtricts of Road, and have borrowed conſiderable Sums of Money, which are now due and owing, on the Credit of the Tolls and Duties ariſing within the ſaid Two Diſtricts of Road; which Monies cannot be repaid, nor the ſaid Diſtricts of Road be effectually amended, widened, and kept in Repair, unleſs the Term and Powers of the ſaid Acts, ſo far as the ſame relate to the ſaid Two Diſtricts of Road, 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, Matters and Things therein contained, ſo far as the ſame relate to the Firſt and Second Diſtricts of Road, in the ſaid Acts mentioned and deſcribed (except ſuch as relate to Exemptions from Stamp Duties, or as are hereby altered, varied, or repealed) ſhall be and continue in full Force and Effect, and be put in Execution for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act; but ſubject nevertheleſs to the Amendments, Variations, and Alterations herein contained, and which ſhall commence and take Effect from the paſſing of this Act; and this Act and the additional Term hereby granted, ſhall be ſubject and liable to the Payment of all Monies now due and owing, or hereafter to grow due or be borrowed, on the Credit of the ſaid recited Acts and this Act, ſo far as relate to the ſaid Two Diſtricts of Road, and all Intereſt due and to grow due for the ſame reſpectively.

New Truſtees.

II. And be it further enacted, That the Right Honourable *Grenville Leviſon Gower* commonly called Lord *Leviſon Gower*, the Right Honourable *Orlando* Lord *Bradford* Sir *Edward Littleton* Baronet, Sir *Joſeph Scott* Baronet, *Moreton Walhouſe*, Eſquire, *John Walhouſe* Eſquire, *John Clements Whateley* Eſquire, *Nathaniel Gooding Clarke* Eſquire, *William Alexander*, *John Adams*, *Henry Adams*, *Charles Adams*, *Thomas Adams* Surgepn, *John Adams* Birmingham Street, *Joſiah Adams*, *Richard Adams*, *John Aſh*, *William While Adams*, *Thomas Adams* Ruſhall Street, *Joſeph Adams*, *Samuel Addiſon*, *Benjamin Barber*, *William Brookes*, *Thomas Brookes* junior, *Henry Bowman*, *John Bealey Stanley*, *John Partridge Blakemore*, *Edward Beſt*, *Benjamin Bickley*, *John Badger*, *William Badger*, *Joſeph Bagnell*, *Edward Barber*, *Thomas Barber*, *Samuel Barber*, *Henry Barber*, *Edward Banton*, *John Vaughan Barber*, *Edward Crowther*, *Stephen Falkner Crowther*, *Simon Conſtable*, *John Crowther*, *Henry Curzon*, *Henry Curzon* junior, *Joſeph Curzon*, *Hill Cox*, *Joſeph Curtis*, *Joſeph Curtis* junior, *William Clarkſon*, *Richard Crump*, *Benjamin Conſtable*, *Iſaiah Danks*, *Charles Henry Darwall*, *John Eld*, *John Ebb*, *Sylvanus Earp* the younger, *Samuel Elwell*, *Edward Elwell*, *John Elwell*, *John Freeth* junior, *Samuel Fletcher*, *Richard Moore Fletcher*, *Charles Smith Forſter*, *John Forſter*, *George Forſter*, *Joſeph Griffin*, *Hyla Holden*, *John Heeley*, *Joſeph Hateley*, *Edward Hathaway*, *John Hodſon*, *Walter Horton*, *Thomas Huſkiſon*, *John Harriſon*, *John Harriſon* junior, *William Harriſon*, *Joſeph Harriſon*, *Thomas James* junior, *Joſeph Jenns*, *Richard James*, *Whitmore Jones*, *Thomas Lees*, *William Lees*, *George Lees*, *Thomas*

Thomas Morris, *John Mold*, *William Mold*, *Charles Mold*, *Isaac Markdew*, *Joseph Mountford*, *William Nevill*, *Joseph Maisen*, *John Nicholls*, the Reverend *Philip Pratt*, *Henry Pitt*, *John Parnell*, *James Pittman*, *Henry Quinton*, *Thomas Russell*, *John Russell*, *Adam Rhodes*, *Abel Round*, *Joseph Round*, *Richard Rutter*, *James Rooker*, *John Rooker*, *Joseph Reynolds*, *James Smith* junior, *Samuel Smith* junior, *William Swain*, *John Swain*, *Samuel Sherratt*, the Reverend *Thomas Hector Spurrier*, *Walter Spurrier*, *Thomas Scott*, *Joseph Stubbs* Walsall, *Edward Salt*, *William Shorters*, *Joseph Spurrier*, *Henry Tibbets*, *William Titley*, *Charles Thornhill*, *James Thornhill*, *William Spurrier*, *William Gilbert Wood*, *William Walton*, *John Wood*, *Francis Watkin Weaver*, *Joseph Woolatt* Surgeon, *Edward Wright* of Wednesbury, *Charles Windle* junior, *William Wood*, *Samuel Wood* junior, *Fowler Walker*, *William Wootton*, *Benjamin Willetts*, *William Walker*, *Thomas Walker*, the Reverend *John Waltham*, *John Williams*, *Peter Weatherhead* junior, and *Francis Yates*, shall, from and immediately after the passing of this Act, be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts or either of them, for putting the same and this Act in Execution; and the Trustees hereby appointed, and their Successors (being qualified according to the Direction of the said first recited Act) are hereby empowered to put the said recited Acts and this Act in Execution, with respect to the said Two Districts of Road, as fully and effectually, to all Intents and Purposes, as if they had been named in and appointed by the said recited Acts or either of them.

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

III. 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, so far as the same relate to the said Two Districts of Road, 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 Acts and this Act, all such Costs, Charges, and Expences as by the Event of any such Proceeding 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.

Empowering Trustees to purchase and take down certain Buildings at the Entrance of the Town of Walsall.

IV. And whereas Part of the Second District of the said Road, at the Entrance into the Town of *Walsall* from *Birmingham*, is narrow and inconvenient for the Passage of Carriages; and in order to make the same of a proper Width and commodious for the Publick, it is expedient that certain Messuages, Tenements, and Buildings, in a Street there called *King Street*, mentioned and described in the Schedule hereunto annexed, should be taken down, and the Scites thereof, and certain Lands occupied therewith, or adjoining thereto, in the said Schedule also mentioned and described, should be laid into the said Road; be it therefore further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority to purchase, pull down, remove, take, and make use of the

Messuages

Meſſuages and Buildings, Tenements, Lands, and Hereditaments deſcribed in the ſaid Schedule, for the Purpoſe of opening and widening the ſaid Road; and that the ſaid Truſtees, or any Five or more of them, as aforeſaid, ſhall and may make or cauſe to be made the ſaid Improvement in ſuch Direction and of ſuch Dimenſions, not exceeding Sixty Feet in Width, and in ſuch Manner as to them, or any Five or more of them, ſhall appear moſt proper and convenient.

Miſnomers not to prevent the Execution of the Act.

V. Provided always, and be it further enacted, That if any or either of the Premiſes mentioned and deſcribed in the Schedule hereunto annexed, or any of the Perſons in whoſe Poſſeſſion or Occupation the ſame or any Part thereof are or is ſtated or deſcribed to be, or the Owner or Owners thereof ſhall happen to be miſnamed or inaccurately deſcribed, ſuch Miſnomer or inaccurate Deſcription, ſhall not prevent or retard the Truſtees in the Execution of this Act; but the ſame Premiſes, and every Part thereof, ſhall and may be uſed, ſold, conveyed, diſpoſed of, and applied to and for the Purpoſes of this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame or any Part thereof were more particularly deſcribed or named; any Thing herein contained to the contrary notwithſtanding.

Corporations, &c. empowered to ſell Lands, &c.

VI. And be it further enacted, That it ſhall be lawful for any Bodies Politick, Corporate, or Collegiate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of any Infants, Wards, Femes Covert, Ceſtuique Truſts, Lunaticks, Idiots, or other incapacitated Perſons, and to and for all Femes Covert, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of, or intereſted in any of the Meſſuages, Buildings, Tenements, Lands, or Hereditaments mentioned in the ſaid Schedule, to contract and agree with the ſaid Truſtees, for the Satisfaction to be made to or for any Loſs or Damage ſuch Owners or Perſons may ſuſtain, by diverting or turning the Courſe of ſuch Road, through the Ground on which the Meſſuages and Buildings mentioned in the ſaid Schedule now ſtand, or in or through any Land therein alſo mentioned and deſcribed; and to ſell and convey unto them, or any Five or more of them, all or any of ſuch Meſſuages, Buildings, Tenements, Lands, or Hereditaments, or any Part thereof, for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall be valid, to all Intents and Purpoſes, any Law, Statute, Uſuage, or other Matter whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, Truſtees, Femes Covert, Ceſtuique Truſts, and all and every Perſon and Perſons whomſoever, ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

Jury to ſettle the Damages or Recompence, in caſe the Parties cannot agree.

VII. And be it further enacted, That if any ſuch Corporation or Perſon, upon Notice to him, her, or them, given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon, or of the Principal Officer of ſuch Corporation; or at the Houſe of the Tenant in Poſſeſſion of the Meſſuages, Buildings, Tenements, Lands, or Hereditaments

taments described in the said Schedule, shall, for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees, or any Five or more of them, shall cause such Damage and Recompence to be enquired into, and ascertained by a Jury of Twelve indifferent Men of the County of *Stafford*; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined concerning the Premises, which Oath any One of the said Trustees present are hereby empowered to administer; and they shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have enquired of, ascertained, and assessed such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said several Owners and other Persons interested in the said Messuages, Buildings, Tenements, Lands, or Hereditaments, according to the Verdict or Inquisition of such Jury; which said Verdict or Inquisition and Judgement, Order, or Determinaation thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming or to claim in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, Cestuique Trusts, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Ecclesiastical and Civil, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Proprietors, and Occupiers, and Persons interested in such Messuages, Buildings, Tenements, Lands, or Hereditaments, shall, upon Payment or Tender of the Money so assessed as aforesaid, be thereby from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, and to the same; and for summoning and returning such Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County of *Stafford*, commanding him to impannel, summon, and return Twenty-four indifferent Persons, qualified to serve upon Juries, to appear before the said Trustees, or any Five or more of them, at such Time and Place, as in such Warrant or Warrants shall be appointed; and the said Sheriff, or his Deputy or Deputies is and are hereby required to impannel, summon and return such Number of Persons accordingly; and out of the Persons so summoned, impannelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Five or more of them, shall and they are hereby empowered and required to swear or cause to be sworn Twelve, to be drawn by Ballot out of the said Twenty-four, and in default of a sufficient Number of Persons so impannelled, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, who shall be sworn in like Manner, until the Number of Twelve be completed, which Twelve shall be the Jury for the Purposes aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them,

Jury how to be summoned.

acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on the ſaid Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or that ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or ſhall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, and from Time to Time recover, levy, and apply the Fines in the ſame Manner as any Fine or Fines, Penalty or Forfeiture is by the ſaid recited Acts or this Act authorized and directed to be recovered, levied, and applied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds on any one Perſon for one Offence.

How Money is to be raiſed.

VIII. And be it further enacted, That all and every Sum and Sums of Money ſo aſſeſſed as aforeſaid, is and are hereby charged upon the Monies which ſhall be raiſed by virtue of this Act, within the Second Diſtrict of the ſaid Road, and ſhall be paid thereout by the ſaid Truſtees, or any Five or more of them, or their Treaſurer, according to the Directions herein-after contained, either into the Bank of *England*, or (as the Caſe may be) to the Perſons reſpectively entitled thereto, or their Agents; and if ſuch Perſons or their Agents cannot be met with, or upon Tender of ſuch Money ſhall refuſe to receive the ſame, then and upon Payment thereof, or in caſe upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of the reſpective Perſons entitled thereto, and Notice thereof in Writing, ſigned by any Three or more of the ſaid Truſtees, or their Treaſurer, given to ſuch Perſons, or left at their reſpective uſual Places of Abode, ſuch Meſſuages, Buildings, Tenements, Lands, or Hereditaments, ſhall by the ſaid Truſtees, their Surveyors, or Workmen, be laid into and made Part of the ſaid Two Diſtricts of Road, and ſhall, to all Intents and Purpoſes, become and be a Common Highway, and for ever afterwards be deemed Part of the ſaid Second Diſtrict of Road, and ſhall be repaired and kept in Repair in ſuch Manner as the old Road ſo widened, altered, or turned, was and ought to have been kept in Repair; and after the ſaid Road ſhall have been ſo widened, improved, and made complete, the Land not wanted for making the ſaid Improvements, and the Land conſtituting the former Road, or ſuch Part thereof as ſhall be uſeleſs or unneceſſary for the Purpoſes of a Publick or Common Highway, ſhall be veſted in, and ſhall and may be ſold by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Repair of the ſaid Second Diſtrict of Road, and other the Purpoſes of this Act; and the Conveyance to be made of ſuch Land being executed by the ſaid Truſtees, or any Five or more of them, and inrolled by the Clerk of the Peace for the County of *Stafford*, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

Owners of Buildings and Land uſed for making a new Road to have the firſt Offer of the old Road.

IX. Provided always, and be it further enacted, That the Offer of the Purchaſe of any old Road, or of any Land not wanted for the Purpoſes of this Act, ſhall be firſt made to the Owner of the adjoining Land which ſhall be cut or uſed for the Purpoſe of widening, turning, or improving the ſaid Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer

Purchaſer of ſuch old Road or Land not wanted for the Purpoſes of this Act, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall be ſtill 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 Buildings and Lands to be taken in purſuance of this Act, is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof at the Sum to be aſcertained by the Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road or Land not wanted for the Purpoſes of this Act, 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 old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit 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, Town, or Place where ſuch old Road or Land not wanted for the Purpoſes of this Act 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 old Road or Land as laſt aforeſaid (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 was refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for the Purpoſes of this Act, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road as is become unneceſſary, and as is lying immediately adjoining to his, her, or their Land reſpectively, in Manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively, ſhall be willing and conſent to take ſuch old Road in exchange for any Buildings or Land taken or uſed for the Purpoſes of this Act, 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 by entering the ſame in their Books, and delivering to him, her, or them a Copy of the Entry thereof, ſigned by any Five or more of the ſaid Truſtees, which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

Truſtees intereſted not to enter into Contract for their own Premiſes.

X. Provided always, That no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for or purchaſing of any of the ſaid Meſſuages, Buildings, Tenements, Lands, and Hereditaments, wherein he ſhall be particularly concerned or intereſted.

By whom the Expences of the Jury are to be paid.

XI. Provided alſo, and be it enacted, That in all Caſes where a Verdict ſhall be given for more Monies as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Meſſuages, Buildings, Tenements, Lands, or Hereditaments, or for any ſuch Loſs or Damage than what ſhall have been previouſly agreed to or offered by or on Behalf of the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, or for leſs Money than ſhall be offered to be accepted or taken on Behalf of the ſaid Truſtees, as the Purchaſe Money for any ſuch old

Road

Road or Land not wanted for the Purpoſes of this Act as aforeſaid, that then and in every ſuch Caſe the Coſts and Charges of ſummoning ſuch Jury, and of taking ſuch Inqueſt, ſhall be defrayed by the ſaid Truſtees, or any Five or more of them, out of the Money already raiſed or to be raiſed by virtue of the ſaid recited Acts and this Act; but if any Verdict or Aſſeſſment ſhall be given or made for no more or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Truſtees, or any Five or more of them, before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for the ſame or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road or Land as aforeſaid, then and in every ſuch Caſe the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſts, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute, which ſaid Coſts and Expences ſhall be aſcertained and ſettled by ſome Juſtice of the Peace, not intereſted in the Matter in queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe (who is hereby authorized and required to examine and ſettle the ſame, and ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment and Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a Payment and Tender of the whole Sums ſo aſſeſſed and adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand after being ſo aſcertained and ſettled as aforeſaid may be recovered by the Clerk to the ſaid Truſtees, by ſuch Ways and Means as are by the ſaid recited Acts or either of them, provided for the Recovery of any Penalty or Forfeiture thereby incurred: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Truſtees, ſuch Coſts and Charges ſhall be borne and paid by the ſaid Truſtees in Manner aforeſaid.

Application of Compenſation Money when exceeding 200l.

XII. 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 or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as in the ſaid firſt recited Acts or this Act particularly 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 Acts and this Act, to the Intent that ſuch Money ſhall 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,

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 Lands, Tenements, or 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 ſuch Conveyance or 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 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.

Application where the Compenſation is leſs than 200l. and exceeds 20l.

XIII. 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 Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or 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 ſaid 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 Court of Chancery.

Application where the Money is leſs than 20l.

XIV. Provided always, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next beforementioned, ſhall be leſs than 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 the ſaid Acts and

and 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,

XV. 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 and 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 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, 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 Publick 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.

Where any Question shall arise touching such Money, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

XVI. 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 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 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:

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

XVII. 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 this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, 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 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.

Exemptions from Toll.

XVIII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying and conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Two Districts of Road, or any of the Roads in the Townships or Parishes in which any Part of such Districts of Road lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners; or for any Horse, Cattle, Beast, or Carriage, 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 Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Compost, or Manure, employed in Husbandry for manuring or improving Lands (Chalk or Lime excepted); or for any other Thing employed in the Management of any Farm or Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places; or going to be or returning from being shoed or farried; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered to be celebrated; or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle or Carriage, of whatsoever Discription, 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 back from conveying the same; or for any Horse, Cattle, or Beast, attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast,

employed

employed in the Conveyance of Vagrants ſent by legal Paſſes to their Place or Places of Settlement, or returning therefrom; or for any Horſe, Cattle, Beaſt, or Carriage carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Stafford* on the Day or Days of ſuch Election, or on the Day before or on the Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding, furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, one Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of this Act, and ſhall and may be levied and recovered in the ſame Manner as any other Penalty may by the ſaid Acts, or either of them, be levied and recovered.

Perſons chargeable to Statute Work to continue ſo. Juſtices to determine Differences touching Statute Work.

XIX. Provided always, and be it further enacted, 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 Two Diſtricts of Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for any County, City, Borough or Town Corporate, in which the ſaid Two Diſtricts of Road, or any Part thereof, is ſituate; and they are hereby empowered and required, 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 or Proportion of the Statute Work ſhall every Year be done upon the ſaid Diſtricts of Road, by the Inhabitants of the reſpective Pariſhes or Places within their reſpective Juriſdictions, and in which the ſaid Two Diſtricts of Road lie; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh 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 and may be lawful to and for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, Liſts of the Names of the ſeveral Perſons who within ſuch Pariſh 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 the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order

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 Two Districts of Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Districts of Road 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 they the said Justices shall direct; aud 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 neglect or refuse 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 publick 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 Road, shall be found idle or negligent by any Surveyor to the said Trustees such Surveyor is hereby empowered to remove and turn off 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 Districts of Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Districts of Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or 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.

Trustees may compound for Statute Work.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on the said Districts of Road, or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes or Places in which the said Two Districts of Road are situate, for a certain Sum of Money by the Year, or otherwise as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute or other Work, to be by all or any of the said Inhabitants and Occupiers done on the said Districts of Road, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Per-

sons so compounding, to the Treasurer to the said Trustees, in advance on or before the Twenty-ninth Day of *September* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish or Place shall not be permitted to compound for that Year.

Meetings of Trustees to be held in future at Walsall only.

XXI. And whereas it is in and by the said recited Acts directed, that the Trustees shall hold their Meetings for the First of the said Districts of Road, alternately at the Towns of *Walsall* and *Wednesbury*, which is found very unnecessary and inconvenient; be it therefore enacted, That from and after the passing of this Act, all Meetings of the said Trustees for carrying the said recited Acts and this Act into Execution, so far as relate to the said Two Districts of Road, shall be held in the said Town of *Walsall* only.

For preventing Nuisances,

XXII. And be it further enacted, That if any Person shall wilfully set, place, or leave any Waggon, Cart, or other Carriage, or any Plough or Implement of Husbandry, or shall throw, lay down, or leave any Heap of Muck, Soil, Manure, Rubbish, or other Thing whatsoever, in or upon any Part of the said Two Districts of Road or the Causeways thereto adjoining or belonging, and suffer the same to remain thereon longer than Four Hours, every Person so offending shall for every such Offence 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 first recited Act inflicted is thereby directed; and that if any Person shall think himself or herself aggrieved by any Penalty or Forfeiture by this Act imposed, he or she may appeal to the General Quarter Sessions of the Peace to be holden in and for the said County of *Stafford*, in such and the same Manner as Persons are directed and allowed to appeal by the said first recited Act against the Penalties or Forfeitures thereby imposed.

For paying Expences of the Act.

XXIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for all Money which shall be advanced from Time to Time for that Purpose, shall be paid out of any Money already raised by virtue of the said recited Acts, or out of the first Monies which shall be raised or borrowed upon the Credit of the said recited Acts and this Act, on account of the said Two Districts of Road in Preference to al other Payments whatsoever.

Publick Act.

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

Term and Continuance of the Act.

XXV. And be it further enacted, That the said recited Acts subject to the Alterations, Additions, and Amendments in this Act contained, so far as respect the said Two Districts of Road, and this Act, shall continue and be in force, and be executed for and during the Residue now to come of the Term granted and continued 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.

The SCHEDULE to which this Act refers.

In King Street, in the Town of Walfall.

A Meſſuage or Tenement, with a Brewhouſe, and Garden and Yard thereto belonging, the Property of Maſter John Weſtley, and in his own Occupation.

A Houſe or Tenement, Shop, Yard, and Garden, belonging to Bett Spooner, in the Occupation of Henry Barber.

Two otherHouſes or Tenements, the Property of the ſaid Bett Spooner, and in the ſeveral Occupations of John Bird and William Hateley.

One other Houſe and Yard, belonging to the ſaid Bett Spooner, in her own Occupation.

One other Houſe and Shop, belonging to the ſaid Bett Spooner, in the Occupation of James Hodgkins.

Three Houſes or Tenements, belonging to Elizabeth Barber, in the ſeveral Occupations of Elizabeth Reynolds, Richard Forſter, and Sarah Smith.

Another Houſe and Shop, belonging to the ſaid Elizabeth Barber, and in the Occupation of James Partridge.

Another Houſe, with Shops and Yard, belonging to the ſaid Elizabeth Barber, in the Occupation of William Bagnall.

Another Houſe and Yard, belonging to the ſaid Elizabeth Barber, in the Occupation of Joſeph Cooper.

A Houſe or Tenement, and Shop, and void Houſe, the Property of Robert Hildick, in the Occupation of William Wilkinſon.

Another Houſe and Yard, belonging to the ſaid Robert Hildick, in the Occupation of John Hodgkins.

Another Houſe or Tenement, belonging to the ſaid Robert Hildick, and in the Occupation of Benjamin Smith.

Two Gardens, the Property of the ſaid Robert Hildick, and occupied with the Three laſt-mentioned Houſes.

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