ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 15.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the *Warwick* Road near *Solihull* to the Guide Post in *Kenilworth*, and from *Stonebridge*, to meet the aforesaid Road at *Balsall* Common, in the County of *Warwick*, so far as respects the said Road from *Stonebridge* to *Balsall* Common, and from thence to the said Town of *Kenilworth*.

[29th *March* 1814.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His present Majesty for repairing and widening the Road from the *Warwick* Road near *Solihull* to the Guide Post in *Kenilworth*, and from *Stonebridge* to meet the aforesaid Road on *Balsall* Common, in the County of *Warwick*: And whereas another Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term and Powers of an Act of the Twelfth Year of His present Majesty, for repairing and widening the Road from the* Warwick *Road near* Solihull *to the Guide Post in* Kenilworth, *and from* Stonebridge *to meet the aforesaid Road on* Balsall *Common, in the County of* Warwick: And whereas the Trustees for executing the said recited Acts have, in pursuance of the Directions in the last recited Act contained, caused the Course of such Part of the said Road as did lie between *Barston* and *Balsall* Common to be changed, by carrying the same from near a Messuage or Tenement at *Barston* aforesaid, belonging to and in the Occupation

12 G. 3. c. 91.

34 G. 3. c. 116.

cupation of *Thomas Barber*, by a Place called *Ryton End*, in the Parish of *Barston*, and over a Common called *Bradnocks Marsh*, to unite with the present Course of the Road leading from *Kenilworth* aforesaid to *Stonebridge*, and have applied the Money arising from the Sale of such old Road according to the Directions of the said last-recited Act: And whereas a considerable Sum of Money has been borrowed, and is now due and owing, upon the Credit of the Tolls by the said Acts authorized to be taken upon the said Road, which cannot be repaid, nor can the said Road be properly amended, improved, diverted, and kept in Repair, unless the Term and Powers granted by the said recited Acts are further continued and enlarged, and the Tolls increased: 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 Acts, passed in the Twelfth and Thirty-fourth Years of His present Majesty's Reign, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, and Clauses therein contained, (except such as relate to Exemption from Stamp Duties, and such as are varied, altered, or repealed,) shall be and continue in full force, and be extended to this Act, and be executed for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted; but subject nevertheless to the Amendments, Variations, Alterations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said recited Acts, or which may hereafter be borrowed, or become due and owing on the Credit of the said Acts and this Act, and of all Interest due and to grow due for the same respectively.

Trustees discharged from the Care of Part of the Road.

II. And be it further enacted, That, from and after the passing of this Act, the Trustees acting in the Execution of the said recited Acts and of this Act shall be discharged from the Care and Management of that Part of the said Road which leads from the *Warwick* Road near *Solihull*, through *Barston* and *Ryton End* to and over *Bradnocks Marsh* aforesaid, and which unites with the present Course of the said Road leading from *Kenilworth* to *Stonebridge* aforesaid; and that from thenceforth such Part of the said Road shall not be deemed or considered as Part of the Road comprized in the said recited Acts or this Act.

Repealing a Clause in first-recited Act restricting the Erection of a Toll Gate between Stonebridge and Kenilworth.

III. And whereas by the first-recited Act it is enacted, That no Gate or Gates, Turnpike or Turnpikes, shall be erected or set up, in, upon, across, or on the Side or Sides of such Part or Parts of the said Road lying between and extending from *Stonebridge* aforesaid, to the Guide Post at *Kenilworth* aforesaid, (save and except at the North End of a certain Lane called the *Rudfir Lane*, being Part of the said Road): And whereas such restrictive Clause has been found detrimental and injurious to the said Road, and to the Persons who have advanced their Money upon the Security of the Tolls arising therefrom; be it therefore further enacted, That from and immediately after the passing of this Act such Clause shall be and is hereby repealed.

IV. And

IV. And whereas it is by the ſaid firſt-recited Act alſo enacted, that no Perſon ſhall be liable to pay Toll more than Once for paſſing and repaſſing at any Time or Times in one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with the ſame Cattle and Carriage through all or any of the Turnpikes to be erected by virtue of the ſaid Act, acroſs or on the Sides of the ſaid Roads, or acroſs any Lane or Way leading into the ſame; but that all and every Perſon and Perſons, after having paid Toll as aforeſaid, ſhall, during the Remainder of ſuch Day, paſs Toll-free with the ſame Horſes, Cattle, and Carriages through the Turnpike at which any ſuch Toll was paid; and alſo through all other Turnpikes acroſs or on the Sides of ſuch Road reſpectively whereon ſuch Toll or Tolls was or were paid, or acroſs any Lane or Way leading into the ſame, upon producing a Note or Ticket denoting the Payment of ſuch Toll or Tolls, (which Notes or Tickets the Collectors of the Tolls were thereby required to give *gratis* upon Receipt of the Toll): And whereas it has been found expedient to increaſe the Tolls on the ſaid Road in Manner herein-after mentioned; be it therefore further enacted, That from and after the paſſing of this Act the ſaid laſt-recited Clauſe ſhall be and is hereby repealed.

Repealing a Clauſe in former Acts reſtricting Truſtees from taking more than One Toll.

V. And be it further enacted, That, from and after the paſſing of this Act, the Tolls mentioned and expreſſed in the Act ſecondly herein recited ſhall continue payable and be paid at all the Turnpike Gates erected or to be erected by virtue of the ſaid recited Acts and this Act, or either of them, ſubject to the Limitations in this Act contained; and that double the ſaid reſpective Tolls ſhall be demanded and taken on every *Sunday*, during the Continuance of this Act, before any Coach, Waggon, Cart, or Carriage of any Sort whatever, Horſe, Mare, Gelding, Mule, Aſs, Oxen, Neat Cattle, Calves, Swine, Sheep or Lambs, ſhall be allowed to paſs through the Turnpike Gates already ſet up and erected, or which may hereafter be ſet up and erected, on the ſaid Road; and which ſaid reſpective Tolls ſo to be collected ſhall be and are hereby declared to be veſted in the Truſtees appointed or to be appointed for the Purpoſe of the ſaid recited Acts and this Act, and ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, and ſhall and may be levied, recovered, applied, and diſpoſed of, in ſuch and the ſame Manner, and for ſuch Uſes and Purpoſes, as the Tolls granted by the ſaid recited Acts, or either of them, are authorized or directed to be levied, recovered, applied, and diſpoſed of, ſubject nevertheleſs to the Proviſions and Directions of this Act.

Tolls in former Act continued.

Double Tolls to be paid on Sundays.

VI. And be it further enacted, That no Perſon or Perſons having paid the Tolls authorized to be taken by virtue of this Act, or paſſing with any Horſes, Cattle, Sheep, Beaſts, or Carriage whatſoever, through any Turnpike Gate erected or to be erected by virtue of the ſaid recited Acts or this Act, ſhall be ſubject to pay any further or other Toll for returning or repaſſing with the ſame Horſes, Cattle, Sheep, Beaſt or Carriages, as often as he, ſhe, or they ſhall have Occaſion, on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) through the ſame Gate where ſuch Toll ſhall have been ſo paid, ſuch Perſon or Perſons producing a Ticket of the Day denoting ſuch Payment; which Ticket the Collectors of the ſaid Tolls are hereby required to give *gratis* on Receipt of the Toll.

Tolls to be paid but Once a Day.

No more than Two full Tolls to be taken on the whole Line of Road.

VII. Provided always, and be it enacted, That no more than Two Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day with or driving the ſame Horſes, Cattle, Sheep or Beaſts, or with the ſame Carriages, through all the Turnpike Gates erected or to be erected by virtue of the ſaid recited Acts or of this Act; but all and every Perſon and Perſons having paid the ſaid Two Tolls, and producing a Note or Ticket, Notes or Tickets, (which Notes or Tickets the Collectors of the ſaid Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls,) ſhall paſs and repaſs during the ſame Day with or drive the ſame Horſes, Cattle, Sheep or Beaſts, or the ſame Carriages, Toll-free, through all the Turnpike Gates erected or to be erected upon the ſaid Road hereby directed to be repaired by virtue of the ſaid recited Acts or of this Act.

Exemption of Tolls on a Part of the Road.

VIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of or from any Perſon or Perſons for or in reſpect of any Waggon, Wain, Cart, or other Carriage, only paſſing over a certain Part of the ſaid Turnpike Road lying between a certain Lane leading from the ſaid Turnpike Road to the Village of *Meriden*, and a certain other Lane leading from the ſaid Turnpike Road over a newly-erected Bridge acroſs the River *Blyth* to the Village of *Hampton* in *Arden*, which Part of the ſaid Turnpike Road is about Four hundred Yards, more or leſs.

General Exemptions from Toll.

IX. And be it further enacted, That none of the Tolls hereby authorized to be taken ſhall be demanded, taken or received, at any of the Turnpike Gates erected or to be erected, or continued upon the ſaid Road, 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 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 the ſaid Road lies; 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 County of *Warwick*; or of carrying or conveying Vagrants ſent by legal Paſſes, or of carrying or conveying Hay, Straw, or Corn in the Straw for

the Uſe of the Owners, and not for Sale, or purchaſed; or of carrying or conveying any Dung, Mould, Manure or Compoſt, (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 ſhoed 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 Road under this Truſt; nor for any Horſe, Beaſt, Cattle, or Carriage which ſhall croſs the ſaid Road 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.

Exempting Stores from Overweight.

X. 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, or the Horſe or Horſes drawing the ſame, while ſo employed, 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 the 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 or the ſaid recited Acts contained to the contrary notwithſtanding.

Application of Compenſation Money if amounting to 200l.

XI. 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, purſuant to the Method preſcribed by the Act of the Twelfth Year of His late Majeſty King *George* the Firſt, Chapter Thirty-two, and the General Orders of the ſaid Court, without Fee or Reward, 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 any 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 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 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 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.

Where leſs than 200l. and exceeding 20l.

XII. 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, with the Privity and in the Name 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.

Application where not more than 20*l.*

XIII. 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.

XIV. 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, 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 he 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, and shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to

XV. Provided always, and be it further enacted, That when 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

be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto according to ſuch Poſſeſſion.

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 ſhown 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XVI. 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 or Hereditaments to be purchaſed under the Authority of the ſaid recited Acts or of this Act, the Purchaſe Money 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 this Act, or ſo much of ſuch Expences as the 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.

XVII. And be it further enacted, That ſo much of the ſaid recited Acts as relates to the Performance of Statute Labour on the ſaid Road, under the Direction of the ſaid Truſtees, 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 Road, 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 County of *Warwick*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes, Hamlets, or Places in which the ſaid Road 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 or Treaſurers; 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, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Five Days after the ſerving

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 are or may be directed by any Law or Statute in Force and Effect for the 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 Road 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 in ſuch Parts of the ſaid 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 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 or this Act 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 uſual Place or Places of Abode for that Purpoſe, by any Surveyor of 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 or 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 Road, 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 Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; 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 Five Pounds.

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

XVIII. And be it further enacted, That the ſaid Truſtees may ſue or be ſued for or concerning any Thing to be done by virtue or in purſuance of the ſaid recited Acts and this Act, either in the Name of the Truſtees who

who may be Parties to any Deed or Inſtrument in Writing, upon which any Action ſhall or may be brought, or in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of, or againſt the ſaid Truſtees in their Names or in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death, Incapacity, or Removal of any Truſtee or Truſtees, or Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, or any Five or more of them; but that the ſaid Clerk or Treaſurer for the Time being to the ſaid Truſtees, in caſe ſuch Action ſhall be brought by or againſt or defended in the Name of ſuch Clerk or Treaſurer, ſhall be deemed to be Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, that ſuch Truſtees or Clerk or Treaſurer in whoſe Name or Names any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of the ſaid recited Acts or this Act, ſhall be fully reimburſed and paid, out of the Monies ariſing by virtue of the ſaid recited Acts and this Act, all the Coſts, Charges, Damages, and Expences, which by the Event or in conſequence of any ſuch Action or Proceedings they or he ſhall bear, pay, expend, or be put unto, or become chargeable with, by reaſon of their or his being made Plaintiff or Defendant as aforeſaid.

Bar Keepers competent Witneſſes.

XIX. And be it further enacted, That in caſe any Diſpute, Suit or Litigation, ſhall ariſe touching or in anywiſe concerning the ſaid Tolls, or the receiving thereof, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the Truſtees, ſhall not be deemed to be incompetent to give Evidence on any ſuch Diſpute, Suit or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or any of them.

Penalty on Perſons damaging Road, &c.

XX. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and deſignedly pull down, injure, or deſtroy any Bridge or Bridges, Culvert or Culverts, erected or to be erected on the ſaid Road, under the Authority of the ſaid recited Acts or this Act, or ſhall dig up, injure, or deſtroy any Part of the ſaid Road, or within Ten Feet of the Centre thereof, or of any Part thereof; or if any Perſon ſhall ride upon any Footway adjoining to the ſaid Road, or ſhall drive or lead any Horſes or other Cattle, or any Swine, or any Cart or other Carriage on ſuch Footway, or ſhall cauſe any Damage to be done thereto; or if any Perſon ſhall turn or permit, procure, permit or ſuffer to be turned any Horſes or other Cattle, Pig or Pigs, to graze upon, root-up or damage the ſaid Road, or any Part thereof, or the Fences or Hedges on either Side thereof; or if any Perſon ſhall, without ſufficient Cauſe, leave any Coach, Chaiſe, Waggon, Wain, Cart or other Carriage, in, upon, or on the Side of any Part of the ſaid Road, except during ſuch Time as ſhall be neceſſary for loading or unloading the ſame, and ſtanding as near to the Side thereof as conveniently may be, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or ſhall lay any Timber, Wood, Straw, Dung, Rubbiſh, or other Matter or Thing whatſoever, on any Part of the ſaid Road; then and in every ſuch Caſe every Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied towards repairing the ſaid Road.

XXI. 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 by virtue of the ſaid recited Acts, or out of the firſt Money which ſhall be raiſed or borrowed upon the Credit of the ſaid recited Acts and this Act, in preference to all other Payments whatſoever. For paying the Expences of the Act.

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

XXIII. 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 continue and be in force, and be executed 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. Commencement and Continuance of this Act.

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