ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 30.

An Act for enlarging the Term and Powers of Two Acts, passed in the Seventh and Eleventh Years of His present Majesty, for repairing and widening the Road from *Spernal Ash*, in the County of *Warwick*, through *Studley*, to the Town of *Birmingham*. [14th *April* 1808.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road from* Spernal Ash, *in the County of* Warwick, *through* Studley *to a Street called* Digbeth, *in the Town of* Birmingham: And whereas another Act was passed in the Eleventh Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of an Act made in the Seventh Year of the Reign of His present Majesty, for repairing and widening the Road from* Spernal Ash *in the County of* Warwick, *to a Street called* Digbeth, *in the Town of* Birmingham: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in execution, for which Purpose they have borrowed considerable Sums of Money on the Credit of the Tolls thereby granted; which still remain due, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Acts be continued, and some of the Powers and Provisions of the said Acts, 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 Acts passed in the Seventh and Eleventh Years of the Reign of His present Majesty,

7 G. 3. c. 77.

11 G. 3. c. 61.

7 & 11 G. 3. continued,

Majeſty, 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therein contained (except ſuch as relate to Exemption from Stamp Duties, and ſuch as are hereby varied, altered, or repealed) ſhall be and continue in full force, and be executed for and during the Term hereinafter mentioned, as fully and effectually to all Intents and Purpoſes as if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 hereby granted, ſhall be ſubject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the ſaid former Acts, or which may hereafter be borrowed or become due and owing on the Credit of the ſaid former Acts, and this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Truſtees for executing the ſaid Acts to execute this.

II. And be it further enacted, That the Truſtees named in or appointed in purſuance of the ſaid recited Acts or either of them, ſhall be and are hereby appointed Truſtees for putting in execution this Act, and ſhall continue to meet and adjourn from Time to Time, according to the Directions of the ſaid recited Acts.

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 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 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.

Clerk to be reimburſed Expences.

Exemptions from Toll.

IV. And be it further enacted, That no Toll ſhall be demanded or taken at any Toll Gate, for any Cattle or Carriage ſolely employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, any Materials for repairing the ſaid Road, or of any Lime, Dung, Mould, Soil, or Compoſt of any Kind for the manuring of any Garden, or other Land or Ground, in any of the Pariſhes through which the ſaid Road leads, or which are next adjoining to the ſaid Road, or for any Horſe or other Cattle employed in the ploughing, ſowing, tilling, or cultivating of any Land or Grounds in any ſuch Pariſhes; or for any Cattle or Carriages employed in Harveſt Work or Huſbandry, or in the Carriage of any Hay, Straw, or Corn in the Straw not for Sale; or from the Owners or Occupiers of any Lands, or their Servants, going to or from their reſpective Lands, on the Buſineſs only of looking after ſuch Lands, or the Stock upon the ſame; or for any Horſe or other

Cattle

Cattle drawing or conveying any Ploughs, Harrows, or other Implements of Husbandry, in order for the repairing thereof, or using the same in Husbandry, or any Utensil that shall be used or employed in Husbandry, or tilling or manuring of Land; or for any Horses, Cattle, Sheep, Swine or Hogs, going to or passing from Water or Pasture in any of the Parishes through which the said Road leads, or which are next adjoining to the said Road; or for any Horse, Mare, or Gelding, going to be or returning from being shod or farried; or for any Sheep going to or returning from any Wash, Dike, River, or other Place used for the washing of Sheep in any such Parishes, or for any Sheep going to or returning from any Place used for the clipping of Sheep in any such Parishes; or for any Horses 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, or for any Horse belonging to any Officers or Soldiers upon their March or on Duty, or for any Horses, Cattle, or Carriage, employed in carrying or conveying, or returning from carrying or conveying, the Arms or Baggage of any such Officers or Soldiers; or for any Horse, Mare or Gelding, furnished by or for any 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 always, that such Persons are 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; or for any Horses or other Cattle or Carriage employed in conveying Vagrants sent with lawful Passes; or for any Horse or other Cattle that shall be going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the respective Counties of *Warwick* and *Worcester*, on the Day of such Election or Elections, or on the Day before or on the Day after such Election shall begin or be concluded; nor shall any Toll be taken or demanded of or from 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, or upon any other Ecclesiastical Duty; nor 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 on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person who shall die and be buried in any of the said Parishes; and if any Person or Persons shall claim or take the Benefit of any such Exemption, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in such and the same Manner as any Penalties or Forfeitures are by the said first-mentioned Act directed to be recovered and applied.

Statute Work.

V. 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 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 said respective Counties of *Warwick* and *Worcester*, 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 the Statute Work ſhall every Year be done upon the ſaid Road, by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road doth 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 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 or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons) 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 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 ſuch and ſo many of the Perſons who ſhall appear 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 at 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 they 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 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 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 as 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;

Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the ſaid Highways for any of the ſaid Pariſhes 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.

Application of Compenſation when exceeding 200*l.*

VI. 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 firſt recited 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 recited 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 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 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.

Application of Compensation if less than 200l. and exceeding 20l.

VII. 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, 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 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 the 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, be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining, or being required to obtain, the Direction and Approbation of the said Court of Chancery.

Application of Compensation if less than 20l.

VIII. Provided also, and be it further enacted, That when such Money, so agreed or awarded to be paid as next before mentioned, 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 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.

IX. 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 Acts or this Act, for the Purposes of the said Road, 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 the Person or Persons to whom any 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 and may be lawful to and for the said Trustees, or any Five or more of them, to order the Sum and 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 of Chancery,

cery, on the Application of any Perſon or Perſons making Claim to ſuch Sum and 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.

Reſpecting diſputed Titles.

X. 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 Acts or this Act, for the Uſe of the ſaid Road, 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 the 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 One, 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.

Court of Chancery to direct the Payment of Expences.

XI. Provided always, 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 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 Acts and 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 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.

XII. And

For paying the Expences of this Act.

XII. 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 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, in preference to all other Payments whatſoever.

Publick Act.

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

Commencement and Continuance of the Act.

XIV. 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 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.

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