ANNO QUARTO

GEORGII IV. REGIS.

Cap. cxxi.

An Act for more effectually repairing the Roads leading from a Place called the *Welsh Harp*, in the Township of *Stonnall*, in the County of *Stafford*, to *Stone Bridge*, and from *Castle Bromwich* to *Birmingham* in the County of *Warwick*.

[27th *June* 1823.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing and widening the Road from the Bars at* Boughton, *within the Liberties of the City of* Chester, *to* Whitchurch, *and from thence to* Newport *in the County of* Salop, *to* Ivetsey Bank *in the County of* Stafford, *and from thence to* Castle Bromwich *and* Stone Bridge *in the Parish of* Hampton *in* Arden *in the County of* Warwick; *and from* Castle Bromwich *to* Birmingham *in the same County*; whereby the said Roads were divided into Four separate Districts, One of which, being the Road leading from a Village or Place called the *Welsh Harp* in the Township of *Stonnall* to *Stone Bridge* aforesaid, and from *Castle Bromwich* aforesaid to *Birmingham* aforesaid, was called the Fourth District, and separate Trustees were appointed for each District, and the said Fourth District is by the said Act divided into Two Branches, whereof the Road from a Place called the *Welsh Harp* to *Stone Bridge* is one Branch, and the Road from 33 G. 2. c. 51.

from *Castle Bromwich* to *Birmingham* is the other Branch: And whereas
18 G. 3. c. 86. an Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, to enlarge the Term and Powers of the said recited Act, whereby the said Branch of Road leading from the *Welsh Harp* to *Stone Bridge* is directed to be called the *Castle Bromwich Branch*, and the Road leading from *Castle Bromwich* to *Birmingham* is directed to
42 G. 3. c. 61. be called the *Birmingham Branch*: And whereas an Act was passed in the Forty-second Year of the Reign of His said late Majesty King *George* the Third, for enlarging the Term and Powers of the said several Acts, so far as the same related to the Roads leading from a Place called the *Welsh Harp* in the Township of *Stonnall*, in the said County of *Stafford*, to *Stone Bridge* aforesaid, and from *Castle Bromwich* aforesaid to *Birmingham* aforesaid, being the Fourth District of Roads in the said Acts mentioned: And whereas an Act was passed in the Third Year of the Reign
3 G. 4. c. 126. of His present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas the Trustees appointed in or by virtue of the said Acts for the said Fourth District have proceeded to put the same in execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit thereof, with respect to the said Fourth District, which are still due and owing, and cannot be paid off, nor can the said District of Road be effectually amended, widened, improved, and kept in repair, unless the Term granted and continued by the said several Acts, so far as the same relate to the said Fourth District of Road, be further continued; and it would be more convenient if the said Three first-recited Acts, so far as relates to the said Fourth District were repealed, and other Powers and Provisions granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of

The said Three first Actsrepealed, so far as relates to the Fourth District.

the same, That the said Three first-recited Acts, and all the Powers, Provisions, Matters, and Things therein contained, so far as the same relate to the said Fourth District only, shall be and the same is and are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever; and that this Act shall commence and take effect in lieu and instead thereof, and shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually making, diverting, widening, improving, and keeping in repair the said Road leading from the said Village or Place, called the *Welsh Harp* in the Township of *Stonnall*, to *Stone Bridge* aforesaid, and from *Castle Bromwich* aforesaid to *Birmingham* aforesaid, being the Fourth District of Road in the said Acts mentioned; and this Act, and the Term and Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money due and owing on the Credit or on Account of the said Three first-recited Acts, and also of all such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the Three first-recited Acts and of this Act, or any or either of them, and of all Interest due and to grow due for the same respectively.

3 G. 4. c. 126. extended to this Act.

II. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters and Things, contained in the said recited

recited Act passed in the Third Year of the Reign of His present Majesty, shall extend, and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are or any Part thereof is expressly varied, altered, or repealed by this Act.

Bonds and Securities entered into under the former Acts to remain in force until satisfied and paid.

III. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the said Trustees for executing the said Three first recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities, duly made and entered into by the Trustees for executing the said Three first-recited Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said Counties of *Stafford* and *Warwick* respectively, together with *Charles Bowyer Adderley*, *Ralph Adderley*, *Arden Adderley*, *John Aston*, *Thomas Atkins*, *Samuel Adcock*, *John Barker*, *Charles Barker*, *Worley Birch*, *Egerton Arden Bagot* Clerk, *William Riland Bedford* Clerk, *John Browne* Clerk, *Benjamin Brown*, *John Darlaston Blakesley*, —— *Blount*, *John Boultbee*, *John Boultbee* the younger, *Charles Curtis* Clerk, *Edward Croxall*, *Edward Croxall* the younger, *John Chattock*, *Thomas Chattock*, *Charles Chadwick*, *Henry Case*, *John Cox*, *Wriothesley Digby*, *Dugdale Stratford Dugdale*, *William Stratford Dugdale*, *William Dilke*, *John Davies*, *John Davids* Clerk, *John Dicken*, *Joseph Eld*, the Honourable *Edward Finch*, *William Fletcher*, *Thomas Lane Freer* Clerk, *Richard Fowler*, *Richard Fowler* the younger, *Edward Grove*, —— *Gardener* Doctor in Divinity, *Samuel Galton*, *Samuel Tertius Galton*, *John Howard Galton*, *John Gough*, *Bruerton Gibbins*, *John Greensall*, *Thomas Greensall*, Sir *Edmund Craddock Hartopp* Baronet, *George Hartopp*, *Francis Beynon Hacket*, *John Harrison*, *Hyla Holden* Clerk, *Hyla Holden*, *Thomas Hutton*, *James Hipkins*, *Hugh Herringshaw*, *Digby Jenkins*, *John Jenkins*, *Charles Juxon*, Sir *Robert Lawley* Baronet, *Francis Lawley*, *Henry Eyres Landor*, *Abraham Spooner Lillingston*, *Joseph Line*, *Charles Allen Line*, *John Henry Lees*, *Joseph Mendham* Clerk, *Thomas Miles* Clerk, *William Marshall*, *Matthew Mills* of *Beoley*, *Thomas Morewood*, the Right Honourable *George Augustus Frederick Henry Bridgeman* commonly called Lord Viscount *Newport*, the Honourable *Berkeley Noel*, *John Oughton*, Sir *Robert Peel* Baronet, the Right Honourable *Robert Peel*, —— *Parker*, —— *Pickard*, *Shirley Farmer Steel Perkins*, *Charles Piper*, *Joseph Rock*, *William Robinson* Clerk, Sir *Joseph Scott* Baronet, *Edward Doleman Scott*, *Benjamin Spencer* Doctor of Laws, *Robert Sadler* Clerk, —— *Somerville* Clerk, *William Smith*, *Thomas Smallwood*, *Joseph Smallwood*, *William Spurrier*, *Joseph Smith*, *John Swift*, *Isaac Spooner*, *William Spooner* Clerk, *William Tennant*, *Zachariah Twamley*, *William Twamley*, *William Terry*, *Edward Tongue*, *John Tomlinson*, *Riland Vaughton* Clerk, *Joseph Underhill*, *Henry Ward*, *Joseph Spencer Ward*, *Robert Ward*, *William Webb Ward*, *Joseph Webster*,

Webster, Frederick West; William Wakefield Clerk, *George Wakefield, Thomas Wakefield, Thomas Wakefield* Solicitor, *William Wakefield* of *Hurley, John Walker, John Wright, Edward Weston, John Weston, William Weston, Joseph Weston, Henry Weston,* ——— *White, Edward White, Luke York,* and their Successors, shall be and they are hereby appointed Trustees for putting the said last-recited Act and this Act in execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their First Meeting to be holden in pursuance of the said recited Act and this Act, to elect any Number of Persons not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said recited Act, in addition to the Trustees hereby and by the said recited Act appointed; and such Trustees so elected, and being qualified according to the Directions of the said Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said recited Act as if they had been hereby nominated and appointed.

Trustees to take an Oath truly to execute the Acts.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee for putting the said last-recited Act and this Act in Execution, unless he shall be qualified in such Manner as in and by the said last-recited Act is directed and prescribed, and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath mentioned in the said last-recited Act, and the Oath hereinafter mentioned), take and subscribe, before any one or more of the said Trustees, an Oath, or being a Quaker, an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

'I do swear [*or*, being a Quaker, do affirm], That I will truly, 'honestly, and impartially, according to the best of my Judgment, 'execute and perform the several Powers, Authorities, and Trusts reposed 'in me as a Trustee by virtue of an Act passed in the Fourth Year of 'the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* '[*here insert the Title of this Act*], and also an Act passed in the Third 'Year of the Reign of His said Majesty, intituled *An Act to amend the* '*general Laws now in being for regulating Turnpike Roads in that Part* '*of* Great Britain *called* England. So help me GOD.'

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid), before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last-recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

VII. And

First Meeting of the Trustees, and Power to appoint Officers.

VII. And be it further enacted, That the First Meeting of the said Trustees shall be held at the House known by the Sign of *The Bradford Arms*, in the Village of *Castle Bromwich*, in the said County of *Warwick*, or at some other convenient Place on or near the said Fourth District of Roads, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be; at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls, and of all the Monies to be collected, or which shall or may be due and payable under or by virtue of the said recited Act and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their Stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and other Monies to be collected and received under and by virtue of the said last-recited Act and this Act, make such Allowance by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said last-recited Act and this Act, as to the said Trustees shall seem proper.

Treasurer and Clerk not to be the same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Old Officers may continue until others

IX. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers, (except the Treasurer), nominated

are appointed.

nominated and appointed under and by virtue of the said Acts hereby repealed, or either of them, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor, or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Books used under former Acts to be Evidence.

X. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Officers under former Acts to account to the Trustees for executing this Act.

XI. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts hereby repealed, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said last-recited Act inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Act and this Act.

Treasurers to make up their Accounts annually.

XII. Provided always, and be it further enacted, That the Treasurer or Treasurers, for the Time being, of the Monies arising by virtue of the said last-recited Act and this Act, shall and they are hereby required to settle his or their Account or Accounts with the said Trustees or any Three or more of them, in the Month of *January* in every Year, during the Continuance of this Act, in such Manner as is directed in and by the said last-recited Act.

Power to continue the present Gates, and to erect others.

XIII. And be it further enacted, That the said Trustees shall and may continue the several Turnpike Gates and Bars which now stand across or on the Sides of the said Roads, or from Time to Time remove the same or any of them, and set up and erect, in lieu thereof and in addition thereto, One or more Turnpike Gate or Turnpike Gates, Bar or Bars, in, upon, across, or on the Side or Sides of any Part or Parts of the Roads directed by this Act to be amended and repaired, as they the said Trustees may deem expedient; and may also set up and erect a Toll House to each such Turnpike, with suitable Conveniences thereto; and may also inclose from the said Roads, or from any Common or Waste Lands immediately adjoining such Toll Houses, convenient Garden Spots to the said Toll Houses respectively, as they the said Trustees may judge proper, not exceeding in the whole One-eighth Part of a Statute Acre to or for each Toll House; and the said Trustees may cause all or any of such Turnpikes, Toll Gates, Toll Houses, and other Buildings, from Time to Time to be taken down, removed, and set up again, or altered, in such Place or Places across or on the said Roads, or on the Side or Sides thereof, in such Manner as the said Trustees shall judge proper.

XIV. And

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Roads to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by Public Auction or Private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last-recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to take Tolls.

XV. And be it further enacted, That the respective Tolls following shall be demanded, taken, collected, and paid at the several and respective Gates or Turnpikes which have been or shall hereafter be erected upon, across, or on the Side or Sides of the said Roads; (that is to say),

Tolls.

For every Horse, Mule, or other Beast, drawing any Carriage whatsoever, the Sum of Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any greater or less Number: And,

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sevenpence Halfpenny *per* Score, and so in proportion for any greater or less Number.

Which said Tolls, and also the Tolls granted by the said recited Act of the Third Year of the Reign of His said present Majesty, shall be and the same are hereby vested in the said Trustees.

Application of Tolls.

XVI. And be it further enacted, That out of the Monies already raised by virtue of the said Three first-recited Acts, or out of the Tolls and other Monies to be collected and levied under or by virtue of the said last-recited Act and this Act on the said *Castle Bromwich* Branch of Road, or out of the Monies to be borrowed on the Credit thereof, the said Trustees shall, after Payment of One Half of the Charges and Expences incurred about and relating to the obtaining and passing of this Act, defray the Expences and Charges of erecting and providing the Turnpikes, Toll Gates, and

Toll

Toll Houses, and for repairing, widening, altering, turning, keeping in repair, and improving the said *Castle Bromwich* Branch of Road only, and of executing the other Purposes of the said last-recited Act and this Act in relation thereto; and that out of the Monies already raised by virtue of the said Three first-recited Acts, or out of the Tolls or other Monies to be collected and levied under or by virtue of the said last-recited Act and this Act on the said *Birmingham* Branch of Road, or out of the Monies to be borrowed on the Credit thereof, the said Trustees shall, after Payment of One Half of the Charges and Expences incurred in, about, and relating to the obtaining and passing of this Act, defray the Expence and Charge of erecting and providing the Turnpikes, Toll Gates, and Toll Houses, and of repairing, widening, altering, turning, keeping in repair, and improving the said *Birmingham* Branch of Road only, and of executing the other Purposes of the said last-recited Act and this Act in relation thereto, and to no other Use or Purpose whatsoever.

Tolls to be paid only Once a Day.

XVII. Provided always, and be it further enacted, That no Person shall be liable to pay Toll more than Once in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), for passing or repassing with the same Horses, Cattle, Beasts, or Carriages through all or any of the Turnpikes or Toll Gates erected or to be erected and set up and provided by virtue of the said last-recited Act and this Act, or either of them; but that all and every Person and Persons, after having paid Toll once as aforesaid, and producing a Note or Ticket, or Notes or Tickets, denoting the Payment of such Toll, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day, to be computed as aforesaid, through all and every the Gate and Gates, Turnpike and Turnpikes, by virtue of this Act to be erected on the said Road, or across any Road or Way leading out of the same, and that all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis*, on Receipt of the Toll in manner aforesaid.

Stage Coaches, Caravans, and Post Chaises, to pay every Time of passing.

XVIII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring.

Trustees may contract for the making or repairing the Roads.

XIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing, or otherwise improving the said Roads, or any Part thereof, or for doing any other Work to be performed in the Execution of the said last-recited Act and this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees shall think proper; and that all

all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workman or other Person or Persons relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Restraining Trustees from taking down Dwelling Houses, &c. without Consent.

XX. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Regulations as to Performance of Statute Work.

XXI. 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 Roads, or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Stafford* or *Warwick* (as the Case may be), and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, 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 or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest)

and on such Parts of the said Roads, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and 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 refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, 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, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Stafford* or *Warwick* (as the Case may be) on Complaint made to such Justices by the Surveyor to the said Trustees.

In case of Nonpayment of Compensation for Materials, Damages or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order

made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that the said Treasurer shall and may retain, out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

For paying Expences of this Act.

XXIII. And be it further enacted, That One Half of all the Charges and Expences incident to and attending the obtaining and passing of this Act shall be paid out of any Money already raised under or by virtue of the said Three first-recited Acts, or out of the first Money to arise by virtue of the said last-recited Act and of this Act, on the said *Castle Bromwich* Branch of Road, in preference to all other Payments whatsoever; and that One Half of all such Charges and Expences shall be paid out of any Money already raised under or by virtue of the said Three first-recited Acts, or out of the first Money to arise by virtue of the said last-recited Act and this Act, on the said *Birmingham* Branch of Road, in preference to all other Payments whatsoever.

Public Act.

XXIV. 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.

Commencement and Continuance of Act.

XXV. And be it further enacted, That this Act shall commence and take effect upon the passing thereof, and shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.