



ANNO SEXTO

# GEORGIIV. REGIS.

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## Cap. cxlii.

An Act for making and maintaining a Turnpike Road from the Town of *Birmingham* to or near the Town of *Pershore*. [10th June 1825.]

**W**HEREAS the making and maintaining a Turnpike Road from the Town of *Birmingham* into or through the several Parishes, Townships, Hamlets, or Places of *Edgbaston* in the County of *Warwick*, and *Northfield*, *King's Norton*, *Alvechurch*, *Bordesley*, *Redditch*, *Tardebig*, *Feckenham*, *Inkberrow*, *Dormstone*, *Kington*, *Flyford*, *Flavel*, and *Naunton Beachamp*, to or near the Town of *Pershore*, all in the County of *Worcester*, partly along certain old Highways, to be widened, altered, and improved, and partly by making certain new Pieces of Road, would open a shorter and more convenient Communication between the Towns of *Birmingham* and *Pershore*, and other manufacturing Towns and Places in the neighbouring Districts, and would be of great Advantage to the Proprietors and Occupiers of the adjoining Estates, and to Merchants, Tradesmen, and other Inhabitants in the Towns or Places aforesaid, and to the Public in general; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, 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 another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas

[Local.] 47 D another

3 G. 4. c. 126.  
4 G. 4. c. 95.

5 G. 4. c. 69.

Trustees  
appointed.

another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: 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 all His Majesty's Justices of the Peace acting for the County of *Warwick* for the Time being, and all His Majesty's Justices of the Peace acting for the County of *Worcester* for the Time being, together with *Thomas Attwood, John Arnold, George Attwood, Sir William Edward Rouse Boughton* Baronet, *John Bedford, Simon Baylies, Richard Boulton, Thomas Moore Bartleet, John Boulton, John Brasher, Thomas Beale, William Boulton, James Bourne, James Denham Cookes Clerk, Denham James Joseph Cookes Clerk, Barnabas Cheshire, E. B. Compson Clerk, John Chambers Clerk, John Chase, Thomas Chattock, William Corsley, the Right Honourable George William Coventry* commonly called *Viscount Deerhurst, Thomas Cresswell, James Cresswell, Thomas Henry Davies, Henry Geast Dugdale, Thomas H. Entwisle, John English, William Field, Thomas Hunter, John Holmes, Richard Hudson, John Hunter, Edward Herbert Clerk, Henry Hudson, Benjamin Hughes, James Hodges, William Hemming, Richard Hemming, George Hunt, James Hunt, Charles Homer, John Harris, John Richard Ingram Clerk, Clement Ingleby, Edward Johnstone* Doctor of Medicine, *William Izon, Thomas Izon, John Izon, the Honourable Henry Beauchamp Lygon, Sandys Lytton, Benjamin Lyttlewood, Thomas Marriett, John Merry, Robert E. E. Mynors, Henry Mynors, John Moore junior, Henry Milward, Edward Neale Clerk, John Phillips, Joseph Wetherley Phipson, Joseph Purden, Seymour Walford Palmer, John Fox Palmer Clerk, John Peakman, Edward Burton Palmer, John Palmer, William Palmer, William Congreve Russell, John Robeson, Henry Robeson, William Robeson, William Spurrier, Thomas Smith, William Smith, William Southwell Clerk, James Taylor, George Timmins, John Frederick Tonyn Clerk, James Timmins, George Vernon, Thomas Taylor Vernon, Joseph Webster, Thomas Williams, Thomas Walker Webb, John Webb, George Webb, John Walford, Herbert Woodward, Thomas White, Joseph Walker Webb, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making and maintaining the said Road, and for otherwise putting this Act in Execution; and the same Road shall be called "*Birmingham, Redditch, and Persbore Turnpike Road.*"*

Transferring  
Powers of  
Acts 3, 4, & 5  
G. 4. to this  
Act.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this

Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Four in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons, so elected and appointed, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to  
appoint  
additional  
Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Malt Shovel Inn* in the Town of *Birmingham*, or at some other convenient Place in the said Town, on the Third *Wednesday* next after the passing of this Act, or as soon after as conveniently may be; and the Second Meeting shall be held at the *Angel Inn*, in the Town of *Pershore*, or at some other convenient Place in the said Town: Provided always, that all subsequent Meetings under this Act shall be held alternately at the Towns of *Birmingham* and *Pershore*; and the said Trustees shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places in the said Towns respectively as they shall think proper.

Meetings of  
Trustees.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold 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 One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *West-*

Clerk not to  
act as Treas-  
urer, and  
vice versa.

*minster,*

*minster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Treasurer to  
give Security.

VI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office.

For erecting  
Toll Gates,  
Turnpikes,  
Side Bars,  
Weighing  
Machines,  
&c.

VII. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, and set up, or built, upon, in, or across the said Road, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Out-houses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary; and from Time to Time to take down and remove or alter or discontinue the same, or any Part of them, as they the said Trustees shall think proper, and direct or appoint.

Power to  
take Tolls.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which shall be erected or placed by virtue of this Act in, upon, across, or on the Sides of the said Road, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); that is to say,

Tolls.

For every Horse, Mule, or other Beast, drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-a-Vis, Barouche, Phaeton, Chaise-marine, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, Ox, or Bullock, drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, any Sum not exceeding Nine-pence; and having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches or upwards, and less than Six Inches, at the Bottom or Soles thereof, any Sum not exceeding Seven-pence Halfpenny; and having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny:

For every Ox or Head of Neat Cattle, the Sum of One Penny:

And for every Calf, Swine, Sheep, or Lamb, the Sum of One Halfpenny.

Which

Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in manner herein-after directed.

IX. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but Once a Day.

X. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors, to demand or take, for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid), through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Road, more than Four full Tolls.

No more than Four full Tolls to be paid on the whole Line of Road.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Stage Coaches, &c. to pay every Time of passing.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Horses drawing Post Chaises, to be subject again to Toll on every new Hiring.

XIII. And whereas a Part of the Turnpike Road leading from *Upton Snodsbury* through or into the several Parishes or Places of *Naunton Beau-champ* and *Pinvin* in the said County of *Worcester*, to its Termination at or near the *Cross Hands* in *Pinvin* aforesaid, now under the Care and Management of the Trustees appointed by or in pursuance of an Act passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for repairing and amending several Roads leading to and from the Borough of Evesham in the County of Worcester, and several other Roads in the Counties of Worcester and Gloucester*, adjoins to the Road herein-before described, and might be more conveniently and better kept in Repair by the Trustees appointed in this Act, and they may find it desirable in the Execution of their Trusts to undertake the Repair thereof, and the Trustees for executing the said last-recited Act may be

Trustees of this Act may agree with Trustees of 3 G. 4. c. 69. for repairing the Piece of Road herein mentioned.

[Local.]

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desirous of relinquishing the Repairs of so much of the said Road; be it therefore further enacted, That it shall be lawful for the Trustees for executing this Act to enter into an Agreement with the Trustees for executing the said last-recited Act, respecting the Repairs of the said Piece of Road leading from *Upton Snodsbury* to its Termination at or near the *Gross Hands* aforesaid.

Trustees of this Act and Trustees of 59 G. 3. c. 49. may agree as herein mentioned.

XIV. And whereas an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing the Road from Bromsgrove in the County of Worcester to Birmingham in the County of Warwick*: And whereas the Line of Road hereby authorized may pass over and along some Part of the said Road from *Bromsgrove* to *Birmingham*, whereby Persons travelling with Horses or other Beasts or Cattle along the Road hereby authorized, also passing along Part of the said Road leading from *Bromsgrove* to *Birmingham*, will be liable to the Payment of Tolls upon the said *Bromsgrove* Road as well as to the Payment of Tolls upon the Line of Road hereby authorized: And whereas it is expedient that the Trustees of this Act should be empowered to contract and agree with the Trustees of the said Road leading from *Bromsgrove* to *Birmingham*, to do some Part of the Repairs of so much of the said *Bromsgrove* and *Birmingham* Turnpike Road, or to compound for such Repairs; be it therefore further enacted, That it shall and may be lawful for the Trustees acting under this Act, and they are hereby fully authorized and empowered, at any of their Meetings, to enter into any Contract, Arrangement, or Agreement with the Trustees of the said Road leading from *Bromsgrove* to *Birmingham*, for the Trustees of this Act to do any and such Part of the Repairs of the said Road leading from *Bromsgrove* to *Birmingham*, and for such Period or Time as the Trustees of this Act and the Trustees of the said Road leading from *Bromsgrove* to *Birmingham* shall mutually agree upon; and also it shall be lawful for the Trustees for executing this Act, by any Contract, Agreement, or Arrangement, to contract and agree with the Trustees under the said last-recited Act for repairing the Road from *Bromsgrove* in the County of *Worcester* to *Birmingham* in the County of *Warwick*, for exempting from the Payment of the Tolls granted by the said last-recited Act for repairing the said Road leading from *Bromsgrove* to *Birmingham*, all and every Person or Persons for or in respect of any Horse or other Beast or Cattle whatsoever travelling from the Line of Road hereby authorized by or from *Bournbrook* aforesaid to or towards *Birmingham*.

Subscribers to pay their Subscriptions.

XV. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them or on their Behalf, or as the said Trustees shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by

Action

Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanche, shall be allowed, and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

XVI. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purpose of making the said Road, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first Place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies so subscribed, or to be subscribed, advanced, or borrowed, shall be applied in defraying the Expences of making the said Road, and in purchasing Lands and Hereditaments and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution; and after Payment of all such Expences, the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, or otherwise, shall from Time to Time be applied in keeping down the Interest of the Monies subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in amending and keeping in repair the said Road, and the Toll Gates and Toll Houses, and in otherwise putting this Act into Execution; and lastly, in repaying the Principal Monies subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act, or on the Credit thereof.

Application of the Tolls and Money to be borrowed.

XVII. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to make, widen, alter, and divert the said Road, upon, in, over, or through any private Lands, Grounds, or Hereditaments, first making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Forty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Road as they shall think necessary or expedient, and for such Purpose or Purposes to pull down or take and use any Houses, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof, and Persons interested therein, for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being

Road may be made.

being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Road to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

XVIII. And whereas a Map or Plan describing the Line of the said Road, and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Warwick*, and at the Office of the Clerk of the Peace for the said County of *Worcester*; be it therefore enacted, That the said Maps or Plans, and the Books of Reference, shall remain in the Custody of the Clerks of the Peace for the said Counties, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Maps or Plans and Books of Reference; and the said Trustees in making the said Road shall not deviate more than One hundred Yards of Three Feet each from the Line described in such Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made, nor enter the Pieces or Parcels of Land situate in the said Parish of *Northfield*, marked on the said Plan No. 12 and 13, belonging to *Joseph Weatherley Phipson*, but are to make such Road on the Meadow Side such Pieces, and as near as possible to the Hedge or Fence separating the said Meadow from the said Pieces No. 12 and 13, so that the Road is not rendered crooked by being made too near the said Hedge or Fence.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Maps or Plans as aforesaid, and Schedule hereunto annexed, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the Book or Books of Reference, or in the Schedule to this Act, in case it shall appear to any Two or more Justices of the Peace for the County in which the Premises shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner,

XX. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted  
and



and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed, marked (A.)

except those mentioned in Schedule.

XXI. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act, or the said recited Acts, for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Trustees restrained from using Lands, &c. mentioned in the Schedule, unless purchased in Five Years.

XXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person and Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees, for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat, contract, and agree with the Trustees for executing this Act, for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damages aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees,

Trustees may contract for the Purchase of Land.

Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in possession of the Premises, shall, for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages to be inquired into and ascertained by a Jury, in the Manner prescribed by the said recited Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompence for Premises thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

Application  
of Compensation  
Money,  
if amounting  
to 200*l*.

1 G. 4. c. 35.

XXIII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, which shall belong to any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the

Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Road, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is  
herein-

Where less than 200*l.* and amounting to 20*l.*

herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under  
20<sup>l</sup>.

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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, for his, her, or their own Use and Benefit; or in cases of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of  
not making  
out a good  
Title, or  
Persons can-  
not be found,  
the Purchase  
Money to be  
paid into the  
Bank, subject  
to the Order  
of the Court  
of Exchequer,  
on Motion or  
Petition.

XXVI. 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, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the 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 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 Exchequer, to be placed to his Account there, 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; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said 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 therein 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 of *England* as aforesaid.

In case of  
disputed  
Titles.

XXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments,  
or

or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities, or Government or Real Securities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXVIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of 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 this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences to be paid by Trustees.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered to make such Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Road dry, and conveying the Water from the same, and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Road (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained, by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Road, shall

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

[Local.]

47 G

be

be scoured, cleansed, and kept open, repaired and maintained, by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

Unnecessary  
Roads and  
Footpaths  
may be stop-  
ped by Order  
of Trustees.

XXX. And whereas the making of the said Road will render useless and unnecessary a certain Road or Lane leading from *Feckenham* to *Swansbrook Bridge*, and also a certain other Road or Lane called *Blaze Lane*, leading out of *Attwood* and *Ham Green Lane*, all in the Parish of *Feckenham*; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting or Meetings to be held under this Act, by Order under their Hands and Seals, to stop up and discontinue, and prevent the using for the future of the said useless and unnecessary Roads or Lanes, or either of them; and the same shall thenceforth cease to be common Highways or a common Highway, to all Intents and Purposes whatsoever: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Roads or Lanes or Road or Lane so ordered to be stopped up and discontinued as aforesaid, and also upon the Porch Door of the Church belonging to the Parish or Parishes within which such Roads, and Lanes or Road or Lane shall be situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be once inserted in some public Newspaper usually circulated in the County of *Worcester*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make his, her, or their Appeal against the same, as hereinafter provided.

Allowing  
Appeal  
against the  
Order.

XXXI. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing the said old Roads or Lanes respectively, or either of them, to appeal against the same at any General or Quarter Sessions of the Peace for the said County of *Worcester* which shall be held within the Space of Four Calendar Months next after the making of the said Order, upon giving a Notice in Writing of such Appeal (to be duly signed by such Appellant or Appellants), or leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Twenty-eight clear Days next before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions, upon Proof of such Notice of Appeal having been duly given as aforesaid, are hereby authorized and required to hear and determine the said Appeal, and upon the quashing or Confirmation of the said Order, to award and adjudge, that the Party against whom such Appeal shall be determined shall pay such Costs as the said Justices shall appoint; and the said Appeal having been so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

If no Appeal,  
the Order to  
be conclu-  
sive.

XXXII. Provided also, and be it further enacted, That in case no such Appeal shall be made as aforesaid, the said Order or Orders shall be final and conclusive upon all Persons whomsoever.

XXXIII. And be it further enacted, That this Act shall be deemed Public Act. 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.

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

Commence-  
ment and  
Continuance  
of this Act.

## SCHEDULE.

Description of Property.	Owners.	Occupiers.
<i>Redditch.</i>		
Stable and Gardens - - -	Mary Callow - - -	Thomas Aston, Charles Swan, Joseph Thomas.
Small Part of Garden - - -	Mrs. Eliz <sup>th</sup> Hay Studley - - -	Thomas Harborne.
Cottage - - -	Thomas Green - - -	Joseph Aston.
A small Part of Meadow - - -	Mary Callow - - -	Poley Waring.
Gardens - - -	- Ditto - - -	Richard Hill, James Bennett.
A small Part of Garden - - -	James Millward - - -	Habner Mailin.
Pales and Ground projecting into the Road - - -	Henry Stanley - - -	James Bartlett, Thomas Dyer, William Bartlett, - - -
Part of a Timber Yard and Pales and Ground projecting into the Road - - -	Caroline Millward - - -	Mounslow, William Davis, Henry Izod, Charles Cox. - - - Bartleet.
Part of Gardens adjoining each other - - -	Henry Millward, James Mill- ward - - -	- - - Malin.
Part of Garden - - -	Francis Featherstone - - -	Thomas Tandy.
Two Cottages and Rails in front Small Part of Gardens adjoin- ing each other - - -	Henry Stanley - - - Joseph Reading, John Walford	James Purcell, John Davis. Same.
Part of Gardens adjoining each other - - -	Thomas Moore Bartleet - - -	Thomas Smith, Timothy Moun- slow, Percy Mitchell.
House in an unfinished State - - -	Francis Featherstone - - -	Void.
Four Cottages adjoining each other - - -	Sarah Green - - -	George Jones, William Jones, Joseph Wright.
Wall and Garden - - -	Thomas Williams - - -	Joseph Creswell.
<i>Feckenham.</i>		
Part of Garden - - -	Rev <sup>d</sup> Edward Neale - - -	Reverend E. B. Compson.
Part of Garden - - -	John Wilmore - - -	John Wilmore.
Part of Garden - - -	William Lee - - -	William Lee.
Part of Garden - - -	Edmund Gibley - - -	William Browne.
Part of Garden - - -	John Deakin - - -	John Deakin.
Part of Malt-house and Garden - - -	John Mason - - -	John Mason.
Part of Garden - - -	Jesse Williams - - -	Messrs. Hale and Payne.
Part of Garden - - -	Edward Walker Webb - - -	John Sorrell.
Part of Cottage and Garden - - -	John Houghton - - -	John Houghton.
Part of Three Gardens - - -	Joseph Johnson - - -	Zebedee Yoxall, John Yoxall, Thomas Oliver.
<i>King's Norton.</i>		
House and Garden - - -	John Field - - -	Unoccupied.
Part of Garden - - -	Daniel Pritchard - - -	Thomas Cope.
Part of Garden - - -	Churchwardens and Overseers of the Poor of King's Norton - - -	- - -
Cow-shed and Fold-yard - - -	Joseph Weatherley Phipson - - -	Joseph Weatherley Phipson.
<i>Alvechurch.</i>		
Nail-shop and Part of Garden - - -	Daniel Whitehouse - - -	Charles Warner.
Part of Garden - - -	Joseph Ingram - - -	Joseph Ingram.
Part of a House - - -	- - - Smith - - -	Charles Warner.