



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. xxii.

An Act for repairing the Road from *Birmingham* to *Watford Gap*, in the Parish of *Sutton Coldfield* in the County of *Warwick*, and other Roads communicating therewith. [22d *March* 1826.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from Birmingham, 47 G. 3. c. 10.* in the County of *Warwick*, to join the *Litchfield Turnpike Road* in the Parish of *Shenstone*, in the County of *Stafford*, and for making a Branch of Road to communicate therewith: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and have from Time to Time borrowed several Sums of Money on the Credit of the Tolls authorized to be collected on the said Roads, which still remain due and owing, and the said Roads cannot be effectually amended and kept in repair, nor can the Money so remaining due and owing be repaid, unless the Term and Powers of the said Act be enlarged and the Tolls increased: 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 3 G. 4. c. 126.* 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 4 G. 4. c. 95.* 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 another Act was passed in

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5 G. 4. c. 69. 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*: And whereas a certain public Highway or Carriage Road, leading from and out of the said Turnpike Road at a Place called *Gravelly Hill* in the Parish of *Aston nigh Birmingham* aforesaid, through *Curdworth*, *Minworth*, and *Lea Marston*, to *Kingsbury Bridge*, in the County of *Warwick*, is a Road of great public Utility, but narrow and incommodious, and cannot be improved and kept in repair by the ordinary Course of Law, and it is desirable that such public Highway should be put under the Care of the Trustees to be appointed for the Management of the before-mentioned Roads: And whereas it would facilitate the Execution of the Purposes aforesaid if the said first-recited Act were repealed, and if such further and other Powers and Provisions as may be necessary for repairing, widening, and improving the several Roads herein-after mentioned were granted and comprised in One Act: 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 upon the Third *Monday* next after the passing of this Act, the said recited Act passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed; and instead thereof this Act shall thereupon commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in repair the Roads herein-after mentioned; that is to say, the present Turnpike Road commencing at the Junction of the Parishes of *Birmingham* and *Aston nigh Birmingham*, both in the County of *Warwick*, at or near a Place called *Gorsty Green*, situate in the Parishes aforesaid or one of them, and passing through the Parish of *Aston nigh Birmingham* aforesaid, and the Parish and Royal Town of *Sutton Coldfield* in the said County of *Warwick*, unto the Parish of *Shenstone* in the County of *Stafford*, at or near a Place called *Watford Gap*; also the Branch of Turnpike Road leading out of the said first-mentioned Road near the said Town of *Sutton Coldfield*, and passing through Part of the Parish of *Sutton Coldfield* aforesaid, and Parts of the Parish of *Middleton* in the said County of *Warwick*, and of *Drayton Basset* in the County of *Stafford*, to a Place called *Basset's Pole* in the said last-mentioned Parish; and also the said public Highway or Carriage Road leading out of the said first-mentioned Road at *Gravelly Hill* aforesaid, through *Minworth*, *Curdworth*, and *Lea Marston*, to *Kingsbury Bridge* aforesaid; and this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining such Roads, and now due and owing upon the Credit or on account of the said first-recited Act, or secured upon or made payable out of the Tolls hereby granted, and of all Interest due or to grow thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected.

Recited Act
47 G. 3. re-
pealed.

New Term
and Tolls
liable to
Debts due
under former
Act.

Powers of
recited Acts
3, 4, & 5 G. 4.
extended 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,

dies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act passed in the Fourth Year of the Reign of His present Majesty, or 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, shall respectively be as good, valid, and effectual for carrying this Act 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 all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the said Trustees under the said first-recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions or Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; or such Arrears of Tolls or Rents or other Monies so due to the said Trustees under such Act by virtue of any Deed or Specialty shall and may be sued for and recovered in the Name or Names of the Trustee or Trustees to or with whom such Deed or Specialty shall have been so made or entered into, at the Option or Election of the Trustees for executing this Act; and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be received by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer or Treasurers of the said Trustees, to be applied for the Purposes of this Act.

Former
Debts, &c.
vested in new
Trustees.

IV. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Act hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts and by all Judges, Justices, and others; and all Conveyances, Assurances, Mortgages, and Securities, and all Deeds, Bonds, Contracts, and Agreements, granted, made, or entered into under the Powers and Provisions of the said recited Act, shall be as valid and effectual to all Intents and Purposes as the same respectively would have been in case the said recited Act had remained unrepealed.

Books under
former Act
to be Evi-
dence; and
all Mort-
gages, &c.
to be valid.

V. And be it further enacted, That all His Majesty's Justices of the Peace acting for the Counties of *Warwick* and *Stafford* respectively for the Time being, together with *Charles Bowyer Adderley*, *Ralph Adderley*, *Charles Adderley*, *John Arnold*, *John Atkinson*, *Egerton Arden Bagot* Clerk, *Charles Barker*, *William Ryland Bedford* Clerk, *William Bird*, *Francis Blick* Clerk, *Thomas Blood*, *George Blood*, *Richard Bond*, *Benjamin Browne*,
George

Trustees.

George Browne, Sir George Chetwynd Baronet, Henry Chinn, Thomas Chinn, Joseph Clarke, Joseph Cottrell, Edward Croxall, John Deykin, Richard Dicken, John Stubbs Dicken, Dugdale Stratford Dugdale, Humphrey Evett, William Feary, William Fletcher, Richard Fowler, Richard Fowler the younger, William Fowler, Thomas Fox, Samuel Tertius Galton, Brueton Gibbins, Thomas Webb Greene, Richard Greene, Edward Grove, Francis Beynon Hacket, Edmund Craddock Hartop, Thomas Hargreaves, James Hargreaves Clerk, John Harrison, John Holden Harrison Clerk, William Haughton, Thomas Heath, Joseph Heath, Hugh Hernshaw, Richard Hinckley, Arthur Hinckley, Thomas Hinckley, James Hipkins, Thomas Holbeche, Edward Jackson, Paul Moon James, John Jenkins, Lucius Chattock Jenkins, Digby Jenkins, William Southall Joberns, Samuel Kempson, Edward Lambly, Sir Robert Lawley Baronet, Francis Lawley, Francis Lawley, Chandos Leigh, Thomas Levett Clerk, Theophilus Levett, Spencer Maden Doctor in Divinity, Arthur Male, John Shaw Manley, Joseph Mendham Clerk, George Mills, John Moss, William Mott, John Mott, Nigel Nevil, Augustus Berkeley Noel, John Oughton, James Palmer, William Parker, George Peake Clerk, Sir Robert Peel Baronet, Shirley Farmer Steele Perkins, Charles Edward Repington, Josiah Robins, William Robinson Clerk, Edward Sadler, Edward Dolman Scott, John Simcox, Charles Simpson, Harvey Smith, Isaac Spooner, Richard Swinfen, William Tennant, William Terry, John Wilks Unett, Robert Darwin Vaughton, Roger Riland Vaughton Clerk, Thomas Wakefield, George Wakefield, George Wakefield the younger, William Wakefield Clerk, John Walker, Joseph Ward, James Watt, Joseph Webster, William Wheelwright, Thomas White, Thomas Willmore, John Willmore, Robert Willoughby, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for amending, widening, diverting, improving, and keeping in repair the said Roads, and for otherwise carrying this Act into Execution.

Meetings of
Trustees.

VI. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at the *Three Tuns* in *Sutton Goldfield*, or at some other convenient Place, on the *Third Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into Execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Places upon or near to any Part of the said Roads as they shall think proper.

Power to
appoint
additional
Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered at any Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed with respect to Meetings for the Appointment of Trustees on Vacancies) to elect and appoint any Number of Persons not exceeding Four to be Trustees for executing this Act in addition to the Trustees hereby appointed, and such Persons so elected and appointed and being duly qualified, shall be Trustees for the Purposes of this Act, and they are hereby invested
with

with the same Powers and Authorities for executing this Act as if they had been herein named.

VIII. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death, Resignation, or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and every such Appointment shall be entered in the Book of the Proceedings of the Trustees; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers as shall be appointed or continued by virtue of this Act, for their Services in or about the carrying of this Act into Execution, as they the said Trustees shall think reasonable.

Appointment
of Officers.

IX. Provided always, and be it further enacted, That each and every Clerk, Receiver, Collector, Surveyor, and other Officer, (other than the Treasurer or Treasurers) appointed under and by virtue of the said Act hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Old Officers.
(except the
Treasurer)
to continue
until re-
moved.

X. 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 or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners 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, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of 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 or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ 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 or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the

Clerk not to
act as Trea-
surer, and
vice versa.

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Execution

Execution of this Act, or if any such Treasurer shall hold or accept any Place 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 *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed.

Power to
continue and
erect Toll
Gates.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees to continue or to remove the Toll Gate and Side Bars now standing or being in, upon, or across the said Roads, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Roads or any Part thereof, when, where, and as the said Trustees shall judge necessary or expedient, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Bar or Side Bars, Chain or Chains, and also to continue, or where need shall be, to erect and build or cause to be erected and built proper Toll Houses, with suitable Outbuildings and Conveniences thereto, at or near each and every such Toll Gate, Turnpike, Side Bar, or Chain, and to inclose on the Sides of the said Roads suitable Gardens for the Use and Convenience of the Occupiers of such Toll House or Toll Houses (not exceeding One Eighth Part of a Statute Acre each), with such Number of Lamps at such Toll House or Toll Houses as they shall think necessary, and from Time to Time to take down and remove or to alter and discontinue the aforesaid Toll Gates, Turnpikes, Side Bars and Chains, Toll Houses and Gardens, or any of them, as the Trustees shall from Time to Time think proper and expedient.

Power to
take Tolls.

XII. And be it further enacted, That it shall be lawful for the said Trustees, or for any Person or Persons appointed or continued by virtue of this Act Collector or Collectors as aforesaid, to demand and take the following Tolls at the several and respective Turnpikes and Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, to be continued, erected, or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, Once 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 or Beast of Draught drawing any Coach, Chaise, Sociable, Berlin, Landau, Chariot, Barouche, Calash, Curricule, Chair, Gig, Whiskey, Taxed Cart, Caravan, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or upwards at the Bottoms or Soles thereof, the Sum of Five-pence:

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Four Inches and a Half and less than Six Inches at the Bottoms or Soles thereof, the Sum of Sixpence:

For every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the

Wheels thereof of less Breadth or Gauge than Four Inches and a Half at the Bottoms or Soles thereof; the Sum of Seven-pence Halfpenny :
For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny :

For every Timber Carriage or Drag, so constructed as that the Distance between the Axletrees shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling over and above the Toll or Duty herein-before made payable for such Carriage, or the Horses or Beasts of Draught drawing the same :

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number of them :

Which said respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage, upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain ; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner hereinafter directed.

XIII. And be it further enacted, That the said Trustees, at any Meeting to be holden for that Purpose (whereof at least Twenty-one Days Notice shall be given in Writing, to be affixed on all the Toll Gates erected and to be erected upon and across the said Roads, and inserted in some One Newspaper published or circulated in the Counties of *Warwick* and *Stafford*), may and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite or expedient, to lessen and reduce, and again to raise and advance the Tolls hereby authorized to be taken, or any of them, so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken.

Power to vary Tolls.

XIV. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken, for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Toll Gates continued or erected or to be erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket denoting the Payment thereof for that Day being produced (which Ticket the Collector or Collectors of such Tolls is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates (if any) freed by the Payment of such Toll) be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as aforesaid, except as herein-after mentioned.

Tolls to be paid but Once a Day.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees

Limiting the Number of Tolls.

Trustees to demand, receive, or take more than Two full Tolls on the same Day for or in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages through all the several Turnpikes or Toll Gates now erected or to be erected in the several Lines of the said Roads from *Birmingham* to *Watford Gap*, and from *Birmingham* to *Basset's Pole* respectively, nor more than One full Toll on the same Day for or in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages through the several Turnpikes or Toll Gates to be erected on the whole Line of the said Road from *Birmingham* to *Kingsbury Bridge*.

Gates to be placed on Branch Roads.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required to erect, set up, continue, and keep in repair, during the Continuance of this Act, One or more Toll Gate or Toll Gates, Bar or Bars, upon or across some Part or Parts of each of the said Branches of Road, and to demand and take at such Toll Gate or Toll Gates, Bar or Bars, the several Tolls hereby made payable: Provided always, that no Money arising from any of the Tolls hereby authorized to be collected and taken, shall be applied to the Repair of any Branch Road upon which there shall not be any Toll Gate or Bar erected or put up and continued under the Authority of the Trustees for carrying this Act into Execution.

Stage Coaches to pay every Time, and Post Chaises on every new Hiring.

XVII. Provided always, and be it further enacted, That the said Tolls hereby granted shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads, and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, upon every Time of a new Hiring of such Post Chaise or other Carriage.

Manure exempted.

XVIII. Provided also, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure for improving Lands, except Lime.

Application of Tolls and other Monies.

XIX. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Act hereby repealed, on account of the said Roads, or out of the Monies which shall be raised or received by virtue of this Act, the said Trustees shall, in the first place, pay and discharge the Costs and Expences relative to the procuring and passing of this Act; and the Remainder of such Monies shall from Time to Time be applied in erecting Turnpikes, Toll Houses, and Weighing Machines, and in amending, widening, diverting, altering, and improving the said Roads and keeping the same in repair, and in defraying all Charges and Expences of carrying this Act into Execution, and in repaying the Money borrowed or now owing by virtue of the said recited Act on account of the said Roads, or which may hereafter be borrowed on the Credit of this Act, and the Interest due and to grow due thereon.

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XX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on that Part of the present Turnpike Road leading from *Birmingham* aforesaid to *Watford Gap* and *Basset's Pole* aforesaid respectively, or which may be borrowed on the Security of such Tolls, or which may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on such last-mentioned Roads, on any Part or Parts of the said Branch of Road or Highway hereby directed to be repaired and improved and made Turnpike, until the Principal Monies and Interest now due and owing on the Security of the said Tolls to be collected on the said Road from *Birmingham* to *Watford Gap* and *Basset's Pole* respectively, or which may be hereafter borrowed on the Credit thereof, shall be fully paid off and discharged, nor until so much of all such Monies as aforesaid shall have been laid out and expended in the Repairs and Improvement of the said last-mentioned Roads as the said Trustees shall think proper and requisite to be made or done thereon; nor shall it be lawful for the said Trustees to expend or apply any of the Money arising or to be produced from the Tolls to be collected at any Gate or Gates erected or to be erected on the said Branch of Road from *Gravelly Hill* aforesaid to *Kingsbury Bridge*, or which may be borrowed on the Security of such Tolls, or which may be received in lieu of or as a Composition for Statute Duty which ought to be done and performed on such last-mentioned Branch of Road, on any other Part or Parts of the Roads hereby directed to be repaired and improved, until the Principal Monies to be borrowed on the Security of the said Tolls to be collected on the last-mentioned Branch of Road shall be fully paid off and discharged, nor until so much of all such Monies as aforesaid shall have been laid out and expended in the Repairs and Improvement of the said Branch of Road as the said Trustees shall think proper and requisite to be made or done thereon; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Tolls on the old Line of Road not to be expended on the new Branch, until Debt paid off, and vice versa.

XXI. And whereas a Map or Plan, describing the Line of an intended Variation of the said Road between the said Royal Town of *Sutton Coldfield* and *Watford Gap*, and also a Map or Plan of the said Branch of Road from *Gravelly Hill* to *Kingsbury Bridge*, and the Lands through which such Variation is intended to be carried, and such Branch widened, varied, and improved, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Warwick*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies of and Extracts from the said Maps or Plans and Books of Reference; and the said Trustees in making the said Variation shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent in

Plans to remain with the Clerk of the Peace.

[*Local.*]

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Writing

Writing of the Persons or Person through whose Lands such Deviation shall be made.

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

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Variation of Road into, through, across, and over the several Lands or Grounds of any Person or Persons who is, or are, or may be the Owner or Owners, Occupier or Occupiers, of any Lands or Grounds set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Warwick*, and be certified accordingly by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake.

Trustees restrained from pulling down Houses &c. without the Consent of Owners, except those mentioned in the Schedule.

XXIII. Provided also, and be it further enacted, That the Powers and Authorities hereby given for diverting, making, and altering the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees to pull or take down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as Ornament or Shelter to a House, or planted or 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, other than and except such as are mentioned in the Schedule to this Act annexed.

Power of purchasing limited to Five Years.

XXIV. Provided also, and be it further enacted, That unless the said Buildings, Grounds, and Hereditaments mentioned in the said Schedule shall be purchased for the Purposes of this Act within Five Years next after the passing thereof, it shall not be lawful for the said Trustees to take or use any of such Buildings, Grounds, or Hereditaments without the Consent in Writing of the Owners or Proprietors thereof for that Purpose first had and obtained.

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

XXV. 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 Act passed in the Third Year of the Reign of His present Majesty, or of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as in the said Act 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 Court of Exchequer at *Westminster*, to be placed to his Account *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, 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; to the Intent that

1 G. 4. c. 35.

such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any other Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, 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 and with 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 same Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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 meantime, and until such 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, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 of *England* in the Name and with the Privity of the said Accountant General of the said 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 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 Three or more of the Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining

Where less
than 200l.
and exceed-
ing 20l.

or

or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where not
more than
20*l*.

XXVII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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, Pur-
chase Money
to be paid
into the
Bank.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act passed in the Third Year of the Reign of His present Majesty, or 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 Privy 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 or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles to
Money.

XXIX. 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 Privy 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 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

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

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act passed in the Third Year of the Reign of His present Majesty or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said last-mentioned Act or of 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid in certain Cases.

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

Public Act.

XXXII. And be it further enacted, That this Act shall commence upon the Third *Monday* next after the passing hereof, and shall be in force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Term of Act.

The **SCHEDULE** referred to by this Act.*In the Town of Sutton Coldfield.*

Owners.	Occupiers.	Description of Property.
Master, Fellows, and Scholars of Emanuel College, Cambridge } F. B. Hacket, Esquire - - Warden and Society of the } Royal Town of Sutton Cold- } field - - - - Ditto - - - - Ditto - - - - Ditto - - - -	Thomas Weldon - - Harry Smith - - Joseph James - - Thomas Norris - - Widow Farmer - - Richard Grange - -	Part of a Garden. The Site of a Stable. Part of a Garden. Pigstye or Hovel and Yard. Outbuilding or Lean-to. { Gable End of a Messuage and Pigstye, and Part of a Yard.
<i>In Hill.</i>		
William Henry Osborne - — Mumford -	William Bayliss - Richard Piercy -	Part of a Garden. Ditto.
<i>At Watford Gap.</i>		
Warden and Society of the } Royal Town of Sutton Cold- } field - - - -	Richard Smallwood - -	Cottage and Garden.
<i>At Mare Pool.</i>		
Warden and Society of the } Royal Town of Sutton Cold- } field - - - -	William Bayliss - -	{ Thatched Building on the Waste.
<i>In Aston.</i>		
B. Gibbins, Esquire - - W. Bagot, Esquire - -	J. Ravenhall - - E. Butler - -	Garden. Waggon-hovel.
<i>In Curdworth.</i>		
Chandos Leigh, Esquire - -	Chandos Leigh, Esquire - -	{ Part of a Wood called Dunton Wood.
<i>In Sutton Coldfield.</i>		
J. Chattock and Trustees of } Castle Bromwich Chapel - } Rev. W. Wakefield - -	W. Kendall and J. Stringer - J. Palmer - -	{ Part of a Garden in front of their Cottages. Part of a Garden.
<i>In Lea Marston.</i>		
E. Wakefield - - C. B. Adderley, Esq. - - J. Keeling - - C. B. Adderley, Esq. - -	E. Lane - - W. Smith - - J. Keeling - - Ditto - -	Part of a Garden. Pool and Plantation. Orchard. Barn, Rick Yard, and Plantation.
<i>In Kingsbury.</i>		
C. B. Adderley, Esq. - -	E. Birch - -	Garden and Yard.