Anno primo

Georgii III. Regis.

An Act for discontinuing the Use of a Road, in the Parish of *Great Packington*, in the County of *Warwick*; and for preventing the Trustees, appointed to put in Execution an Act, passed in the Thirty third Year of His late Majesty's Reign, for repairing the Road from *Stone Bridge* to *Castle Bromwich*, from erecting a Gate or Turnpike between *Stone Bridge* and the Place where the Road turns off to *Coleshill* in the County of *Warwick*.



Whereas the constant repairing of the Road, leading from the Guide-Post on Meriden Heath, to a Horse Bridge called Little Packington Bridge; and from thence through the Parish of Little Packington to Coleshill, in the County of Warwick, is very expensive and burthensome to the Inhabitants of the Parishes of Great Packington and Little Packington, although the same is always impassable for Carriages in Times Preamble.

of Floods, which frequently happen: And whereas, if Part of the said Road from the said Guide-Post on Meriden Heath to Little Packington Bridge, that is to say From a certain Farm House in the Parish of Great Packington, now or late in the Tenure or Occupation of Richard Harding, to a certain Stream of Water, which divides the Parishes of Great Packington and Little Packington, was stopped up and discontinued, it would be greatly beneficial to the Inhabitants of the Parishes of Great Packington and Little Packington, who have many Miles of Road lying within the said Parishes, and are utterly unable to keep all the same in Repair: And whereas the Road leading from the said Guide-Post on Meriden Heath to Stone Bridge is now in good and effectual Repair; and if the Road from Stone Bridge along the present High Road, leading to Castle Bromwich, as far as One hundred Yards, or thereabouts, beyond the Avenue leading to Packington Hall, and from thence in a straight Line over Smalley Field, to a Sand-Pit on Bickenhill Hill, being the Lands of the Right Honourable Heneage Earl of Aylesford, and from thence, leaving a Marle Pit on the Right Hand, to Bickenhill Hollow, and to a Hedge in Broomhill Field, where the Roads to Castle Bromwich and Coleshill are intended to divide, and from thence over Broomhill Field, other Lands of the said Earl, and over Little Packington Heath, to the Avenue leading to Coleshill, as the same hath been lately staked out by, or in the Presence of, the Surveyors of the Castle Bromwich and Coleshill Turnpike Roads, and from thence through the said Avenue to the Great Pool Dam, and to Coleshill Guide-Post, near a Cottage in the Occupation of Thomas Harrison, was well and effectually made and repaired, and a Bridge, if necessary, erected or built over the Stream of Water at Bickenhill Hollow, the same would be more commodious for Travellers, and passable for Carriages at all Seasons: And the said Earl of Aylesford is willing, at his own Expence, to fence, level, and lay in Form, a Road, from One hundred Yards from the said Avenue leading to Packington Hall to the Sand-Pit on Bickenhill Hill, and to level and lay in Form, a Road from the said Sand-Pit, to the Place where the Road

leading to Caſtle Bromwich and Coleſhill are intended to divide, and to make a Road from thence over Broomhill Field and Little Packington Heath to the Avenue leading to Coleſhill, and to repair the preſent Road through the ſaid Avenue over the Great Pool Dam to Coleſhill Guide-Poſt, near the ſaid Cottage in the Occupation of Thomas Harriſon, and alſo, if neceſſary, to erect or build a Bridge over the ſaid Stream of Water at Bickenhill Hollow, and to keep the ſaid Road, ſo to be made and repaired, from the Place where the Road leading to Caſtle Bromwich and Coleſhill are intended to divide, to the ſaid Guide-Poſt, near the ſaid Cottage in the Occupation of Thomas Harriſon, for ever after in good Repair, upon having the Property of the ſaid Road, leading from the ſaid Farm Houſe in the Pariſh of Great Packington, now or late in the Tenure or Occupation of Richard Harding, to a certain Stream of Water which divides the Pariſhes of Great Packington and Little Packington, abſolutely veſted in him, and his Heirs and Aſſigns: And whereas by an Act, paſſed in the Thirty third Year of his late Majeſty's Reign, intituled, An Act for repairing and widening the Road from the Bars at *Boughton*, within the Liberties of the City of *Cheſter*, to *Whitchurch*, and from thence to *Newport*, in the County of *Salop*, to *Ivetſey Bank*, in the County of *Stafford*, and from thence to *Caſtle Bromwich* and *Stone Bridge*, in the Pariſh of *Hampton on Arden*, in the County of *Warwick*, and from *Caſtle Bromwich* to *Birmingham* in the ſame County; Powers were granted to Truſtees therein appointed to erect a Turnpike, at ſuch Place between Stone Bridge and the Place where the Road from Birmingham communicates with the Road leading from Stone Bridge to a Place called the Welch Harp, as they, or any Seven or more of them, ſhould think proper; and the ſaid Truſtees have, by virtue of the ſaid Powers, erected a Turnpike in the Town of Caſtle Bromwich; and ſhould the ſame be removed, and placed acroſs the Road aforeſaid, leading from Stone Bridge to Coleſhill, it would be prejudicial to the Inhabitants of Coleſhill, and others travelling on the ſaid Road; and the ſaid Truſtees are willing to be reſtrained from erect-

ing any Gate or Turnpike on the said Road, leading from Stone Bridge to the Place where the said Road leading to Castle Bromwich and Coleshill is intended to divide: 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 it shall and may be lawful to and for the Right Honourable Heneage Earl of Aylesford, Lord of the Manor of Great Packington, in the County of Warwick, his Heirs or Assigns, and such Person and Persons as he or they shall employ for that Purpose, to fence, level, and lay in Form, a Road from One hundred Yards from the Avenue leading from Packington Hall to the Sand Pit on Bickenhill Hill; and to level and lay in Form a Road from the said Sand Pit to the Place where the Road leading to Castle Bromwich and Coleshill is intended to divide; and to make a Road from thence over Broomhill Field and Little Packington Heath, to the Avenue leading to Coleshill; and to repair the present Road through the said Avenue, over the Great Pool Dam to Coleshill Guide Post, near a Cottage in the Occupation of Thomas Harrison; and also, if necessary, to erect or build a Bridge over a Stream of Water at Bickenhill Hollow; and that from and after the said Road from Stone Bridge aforesaid, to Coleshill Guide Post aforesaid, shall be well and sufficiently made and repaired, to the Satisfaction of Three of his Majesty's Justices of the Peace for the County of Warwick, and Three of his Majesty's Justices of the Peace for the County of Stafford, at a Meeting to be by them held for that Purpose, it shall and may be lawful to and for the said Earl, his Heirs or Assigns, to shut up and inclose such Part of the said Road, leading from the said Guide-post on Meriden Heath to Little Packington Bridge, as lies between a certain Farm House in the Parish of Great Packington, now or late in the Tenure or Occupation of Richard Harding, and a certain Stream of Water which divides the said Parishes of Great Packington and

Lord *Aylesford* to make and repair a Road;

and if necessary to build a Bridge.

When the Road is sufficiently made and repaired, Lord *Aylesford* may shut up a Road in *Great Packington*.

and Little Packington; and the absolute Property of the same shall be, and the same is hereby vested in the said Earl of Aylesford, and his Heirs and Assigns for ever, to hold and enjoy the same, freed and discharged of all Right of Passage whatsoever: And the said Road from One hundred Yards from the said Avenue leading to Packington Hall, to the said Coleshill Guide-post, shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a publick and common Highway for all Kind of Passage; and the said new Road from One hundred Yards from the said Avenue leading to Packington Hall, to the Place where the Road to Castle Bromwich and the Road to Coleshill are intended to divide, shall be deemed and taken to be, to all Intents and Purposes, Part of the said Roads, directed to be repaired by the said recited Act, and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Road between Stone Bridge and Castle Bromwich was and ought to have been kept in Repair, by virtue of the said Act.

New Road deemed a publick Highway.

Provided always, and be it enacted by the Authority aforesaid, That if, at any Time or Times after the said Road from the said Farm House in the Parish of Great Packington, now or late in the Occupation of Richard Harding, to the said Stream of Water which divides the Parishes of Great Packington and Little Packington, shall be shut up and inclosed by virtue of the Powers hereby granted, the said Road, leading from the Place where the Road to Castle Bromwich and the Road to Coleshill are so intended to divide, to the said Guide-Post, near a Cottage in the Occupation of Thomas Harrison aforesaid, or any Part thereof, shall be out of Repair, the said Earl, his Heirs or Assigns, shall, at his, her, or their Cost and Charge, effectually repair the same; and in case the said Earl, his Heirs, or Assigns, shall, at any Time or Times, neglect to repair the said Road, or any Part thereof, after Forty Days Notice shall have been given to the said Earl, his Heirs, or Assigns, his or their Steward or Agent, for that Purpose, by any Two of his Majesty's Justices of the Peace for the said County of Warwick,

District of Road to be repaired by Lord *Aylesford*.

that

that then, and in such Case, it shall and may be lawful for such Justices of the Peace to employ any Person or Persons to repair the same; and, in Default of Payment of the Money expended in such Repairs, by the said Earl, his Heirs, or Assigns, or by his or their Steward or Agent, upon Demand thereof made, by Warrant under their Hands and Seals, to cause the Money expended in such Repairs to be levied by Distress and Sale of the Goods and Chattles of the said Earl, his Heirs, or Assigns, rendering the Overplus, if any be, to him or them, after deducting the necessary Charges of such Distress and Sale.

If aggrieved may appeal to Quarter Sessions.

Provided also, and be it further enacted by the Authority aforesaid, That if the said Earl of Aylesford, his Heirs, or Assigns, shall find him, her, or themselves aggrieved, by any Act or Acts to be done by Two Justices of the Peace, under the Authorities given in and by this Act, he, she, or they, shall have Liberty to appeal to the next General Quarter Sessions of the Peace, to be holden for the said County of Warwick, where the Justices, upon full Hearing of the said Appeal, shall have Power finally to determine the same.

Road to be Forty Feet broad.

Provided always, and be it further enacted by the Authority aforesaid, That such Part of the said Road as is hereby directed to be made and repaired by the said Earl of Aylesford, his Heirs, or Assigns, shall be made of the Breadth of Forty Feet, or thereabouts.

Inhabitants of *Coleshill* not exempt from Statute-duty.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to exempt the Inhabitants of the Parish of Coleshill aforesaid from doing and performing the Statute-duty upon such Part of the said Road as lies within the said Parish, which they were subject and liable to do and perform before the passing of this Act.

No Turnpike to be erected on the Road between *Stone Bridge* and the Place where the Road to *Castle Bromwich* and *Coleshill* divides.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall not be lawful for the Trustees appointed in and by an Act, passed in the Thirty third Year of his late Majesty's Reign, intituled, An Act for repairing and widening the

Road from the Bars of *Boughton*, within the Liberties of the City of *Chester*, to *Whitchurch*, and from thence to *Newport*, in the County of *Salop*, to *Ivetsey Bank*, in the County of *Stafford*, and from thence to *Castle Bromwich* and *Stone Bridge*, in the Parish of *Hampton on Arden*, in the County of *Warwick*, and from *Castle Bromwich* to *Birmingham* in the same County; to erect, or cause to be erected, any Gate or Turnpike upon or across any Part of the said Road which lies between Stone Bridge and the Place where the Road turns off, or is intended to turn off, to Coleshill aforesaid; any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

Lord *Aylesford* to pay the Expence of this Act.

And be it further enacted by the Authority aforesaid, That the Expence of passing this Act shall be paid by the said Earl of Aylesford, his Heirs, Executors, Administrators or Assigns.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person, for any thing done in pursuance of this present Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid in the County of Warwick, and not elsewhere, and the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done by the Authority and in pursuance of this Act: And if it shall appear to be so done, or that such Action shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and shall have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted, by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken, to be a publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.