Anno decimo

Georgii III. Regis.

An Act to enlarge the Term and Powers of an Act of the Eighteenth Year of the Reign of King *George* the Second, for repairing the Road from *Birmingham*, in the County of *Warwick* (through *Elmdon*) to a Lane leading by the End of *Stonebridge* in the said County.

WHEREAS by an Act of Parliament passed in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Road from *Birmingham* in the County of *Warwick*, through *Elmdon*, to a Lane leading by the End of *Stonebridge* in the said County; several Tolls were granted, and made payable for the Term of Twenty-one Years, from the First Day of May, One thousand seven hundred and forty-five, for repairing the said Road: And whereas the Trustees impowered to put the said recited Act in Execution, have borrowed considerable Sums of Money on

Preamble reciting 18 Geo. II.

the Credit of the said Act, in order to amend the Road directed to be repaired thereby; which said Sums, together with an Arrear of Interest for Three Years, still remain due and owing; and although all the Monies borrowed, together with all the Money arising by the Tolls collected, hath been duly laid out, according to the Directions of the said in Part recited Act; yet, by reason of the many heavy Carriages, and the great Quantity of Goods and Merchandizes carried on the said Road, great Parts thereof are in a ruinous Condition, and cannot be effectually repaired, according to the true Intent and Meaning of the said recited Act, and the Monies due on the Credit thereof be repaid, unless the Term and Powers granted by the said former Act be further enlarged: For Remedy whereof, and to the End that the Repairs of the Highways, intended to be amended by the said recited Act, may be completed, and the same kept in good Repair, and the Money due and owing upon the Credit of the said recited Act, be repaid, together with all Interest due, and to grow due, for the same, and the said recited Act be made more effectual; 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 Advise and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Penalties, Forfeitures, Provisoes, Matters, and Things whatsoever, therein contained (except such Clauses and Powers as are hereby altered) shall continue in full Force and Effect, and be executed and applied, from and after the Expiration of the said Term of Twenty-one Years granted by the said recited Act, and also of the additional Term, granted by an Act made in the Twenty-eighth Year of the Reign of His said late Majesty, intituled, An Act to amend an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; subject and liable nevertheless to the Payment of all Sums of Money now due and owing on the Credit of the said former Act, or which shall or may hereafter be borrowed on the Credit of the said former Act and of this present Act, in as full and ample Manner, to all Intents and Purposes, as if

Recited Act further continued for 21 Years,

subject to Payment of Debts contracted.

the ſame were here again repeated and re-enacted in the Body of this preſent Act.

And for the better ſurveying, ordering, amending, and keeping in Repair the ſaid Road, be it further enacted by the Authority aforeſaid, That John Aſh LL. D. Edward Audley, Richard Anderton, George Anderton, Francis Britain, Samuel Bradburne, Mathew Boulton, Matthias Barker, William Bridgens Barton, John Baſkerville, Thomas Barker, James Bayley, Henry Bradford, Henry Bradford junior, Benjamin Bradnock, William John Banner, John Bellaers, Stephen Bedford, John Bedford, John Bottely, William Bentley, Henry Carver junior, Joſeph Charles, Robert Coals, Thomas Colmore, John Dawes, John Fullilove, Thomas Fauleonbridge, Samuel Freeth, Sampſon Freeth, John Ford, Ambroſe Foxall, Samuel Ford, William Gueſt, Gueſt, Richard Goolden, John Gimblett, Francis Garbett, Francis Goodall, John Gold, John Green, Joſhua Glover, Thomas Gem, Thomas Gilborn, William Hawkes, Jonathan Grundy, Henry Henn, Abel Humphrys, Edmund Hector, John Harris, Francis Hurdd, Samuel Heely, William Heath, Richard Hicks, Gregory Hicks, George Holloway, Thomas Highway, Francis Highway, Thomas Hadley, Samuel Horton, Henry Hurſt, Edward Horton, William Holden, Michael Hutchinſon, John Horne, David Hallen, Edward Hunt, Thomas Hunt Walker, James Jackſon, John Iddins, John Lane, John Lane, Colmore Rowe, Thomas Lane, Michael Lakin, John Lee, Thomas Lee, Thomas Lutwyche, Robert Moore, Robert Moore junior, James Male, John Moody, Thomas Minors, Anthony Mainwaring, Robert Moore, Edward Noble, John Oſeland, Samuel Power, William Power, William Power junior, John Powell, Edward Palmer, Henry Parkins, Francis Parrot, John Ruſſell, Thomas Ruſſell, Thomas Ruſſell, Richard Rabone, Thomas Rock, Samuel Richards, John Richards, Thomas Richards, Joſiah Rogers, John Rogers, Edward Ruſton, Daniel Ruſton, William Round, William Small LL. D. Samuel Stewart, Thomas Salt, John Taylor junior, Nathaniel Taylor, William Taylor Saw-maker, John Turner junior, William Turner, Joſeph Thomas, Edward Thomaſon, James Taylor, William Tovey, Henry Venour, Roger Vaughton, John Walford, John Walford of Deritend, Richard Walter, Samuel Walford, Joſeph Walker, Joſeph Webſter, Thomas Weſtley, Whateley junior, William Welch, William Welch, Joſeph Wilkinſon, Elias Wallin, Daniel Winwood, John Ward, and William Walſingham, ſhall, from and immediately after the paſſing of this preſent Act, be added to and joined with

Truſtees Names.

with the Truſtees appointed, or to be appointed, in purſuance of the ſaid former Act, for repairing the ſaid Road; and the Truſtees ſo appointed and elected by or in purſuance of the ſaid former Act, and the Truſtees hereby nominated and appointed, ſhall be Truſtees for putting the ſaid former Act, and this preſent Act in Execution.

Qualification of Truſtees.

And be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid former or this preſent Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes; or poſſeſſed of or entitled to a perſonal Eſtate to the Amount or Value of Eight hundred Pounds; and if any Perſon hereby deemed incapable of acting, ſhall nevertheleſs preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of his Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon had acted as a Truſtee in the Execution of the ſaid former or this preſent Act.

Penalty on acting if not qualified.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from their Treaſurer or Treaſurers, as to the ſaid Truſtees, or any Five or more of them, ſhall appear reaſonable.

Victuallers, &c. not to hold any Place of Profit.

And be it further enacted by the Authority aforeſaid, That no Perſon keeping an Inn, Alehouſe, or other Houſe of Publick Entertainment, or who ſhall ſell Ale, Wine, Brandy, or other Spirituous Liquors by Retail, ſhall be capable of holding any Place of Truſt or Profit under this Act.

Truſtees may take the following

And be it enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, inſtead of the Tolls and Duties by the ſaid former Act laid on Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, or Chairs, Waggons, Wains, Carts, and other Carriages, and the Cattle drawing the ſame, the

following Tolls shall be demanded and taken; that is to say,

For every Coach, Berlin, Landau, Chariot, Calash, Chaise, or Chair, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum Sixpence; and drawn by One Horse, Mare, Gelding, or Mule, the Sum of Three-pence. new Tolls.

For every Waggon, Wain, or other Carriage, (except Carts) One Shilling.

And for every Cart Eight-pence.

Which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and shall be paid to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and shall be applied and disposed of to and for such Uses, Intents, and Purposes, as are by the said former and this present Act directed and appointed.

And be it further enacted by the Authority aforesaid, That all the Costs, Charges, and Expences incident to, and attending the obtaining and passing this present Act, shall first be paid; and that the Money borrowed and now remaining due on Account of the Credit of the said former Act, with the Interest thereof, shall be in the next Place paid and discharged out of the Monies already collected or borrowed, or that shall be collected or borrowed, in pursuance of the said former or this present Act; and from and after such Payment as aforesaid, all the Money arising by the Tolls and Duties hereby granted, which shall be collected at any Turnpike or Turnpikes, erected or to be erected in pursuance of the said former or this present Act, or which shall be borrowed on the Credit of the said Tolls and Duties, shall be laid out and applied for and towards the repairing of the said Roads, and in defraying all other necessary Charges attending such Repairs, in such Manner and Proportions as the said Trustees, or any Five or more of them, shall, from Time to Time, direct or appoint. Charges of passing this Act, &c. to be first paid. Application of the Money to be raised.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, at any Meeting to be held for that Purpose, may, and they are hereby impowered, from Time to Time, as they shall see Occasion, to reduce all or any of the Tolls Trustees may lessen the Tolls,

hereby

hereby granted, and to order such Tolls so reduced to be collected and received in such Sort, Manner, Parts and Proportions as they shall think fit; so as Twenty Days Notice be affixed in Writing upon the several Turnpike-gates which shall be erected on the said Roads; and so as the said Reduction be, from Time to Time, made with the Consent of the several Persons, who shall have advanced any Money on the Credit of the said Tolls, or to whom Money shall be due thereon, and secured thereby at the Time of such Reduction; and also, from Time to Time, to raise such Tolls again, or any Part thereof, as they shall find necessary, so as the same be not raised to higher or greater Rates than are herein before granted; and such Tolls so reduced or raised again shall be collected, recovered, and applied, in the same Manner, and for the same Purposes, as the Tolls herein before granted are hereby directed to be collected, recovered and applied.

and raise them again.

Trustees to appoint or remove Officers;

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the said Trustees, or any Five or more of them, shall, and they are hereby authorised and impowered, at any of the respective Monthly or other Meetings hereafter to be by them held, to remove or displace any Treasurer, Clerk, Collector, Receiver, or Surveyor, or any other Officer or Servant already nominated or appointed, or hereafter to be nominated or appointed, and by an Instrument in Writing under their Hands to nominate and appoint, in his or their Room, any new Treasurer, Clerk, Collector, Receiver, or Surveyor, or any other Officer or Servant, from Time to Time, as they shall see Cause, during the Continuance of this present Act; and that all and every Person and Persons, duly authorised and impowered by any Writing under the Hands of the said Trustees, or any Five or more of them, to collect or receive any of the Tolls and Duties by the said recited Act granted, and hereby continued, and all and every other Person or Persons who shall at any Time receive, or have in his or their Hands, any Money arising by such Tolls or Duties, or for the Purposes of the said former or this present Act, as often as the said Trustees, or any Five or more of them, at any of their Public Meetings assembled, shall think fit to require, within Six Days after demanded, make and render a true and perfect Account upon Oath in Writing under his or their Hand or Hands, (which Oath any Two or more of the said Trustees may and are hereby required to administer) of all and every Sum and Sums of Money as they shall respectively have

Officers to account.

have in their Hands, or shall have collected or received under, and by the Authority of the said former or this present Act, or for the Uses thereof; and shall deliver and pay over all and every Sum and Sums of Money as shall remain in his or their Hands, at the Time of rendering such Account, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same: And in case any of the said Persons, into whose Hands any such Monies as aforesaid shall or may come, shall refuse or neglect to make and render a true and perfect Account thereof, within Six Days after Demand as aforesaid, or shall knowingly or willingly deliver a false, defective, or imperfect Account; or having delivered a true and perfect Account, shall refuse or neglect to pay over the Monies due on such Account as aforesaid; that then, and in any of the said Cases, it shall and may be lawful, to and for One or more Justice or Justices of the Peace, of the County where such Offender shall dwell or reside, and they are hereby required, upon Application made to them by the said Trustees, or any Five or more of them, for that Purpose) to cause all and every Person and Persons, refusing or neglecting to make and render a true and perfect Account of the Monies by them respectively received as aforesaid, or delivering a false, defective, or imperfect Account thereof as aforesaid; or, after having rendered a true and perfect Account, refusing or neglecting to pay over the Monies due thereon, as is herein directed, to appear and be brought before him or them by Warrant or Summons under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby impowered and required to make Inquiry of and concerning such Neglect, in a summary Way; and in case it shall appear to the said Justice or Justices, that any of the Persons aforesaid have been faulty in not rendering a true and perfect Account (within Six Days after demanded) of the Monies by them received as aforesaid, or that they have delivered a false, defective, or imperfect Account; or, having delivered a true and perfect Account, do refuse or neglect to pay over the Monies due thereon to the Person or Persons impowered by the said Trustees, or any Five or more of them, to receive the same; that then, and in any of the said Cases, it shall and may be lawful for the said Justice or Justices, and he and they are hereby required to commit such Offender or Offenders to some publick Gaol of the County in which such Offender shall dwell or reside, there to remain, without Bail or Mainprize, until he or they shall have rendered a true and perfect

Officers neglecting or refusing to account,

Justices to inquire into the Default,

and, on Conviction, commit the Offender,

till Payment made.

ſeſt Account in Writing, upon Oath as aforeſaid, and ſhall have made a full Payment of the Monies due thereupon, according to the true Intent and Meaning of the ſaid former or this preſent Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforeſaid, That all Penalties, Forfeitures, and Fines, by the ſaid recited, or this preſent Act inflicted, or authoriſed to be impoſed, ſhall, upon Proof of the Offences reſpectively, before any one Juſtice of the Peace for the County or Place wherein the Offender ſhall be or reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more Witneſs or Witneſſes (which Oath ſuch Juſtice of the Peace is hereby impowered and required to adminiſter without Fee or Reward) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of ſuch Juſtice, (which Warrant or Warrants ſuch Juſtice is hereby impowered to grant for thoſe Purpoſes) and the Overplus, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid and levied, ſhall be, from Time to Time, paid to any Five or more of the ſaid Truſtees, or to their Treaſurer, and applied in the Repair of the ſaid Roads, or otherwiſe, as the ſaid Juſtice ſhall direct and appoint.

Writings to be without Stamps.

And be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, made or iſſued by virtue or in purſuance of the ſaid former or this preſent Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, within Twenty Days next after the Commencement of this preſent Act, meet at the Houſe of Thomas Jordan, at the Sign of the Dolphin, in Birmingham aforeſaid; and the ſaid Truſtees ſhall then and there reſpectively adjourn themſelves, and ſhall afterwards meet at the ſame or any other Place, in or near the ſaid Road ſo to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and convenient, as

often as it shall be necessary for putting the said former and this present Act in Execution.

Distress not unlawful for want of Form,

And be it further enacted by the Authority aforesaid, That where any Distress shall be made, for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall have been then committed, or which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity may recover full Satisfaction for the special Damages in an Action upon the Case.

nor Party making it deemed a Trespasser *ab initio*.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be brought, laid, and tried, in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants, in every such Action or Suit, may plead the General Issue, and give this Act, and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same; or shall be laid in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action or Suit; or if upon Demurrer Judgement shall be given for the Defendant or Defendants; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Recovery thereof, as any Defendant or Defendants hath or have for Costs in any other Cases by Law.

General Issue.

Treble Costs.

And

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 be judicially taken Notice of as such by all Judges, Justices, and all other Persons whomsoever, without specially pleading the same.

FINIS.