ANNO UNDECIMO

Georgii III. Regis.

An Act to continue and render more effectual Three Acts, made in the Twelfth Year of King *George* the First, and in the Eighteenth and Thirty-first Years of His late Majesty, for repairing the Roads from *Birmingham*, through *Warwick* to *Warmington*, and from *Birmingham*, through *Stratford upon Avon*, to *Edgehill*, in the County of *Warwick*, so far as the same relate to the Road from *Birmingham*, through *Stratford upon Avon*, to *Stratford Bridge*, in the said County.

WHEREAS by an Act made in the Twelfth Year of the Reign of His late Majesty King George the First, for repairing the Roads leading from Birmingham, through Warwick to Warmington, and from Birmingham, through Stratford upon Avon, to Edgehill, in the County of Warwick; several Tolls and Duties were made payable, and divers Powers were given for

Preamble, reciting 12 Geo. I.

for amending such Roads, which said Act was to take Place from the Twenty-fifth Day of July, One thousand Seven hundred and Twenty-six, and to continue
Act 18 *Geo.* II. for the Term of Twenty-one Years: And whereas by another Act made in the Eighteenth Year of the Reign of His late Majesty King George the Second, for continuing, amending, and making more effectual the said former Act, several of the Powers were amended and altered, and other Powers were thereby granted, and the said Term was further continued from the Expiration thereof, for the further Term of Twenty-one Years, and from thence to the End of
and Act 31 *Geo.* II. the then next Session of Parliament: And whereas by another Act made in the Thirty-first Year of the Reign of His said late Majesty King George the Second, for continuing and rendering more effectual the said Two former Acts, several of the Powers were also amended and altered, and other Powers were thereby granted, and the said Terms were thereby further continued from the Expiration thereof, for the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed to put the said Acts in Execution have borrowed considerable Sums of Money on the Credit of the said Acts, upon the said Road leading from Birmingham, through Stratford upon Avon, to Stratford Bridge aforesaid, being Part of the Road from Birmingham, through Stratford upon Avon, to Edgehill aforesaid, which Money so borrowed, and the Tolls collected upon such Road, have been duly applied in repairing that Branch of the said Road; and although great Progress hath been made in the Repairs thereof, yet, by reason of the many heavy Carriages passing along the same, the great Length of such Road, and the Smallness of the Tolls, a sufficient Fund cannot be raised for the effectual repairing and supporting the same Road, and paying the principal Monies and Interest now due and charged upon the Tolls thereof: 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 the
Trustees Names. Right Honourable Other Windsor, commonly called Lord Windsor; the Reverend Richard Bradshaw, Robert Bree, Thomas Brigham the younger, Henry Carver the younger,

younger, Richard Chattock, Brian Crowther, Francis Charles, the Reverend Daniel Collins, William Dilk, Raphael Ellis, the Reverend John Fullerton, Edward Ferrers, Thomas Fiſher, John Fiſher, Henry Gough, Thomas Gardner, the Reverend Joſeph Greene, Judd Harding, Thomas Harbidge, Hugford Haſſall, Benjamin Haines, Thomas Handy, Thomas Holyoak, John Kettle, William Kettle, Sampſon Lloyd the younger, Henry Greſwold Lewis, David Lewis, John Lloyd, Thomas Maſon, Robert Moore, the Reverend Edward Holbech Maſhiter, the Reverend . . . Newling, Benjamin Palmer, the Reverend Owen Phillips, John Payton, Wilſon Ayleſbury Roberts, Richard Reeve, the Reverend Edward Rice, Iſaac Spooner, the Reverend Edward Seagrave, John Sanders, William Sabin, John Smith, John Taylor the younger, Edward Tallis, John Tallis, James Weſt the younger, the Reverend Henry Wigley, Edmund Wigley, the Reverend Doctor Richard Sutton Yates; ſhall from and after the paſſing of this Act, be added to and joined with the Truſtees, appointed by or in purſuance of the ſaid former Acts, or either of them, and that the Truſtees hereby appointed, together with the Truſtees appointed by or in purſuance of the ſaid former Acts, and their Succeſſors, ſhall be, and are hereby, to all Intents and Purpoſes impowered to put the ſaid former Acts, and this preſent Act, in Execution, ſo far as relates to the ſaid Road, from Birmingham through Stratford upon Avon to Stratford Bridge aforeſaid; and that the ſaid former Acts, and all and every the Powers and Clauſes therein contained, ſo far as the ſame relate to the ſaid Road from Birmingham through Stratford upon Avon to Stratford Bridge aforeſaid (except ſuch Tolls, Clauſes, Matters and Things, as are hereby varied, altered or amended) ſhall continue in full Force, and be executed from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and that this Act, and all the Powers and Clauſes herein contained, ſhall commence and take Effect, from and after the Firſt Day of May, One thouſand ſeven hundred and ſeventy-one, except as herein-after is mentioned, and ſhall be executed, and be in full Force, for and during the Continuance of the ſaid former Acts, and the ſaid further Term of Twenty-one Years hereby granted.

The recited Acts further continued for 21 Years.

And be it further enacted by the Authority aforeſaid, That no Perſon hereby appointed ſhall be capable of acting

Penalty on Perſons acting if not qualified.

3

acting as a Truſtee, unleſs he ſhall be qualified in ſuch Manner as is mentioned in the ſaid Act made in the Eighteenth Year of His late Majeſty's Reign; and if any ſuch Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, or the ſaid former Acts, or either of them, every ſuch Perſon ſhall be ſubject to ſuch Penalty as is inflicted by the ſaid Act upon Perſons acting as Truſtees, without being poſſeſſed of ſuch Qualification as is thereby required; which Penalty ſhall be recovered and applied in ſuch Manner as is therein directed.

The Tolls following to be taken inſtead of thoſe granted by the former Acts.

And be it further enacted, That the Truſtees appointed by virtue of the ſaid former Acts, or of this preſent Act, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authoriſe and appoint, ſhall and may, from and after the Twenty-fourth Day of June, One thouſand ſeven hundred and ſeventy-one, demand, receive, and take, at each and every of the Gate or Gates, Turnpike or Turnpikes, erected or to be erected in purſuance of the ſaid former Acts, or any of them, or this preſent Act, upon, acroſs, or on the Sides of the ſaid Road, from Birmingham, through Stratford upon Avon, to Stratford Bridge aforeſaid, inſtead of the Tolls granted by the former Acts, the Tolls following, before any Horſe, Cattle, or Beaſt, or any Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay)

For every Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, or Chair, drawn by Four or more Horſes, Mares, Geldings, or Mules, One Shilling and Sixpence; and drawn by Two Horſes, Mares, Geldings, or Mules, Nine-pence; and drawn by One Horſe, Mare, Gelding, or Mule, Four-pence.

For every Waggon, Wain, or other Carriage (except Carts) One Shilling; and for every Cart drawn by Three or more Horſes, or other Beaſts, Nine-pence; and drawn by leſs than Three Horſes, or other Beaſts, Sixpence; and for every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or Beaſt, not drawing, One Penny; and for every Drove of Calves, Swine, Sheep, or Lambs, Five-pence per Score, and ſo in Proportion.

No Horſe, Cattle, or Carriage, to pay Toll, which do not travel 300 Yards.

Provided always, That no Horſe, Beaſt, Cattle, or Carriage, ſhall be liable to the Payment of Tolls at

at any Gate or Turnpike hereafter to be erected on the said Road, from Birmingham, through Stratford upon Avon, to Stratford Bridge aforesaid, which shall not go or travel Three hundred Yards on any Part of the said Road.

Tolls vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said Tolls hereby granted shall be and are hereby vested in the said Trustees, and shall be paid, accounted for, and applied or assigned to and for the several Uses and Purposes, and in such Manner, as the Tolls granted by the said former Acts, or either of them, were thereby directed or authorised to be paid, accounted for, and applied or assigned, except in such Matters and Cases wherein it is otherwise herein directed or provided; and they the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, are hereby vested with the same Powers and Authorities for demanding, levying, recovering, and applying the Tolls hereby granted, as in and by the said former Acts, or either of them, is or are given for demanding, levying, recovering, and applying the Tolls thereby granted, as fully and effectually as if such Powers and Authorities were herein again repeated and re-enacted, except in such Matters and Cases wherein it is otherwise directed or provided by this present Act.

Application of the Tolls and Money borrowed.

And, to prevent any Doubts touching the Application of the Tolls, and of the Monies to be borrowed by virtue of this present Act, be it enacted by the Authority aforesaid, That the Moiety of the Tolls arising at the Gates called Camphill and Deritend Gates, standing on the Road called the Joint Road, near Birmingham aforesaid (and directed by the said Act passed in the said Thirty-first Year of His said late Majesty's Reign, to be applied on the said Road from Spark Brook to a House called the Golden Cross, in Henley in Arden, in the said County) shall be applied in the same Manner as the Tolls arising on the said Road from Spark Brook to Stratford Bridge, are hereby directed to be applied; and no Money shall hereafter be borrowed on any Gate or Gates erected or to be erected on the said Joint Road; and that after the Costs of procuring this Act are discharged, all the Tolls arising on the Road from Spark Brook to Stratford Bridge aforesaid, and all the Monies to be

be borrowed on the Credit of the Turnpike Gates on that Part of the said Road, shall be applied in Discharge of the Monies now due and to become due thereupon, and in the Repairs of that Part of the said Road, and in no other Manner whatsoever.

Trustees may borrow not exceeding 3500*l.*

And whereas the Trustees, or any Nine or more of them, in and by the said Act passed in the Thirty-first Year of His said late Majesty's Reign, are authorised to borrow any Sum of Money not exceeding Two thousand Pounds, on the said Road from Spark Brook to Henley in Arden aforesaid; and also any Sum of Money, not exceeding Three thousand Pounds, on the said Road from Henley in Arden to Edgehill aforesaid: And whereas the said above-mentioned Sum of Two thousand Pounds, together with One thousand five hundred Pounds, the Moiety of the said Three thousand Pounds, making together the Sum of Three thousand five hundred Pounds, is deemed a sufficient Sum to be borrowed on the said Road from Spark Brook aforesaid to Stratford Bridge aforesaid, including the Money now due thereupon; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from Time to Time, to borrow or raise any Sum or Sums of Money on the Credit of the Tolls arising on the Road from Spark Brook to Stratford Bridge aforesaid, not exceeding in the Whole the Sum of Three thousand five hundred Pounds, including the Monies already borrowed thereupon, at any of their publick Meetings on that Part of the said Road, and, by any Writing or Writings under their Hands and Seals, to assign over and mortgage the Tolls hereby made payable on that Part of the said Road, for any Term during the Continuance of the said former Acts, and this present Act, (the Costs and Charges of assigning the same to be paid out of such Tolls) as a Security or Securities for such Sum or Sums of Money as shall be so borrowed, to the Person or Persons advancing the same, for the Repayment thereof, with lawful or less Interest; and Copies of all such Mortgages or Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the Trustees for the Time being.

Provided always, That no Money shall be borrowed on the Credit of the said Tolls hereby granted (after the

the Two first Meetings next after the passing of this Act) unless Notice in Writing be for that Purpose affixed upon all the Turnpike-gates erected, or to be erected, across the said Road on which such Money shall be borrowed, at least Fourteen Days before the borrowing thereof; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made, or who shall be intitled to the Money thereby secured, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any Writing or Writings to be by him, her, or them duly executed, in the Presence of Two or more credible Witnesses, to assign over or transfer his, her, or their Right, Interest, or Benefit, in or to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the Clerk to the said Trustees for the Time being, within Three Months after the Date thereof, who shall cause a Copy of such Assignment or Transfer to be made in the Book to be kept for entering the said original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the Benefit, thereof, and Payment thereon; and such Assignee or Assignees, his, her, or their Executors or Administrators, may, in like Manner, assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons, who shall make such Assignment or Assignments, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof, or to do any Act to the Prejudice of his Assignee, or any subsequent Assignee; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls, in an equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies; and the said Book, kept for entering the said several Securities, shall and may be seen and perused at all seasonable

Notice to be given of borrowing Money.

Assignments may be transferred,

and entered in a Book.

Clerk's Fee.

Times, by any Perſon deſiring the ſame, without Fee or Reward.

Truſtees to take Security from the Treaſurer.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required to take a proper Security of the Treaſurer or Treaſurers for the Time being, who is, are, or ſhall be elected or appointed on the ſaid Road, or any Part or Parts thereof.

Tolls may be reduced or raiſed.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered, from Time to Time, as they ſhall ſee Occaſion, on the ſaid Road from Birmingham, through Stratford upon Avon, to Stratford Bridge aforeſaid, to reduce all or any of the Tolls hereby granted, and to raiſe the ſame again, ſo as ſuch Tolls, when raiſed, do not exceed the Tolls by this Act granted, and ſo as Twenty Days Notice of ſuch Reduction be affixed upon the ſeveral Turnpikes which ſhall be erected on ſuch Road, and ſo as ſuch Reduction be, from Time to Time, made with the Conſent of One Half of the Mortgagees or Aſſignees in Number and Value, to whom any Money ſhall be due on ſuch Road; 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.

Inhabitants to perform Statute-work.

And be it further enacted, That, for preventing Differences which may ariſe touching the Statute-work to be done on the ſaid Road from Birmingham, through Stratford upon Avon, to Stratford Bridge aforeſaid, it ſhall and may be lawful for any Five or more of the Truſtees for ſuch Road, yearly and every Year, at any of their publick Meetings, to adjudge and determine what Part or Proportion of Statute-work ſhall be done upon ſuch Road by the Inhabitants and Occupiers of Land in each Pariſh in which ſuch Road doth lie, ſo that the ſame ſhall not exceed One Half of the Statute-work which each Perſon is by Law liable to perform in ſuch Pariſhes reſpectively; and that the reſpective Surveyors of the Highways for the Time being of all the Pariſhes in which ſuch Road doth lie, ſhall yearly and every Year, within Ten Days after Demand made to him or them in Writing by the Turnpike Surveyor, give and deliver to ſuch Turnpike Surveyor an exact Liſt in Writing under his

his or their Hand or Hands, of the Christian and Surnames of all the Inhabitants and Occupiers of Lands and Hereditaments in such Parishes, who are or shall be by Law liable to Statute-work or Duty; and shall set forth and distinguish in such respective Lists in what Manner each Person is chargeable, and which of such Persons keep a Team or Teams, and what Lands, Tenements, or Hereditaments, and to what annual reputed Value they respectively occupy, and which of them are Labourers or liable to Statute Labour; and shall verify such Lists respectively upon Oath, when summoned to appear for that Purpose by the said Trustees, or any Five or more of them, at any publick Meeting; which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer: And if any Parish Surveyor or Surveyors shall neglect or refuse to do as he or they is or are hereby required or directed, he and they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if all or any of the Inhabitants or Occupiers of Land, Tenements, or Hereditaments, in the said several Parishes, being liable by Law to Statute-duty, shall not do so much Statute-work as is hereby intended and required, and at such Times and Places, and in such Manner, as they shall respectively by the Turnpike Surveyor be directed or appointed to do, such Inhabitants and Occupiers, and every of them, shall, for every such Neglect or Default, forfeit and pay the several Sums hereafter mentioned; (that is to say) Every such Person who shall keep, or by Law is compellable to furnish, a Team or Teams, for every Day's Default of each Team, the Sum of Ten Shillings; and for every other Person liable to work as a Labourer, or to provide One or more Labourer or Labourers thereon, for every Day's Default of himself and every such Labourer, the Sum of One Shilling and Sixpence: And if any Person or Persons who shall come as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work as aforesaid, shall not attend at the Time and Place appointed by the Turnpike Surveyor, or be found idle or negligent by such Turnpike Surveyor where the Work is to be done, in any such Case the said Turnpike Surveyor is hereby impowered and required to discharge and turn off such Person or Persons; and it shall be considered and taken

Surveyors to deliver in Lists of Persons liable to do Statute-work.

Penalty on Surveyors neglecting to deliver in such Lists,

and on Persons not performing Statute-work.

Labourers found idle, to be turned off.

taken as if such Person or Persons had not come or sent; and every such Person shall be subject and liable to such respective Forfeitures and Payments as if such Person or Persons had neglected or refused to come or send as aforesaid: All which said Forfeitures and Payments shall be applied in the Repairs of such Road, and shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of One Justice of the Peace for the County aforesaid, which Warrant the said Justice is hereby required to issue, upon the Information of One or more credible Witness or Witnesses upon Oath; which Oath the said Justice is hereby impowered to administer without Fee or Reward.

After 24th *June* 1771, Contracts relating to farming the Tolls and Compositions declared void.

And be it further enacted by the Authority aforesaid, That from and after the Twenty-fourth Day of June, One thousand seven hundred and seventy-one, when the Tolls by this Act granted will commence, all Leases of and Contracts for or relating to the farming or letting of all or any Part of the Tolls granted by the said former Acts, or either of them, and all Agreements and Compositions for such Tolls shall cease, and are hereby declared to be null and void, so far as the same relate to the said Road from Birmingham to Stratford Bridge aforesaid; any Thing in the said former Acts contained to the Contrary notwithstanding.

Writings to be without Stamps.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, or other Writing whatsoever, under the Hands and Seals of the said Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices, or any of them, nor any Assignment or Transfer of any of the Securities aforesaid, shall be charged or chargeable with any Stamp-duty whatsoever.

Trustees Meetings.

And be it further enacted, That the said Trustees acting on the said Road from Birmingham to Stratford Bridge aforesaid, or any Five or more of them, shall meet on Monday the Thirteenth Day of May, One thousand seven hundred and seventy-one, at the House known by the Name or Sign of the White Swan, in Henley in Arden, the most convenient Place

for that Part of the said Road; and such Trustees shall, from Time to Time, adjourn themselves, and hold all their future Meetings at such House or Place in Henley in Arden aforesaid, as they, or any Five or more of them, shall think fit.

Charges of passing this Act to be first paid.

And be it further enacted, That all the Costs and Expences of procuring this Act shall (as soon as may be after the passing of this present Act) be paid out of the Monies collected or to be collected or borrowed by virtue of the said former Acts and this present Act, either or any of them, on the said Road from Spark Brook to Stratford Bridge aforesaid.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said former Acts, or either of them, or of this present Act, relating to the said Road from Spark Brook to Stratford Bridge aforesaid, Fourteen Days Notice shall first be given to the Defendant, or left at his usual Place of Abode; and every such Action shall be brought within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the County aforesaid, and not elsewhere; and the Defendant in such Action or Suit shall and may plead the General Issue, Not guilty, or any Tender of Amends made to the Plaintiff, and give the said former Acts, or either of them, or this Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done by virtue of the said former Acts, or either of them, or of this Act; and if the same shall appear to have been so done, or that such Action or Suit was brought after the Time before limited for bringing the same as aforesaid, or without due Notice, or that sufficient Amends was tendered before such Action brought, or if the same is laid in any other County than that wherein the Cause of Action arose; 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 the Action after Appearance entered, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as other Defendants have for Costs in any Cases by Law.

General Issue.

Treble Costs.

Public Act.

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

FINIS.