ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 13.

An Act for altering and enlarging the Powers of an Act of His present Majesty, for rebuilding the Bridge over the River *Rea*, at the Town of *Birmingham*, called *Deritend Bridge*, and for making other Improvements therein mentioned.

[20th *December* 1813.]

WHEREAS by an Act, passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled *An Act for rebuilding the Bridge over the River* Rea, *at the Town of* Birmingham, *called* Deritend Bridge, *and widening the Avenues thereto; and for widening and varying the Course of the said River near the said Bridge, and making a Weir, and other necessary Works, to prevent the lower Part of the said Town from being overflowed*, Powers were given to the Trustees therein named to cause a Turnpike to be erected upon or near the said Bridge, and to collect certain Tolls for the Term of Four Years from the Time of erecting such Turnpike; and also to borrow the Sum of Three thousand Pounds, upon the Credit of the said Tolls, to be applied in defraying the Expences of carrying the Purposes of the said Act into Execution; and in case the Produce of the said Tolls should not be sufficient to pay and discharge the Money to be borrowed as aforesaid, and the Interest thereof, a Rate was authorized to be collected upon the Occupiers of Houses, and other Buildings and Lands within the Parish of *Birmingham* and the Hamlet of *Deritend*, and Liberty of *Bordesley*, for making up the Deficiency: And whereas the said Trustees have proceeded to take down and rebuild the said Bridge, and to make the other Alterations

28 G. 3. c. 70.

tions and Improvements directed by the ſaid recited Act, and have nearly completed the ſame; but the Money received from the ſaid Tolls (during the Four Years limited by the ſaid Act for the Collection thereof) and alſo from the ſaid Rate, having fallen greatly ſhort of what was calculated to ariſe therefrom, and the Expences of rebuilding the ſaid Bridge, and executing the other Works authorized by the ſaid recited Act to be made having exceeded Expectation, the Sum of Two thouſand four hundred Pounds, Part of the Sum of Three thouſand Pounds borrowed by the ſaid Truſtees under the Proviſions of the ſaid Act, with Intereſt thereon, together with a farther conſiderable Debt, amounting to the Sum of One thouſand four hundred and thirteen Pounds, incurred in the Execution of the ſaid Act, ſtill remain due and unſatisfied, and the ſame cannot be paid off, nor the ſaid Bridge completed, unleſs the Truſtees are authorized to collect further Tolls, and the Powers and Proviſions of the ſaid Act are altered and enlarged: 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 ſurviving and remaining Truſtees nominated and appointed under and by virtue of the ſaid recited Act, together with Sir *Charles Mordaunt* Baronet, *Dugdale Stratford Dugdale*, *Wrothesley Digby*, *William Villers*, *Theodore Price*, *George Simcox*, *William Withering*, *William Hamper*, *Francis Longworth*, *Samuel Lloyd*, *Joſeph Biddle*, *John Lakin*, *Francis Deakin*, *George Yates*, *James Lloyd*, *James Taylor*, *Samuel Allen*, *John Towers Lawrence*, *William Cope*, *Thomas Francis*, *Robert Webb*, *John Heycock Jervis*, *William Bedington*, *Joſeph Jennens*, *Henry Akers*, *James Dowell*, and their Succeſſors, to be elected in Manner directed by the ſaid recited Act, ſhall be and they are hereby appointed Truſtees for carrying the Purpoſes of the ſaid recited Act and this Act into Execution; and that all and every the Clauſes, Proviſions, Penalties, Powers, Authorities, Matters and Things in the ſaid recited Act contained (except ſuch Part or Parts thereof as are hereby varied, altered, or repealed) ſhall be and remain in full force, and ſhall be as good, valid, and effectual for carrying the ſaid recited Act and this Act into Execution, in as full, ample, and beneficial Manner, to all Intents and Purpoſes whatſoever, as if the ſame were repeated and re-enacted in the Body of this Act.

Truſtees.

Powers of former Act extended to this Act.

Power to appoint additional Truſtees.

II. Provided always, and be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered at any of their Meetings to be holden in purſuance of the ſaid recited Act or this Act, to elect any Number of additional Truſtees, not exceeding Ten in the Whole, who ſhall have the ſame Power and Authority for executing the ſaid recited Act and this Act, as if they had been herein named and appointed.

Power to erect Turnpikes and collect Tolls.

III. And be it further enacted, That from and after the Twenty-fourth Day of *April* next after the paſſing of this Act, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at ſuch Time as they ſhall think proper, to cauſe a Turnpike or Turnpikes to be erected upon or near to the ſaid Bridge, and upon or acroſs any of the preſent or future Avenues or Paſſages lying on the Side of, or leading to or near the ſaid River *Rea*, (including both its Branches) between the Village of *Moſeley*, in the

Pariſh of *King's Norton*, and a Houſe at *Duddeſton*, in the Pariſh of *Aſton*, uſually called *Vaux-Hall*, ſo as none of the ſaid Gates be placed at a greater Diſtance than One thouſand Yards from the ſaid River; and that the following Tolls ſhall be demanded and taken at ſuch Turnpike or Turnpikes, by any Perſon or Perſons to be appointed Collector or Collectors of the ſaid Tolls in purſuance of the ſaid recited Act and this Act, before any Carriage, Horſe or other Cattle, ſhall be permitted to paſs through the ſame; that is to ſay,

For every Carriage with Four Wheels, the Sum of Four-pence:
For every Carriage with Two Wheels, the Sum of Two-pence:
For every Horſe not drawing, the Sum of One Penny:
For Neat Cattle after the Rate of Ten-pence *per* Score; and for Sheep, Swine, and Calves, after the Rate of Five-pence *per* Score.

Which ſaid reſpective Tolls ſhall be and are hereby veſted in the ſaid Truſtees, with ſuch and the like Powers for collecting and recovering the ſame, as were given by the ſaid recited Act for collecting and recovering the Tolls thereby made payable, except ſo much of the ſaid recited Act as limits the Term for which ſuch Tolls were to be demanded and taken; and the ſame and every Part thereof ſhall be collected, received, levied, paid, applied and diſpoſed of in ſuch and the ſame Manner, and by ſuch Ways and Means, and with ſuch Remedies for Non-payment or Evaſion thereof, and with ſuch Powers as are contained in the ſaid recited Act with reſpect to the Tolls thereby authorized to be taken, but ſubject nevertheleſs to this Act, and to the Proviſions, Regulations, and Reſtrictions herein contained: Provided always, that no Carriage, Horſe, or other Cattle, for which the Toll ſhall have been paid at any Turnpike erected or to be erected as aforeſaid, ſhall be charged with or ſubject to any further Toll on the Day on which ſuch Toll ſhall be paid (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the ſucceeding Night) for paſſing or repaſſing any Time or Times through the ſame Turnpikes, provided a Ticket be produced to the Collector of the ſaid Tolls, denoting ſuch Payment, which the Collector is hereby required to give *gratis* upon Receipt of the Toll.

Toll payable but once a Day.

IV. Provided always, and be it enacted, That no Toll whatſoever ſhall be demanded or taken by virtue of this Act, for any Cattle or Carriages employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying on the ſame Day, any Stone, Bricks, Gravel, or other Materials for repairing the Roads within the Pariſhes of *Birmingham* and *Aſton*; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw to be laid up in the Houſes, Out-houſes, Barns, Yards or Premiſes of the Owner or Owners thereof, being the Growth and Produce of Land held and occupied by ſuch reſpective Perſons, and carried for their own private Uſe and Conſumption only, and not for Sale; nor for any Carriage laden only with, or going unladen for, or returning empty after having been laden with Manure (Lime excepted); or for any Horſe or other Beaſt going to or returning from Water or Paſture, or going to be or returning from being ſhoed or farried; nor ſhall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his ſick Pariſhioners; or of or from any Perſon or Perſons in either

General Exemptions from Tolls.

either of the ſaid Pariſhes for paſſing through any of the ſaid Toll Gates or Turnpikes on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated, to or from his, her, or their reſpective Pariſh Churches or other uſual Place of Religious Worſhip, licenſed according to Law, for the Purpoſe of attending or after having attended Divine Service thereat; or for any Cattle or Carriage conveying the Corpſe, or attending the Funeral of any Perſon who ſhall have died in and is to be interred in either of the ſaid Pariſhes; or for any Horſe, Beaſt, Cattle, or Carriage of whatſoever Deſcription, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying or guarding the ſame; or for any Soldiers upon their March or upon Duty, or for any Horſe, Beaſt, Cattle, or Carriage attending them with their Arms and Baggage, or returning after having been ſo employed; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Beaſt, Cattle or Carriages travelling with Vagrants ſent by legal Paſſes; or for any Volunteers upon their March, or upon Duty, or in going to or returning from the Place appointed for and on the Days of Exerciſe; or for any Horſe, Mare, or Gelding furniſhed by, or for, or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption as aforeſaid; or for any Coach, Berlin, Landau, Chariot, Calaſh, Chair, or other Carriage, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Warwick*, on the Day or Days of ſuch Election, or on the Day before or after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, ſuch Perſon or Perſons for every ſuch Offence ſhall forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered and applied as other Penalties are by the ſaid recited Act, or this Act, directed to be recovered and applied.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight.

V. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat or other public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes or Oxen to ſuch Waggon, Wain,

Wain, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the ſaid recited Act or this Act contained, to the contrary notwithſtanding.

Application of Tolls.

VI. And be it further enacted, That all the Tolls and other Monies which ſhall come to the Hands of the ſaid Truſtees, or of any other Perſon or Perſons acting under their Authority, ſhall be applied in the Firſt Place in paying the Coſts and Charges of obtaining and paſſing this Act, and afterwards in completing the ſaid Bridge, and in defraying all Charges and Expences incident to or attending the ſame, and the Execution of this Act, and then in diſcharging the Principal Monies due and owing as aforeſaid.

Directing when Tolls ſhall ceaſe.

VII. Provided always, and be it further enacted, That when and ſo ſoon as the Tolls to be received and collected by virtue of this Act ſhall be fully adequate to pay the Coſts and Charges of obtaining and paſſing this Act, and completing the ſaid Bridge, and defraying the Charges and Expences incident to or attending the ſame, and the Execution of this Act, and alſo to diſcharge the Principal Monies due and owing as aforeſaid, the ſaid Tolls ſhall ceaſe and be no longer paid or payable.

Application of Compenſation if amounting to 200l.

VIII. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Act or this Act for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee or other Truſtee for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 High Court of Chancery, to be placed to his Account there, *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall 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 or Redemption of the Land Tax, or diſcharge of any 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, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of any other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and

Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid 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 ſaid Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act and this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation if leſs than 200l. and exceeding 20l.

IX. 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 any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed, or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy or Lunacy, to be ſignified by 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 High Court of Chancery, 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, aud approved of by any Five or more of the Truſtees for executing the ſaid recited Act and this Act, (ſuch Nomination and Approbation to be ſignified by 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 or being required to obtain the Direction and Approbation of the ſaid Court of Chancery.

Application of Compenſation if leſs than 20l.

X. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned ſhall be leſs than 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 the ſaid recited Act and this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiotcy or Lunacy, then ſuch Money ſhall be paid 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;

XI. 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

any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid recited Act and this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make out 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 and may be lawful to and for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and he is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch 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.

or if Perſons cannot be found Purchaſe Money to be paid into the Bank;

ſubject to the Order of the Court, on Motion or Petition.

XII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt to any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act and this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any of 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 Chancery; and the Dividends or Intereſt of the 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 entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Where any Queſtion ſhall ariſe, touching the Title to Money, the ſame to be paid into the Bank of England.

XIII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled

The Court of Chancery may order

reaſonable Expences of Purchaſes to be paid by the Truſtees.

entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Act and this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of the ſaid recited Act and this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act and this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of the ſaid recited Act and this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

For paying the Expences of the Act.

XIV. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing this Act, and all other Coſts, Charges, and Expences concerning the ſame, ſhall be paid, borne, and defrayed by the ſaid Truſtees, by and out of the firſt Monies that ſhall come to their Hands after the paſſing of this Act, by virtue of the ſaid recited Act or this Act.

Public Act.

XV. 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.

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