ANNO QUADRAGESIMO QUARTO

# GEORGII III. REGIS.

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## *Cap.* 12.

An Act for enlarging the Term and Powers of Two Acts, made in the Third and Twenty-third Years of His preſent Majeſty, for repairing the Road from the Town of *Stafford* to *Sandon* in the County of *Stafford*, and ſeveral other Roads in the Counties of *Salop* and *Stafford*, ſo far as the ſame relate to the Third Diſtrict of Roads therein mentioned.

[3d *May* 1804.]

WHEREAS by an Act, made in the Third Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and widening the Road leading from the Town of* Stafford *to* Sandon *in the County of* Stafford, *and ſeveral other Roads in the Counties of* Salop *and* Stafford: 3 Geo. 3. And whereas by One other Act, made in the Twenty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing and amending an Act of the Third Year of His preſent Majeſty for repairing and widening the Road leading from the Town of* Stafford *to* Sandon *in the County of* Stafford; *and ſeveral other Roads in the Counties of* Salop *and* Stafford; 23 Geo. 3. certain Tolls were made payable, and certain Powers and Authorities given to the Truſtees therein named, for the Purpoſe of amending and keeping in Repair the Three ſeveral Diſtricts of Roads therein mentioned: And whereas the Truſtees for repairing the Road from the Turnpike Road at *Woodcote* near *Newport*, through *Shiffnal* to *Bridgnorth* in the ſaid County of *Salop*, being The Third Diſtrict of Roads in the ſaid recited Acts mentioned, have proceeded in the Execution of the Powers by the ſaid recited Acts given to them, and have borrowed

considerable Sums of Money on the Credit of the Tolls by the said recited Acts granted and arising within the said Third District; which Sums still remain due and owing, and cannot be repaid, nor the said Roads be kept in proper Repair, unless the Term granted by the said recited Acts, so far as the same relate to the said Third District of Roads therein mentioned, be further continued, and the Powers thereof 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 said recited Acts, and all and every the Clauses, Powers, Authorities, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things, in the said recited Acts contained, so far as the same relate to the said Third District of Roads (save and except such Parts of the same as relate to the Exemptions from Stamp Duties, and such Parts thereof as are varied, altered, or repealed), and also this present Act, shall be, and the same is and are hereby declared to be in full Force and Effect for and during the Term herein-after mentioned, and shall extend and have Relation to the repairing, amending, and widening the said Third District of Roads, and to all Matters and Things in the said recited Acts contained, so far as the same relate to the said Third District of Roads, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this present Act; which said additional Term shall be and the same is hereby declared to be subject and liable to the Payment of all Monies now due and owing on the Credit of the said recited Acts, or either of them, so far as the same relate to the said Third District of Roads, or which shall be borrowed on the Credit of the said recited Acts, so far as the same relate to the said Third District of Roads, and of this Act, and the Interest due and to grow due thereon respectively.

Former Acts continued.

II. And be it further enacted, That *John Bache* of *Wyken*, *Arthur Baker*, *Richard Baker* Junior, *William Bates* Clerk, *William Bates* Mercer, *Thomas Boulton* Junior, *Ralph Browne*, *Wylde Browne*, *William Botfield*, *Thomas Cherrington* of *Kemberton*, *Thomas Dethick* Clerk, *Edward Gattacre* Junior, Sir *Stephen Glynn* Baronet, *Peter Harding*, *Josiah Harding*, *John Jasper*, *Thomas Jesson*, *Richard Molineux*, *Richard Phillips*, *Thomas Roden*, *William Smith*, *Richard Slaney* Clerk, *Robert Smith* Clerk, *John Wood*, and *Samuel Smith*, and their Successors, to be elected in Manner by the said recited Acts, or One of them, directed, are hereby added to and joined with the Trustees for the said Third District of Roads nominated or appointed by virtue of the said recited Acts, and shall have the like Powers and Authorities for carrying the said recited Acts, so far as the same relate to the said Third District of Roads, and this Act, into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions.

Trustees of the present Act appointed.

III. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to the said Tolls, or any of them, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, or any Five or more of them, shall not be disqualified from giving Evidence

Collectors of Tolls to be competent Witnesses.

Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being appointed to collect such Tolls.

General Exemptions.

IV. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships or Parishes in which any Part of such Road doth lie, or Hay, Straw, or Corn in the Straw only, or Wool not sold or disposed of, but passing to be laid up or placed in the Outhouses or on the Lands of the Owners thereof; or for any Horse, Cattle, or Beast, employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Compost, or Manures employed in Husbandry, for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law, on any *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Person that shall die, and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his parochial or ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages of whatever Description, employed or to be employed in conveying the 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 the same; or for any Horse, Beast, or Cattle attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Beast, or Cattle employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, 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 *Salop*, or of any Burgess or Burgesses to serve in Parliament for the Town of *Bridgnorth* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Application of Compensation if amounting to 200*l.*

V. 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

Powers of the said recited Acts, so far as the same relate to the said Third District of Roads, or of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, 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 Acts, so far as the same relate to the said Third District of Roads, 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 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, and Hereditaments, directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

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

VI Provided always, and be it 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,

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 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 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, and approved of by any Five or more of the ſaid Truſtees for executing the ſaid recited Acts, ſo far as the ſame relate to the ſaid Third Diſtrict of Roads, and 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 or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20*l.*

VII. Provided alſo, and be it enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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 this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, 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;

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

VIII. 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 Acts, or either of them, ſo far as the ſame relate to the ſaid Third Diſtrict of Roads, 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 any Five or more of them; 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, or any Five or more of them, 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 Accountant General of the 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 of Chancery; which ſaid Court of Chancery, 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 Publick Funds, and to order Diſtribution thereof,

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

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.

Where any Question shall arise touching the Title to Money to be paid to the Person who shall be in Possession of the Land, &c. at the Time of such Purchase, he shall be deemed entitled thereto according to such Possession, unless Surveyors, *etc.*

IX. Provided always, and be it 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 Privity of the Accountant General of the Court of Chancery, 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 of the said recited Acts, or either of them, so far as the same relate to the said Third District of Roads, or of this Act, or to any Bank Annuities to be purchased with any such Money, or 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 shewn 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 lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchasers to be paid by the Trustees.

X. Provided also, and be it 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 Acts, or either of them, so far as the same relate to the said Third District of Roads, or of this Act, the Purchase Money for the same shall be required to be paid into the 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 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 this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of the said recited Acts, or either of them, so far as the same relate to the said Third District of Roads, or of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Application of Money.

XI. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this



Act,

Act, shall, in the First Place, be paid and defrayed out of any Monies received or collected by virtue of the said recited Acts on the said Third District of Roads therein mentioned, or out of the First Monies borrowed, received, or collected, by virtue of or for the Purposes of this Act, and the Remainder thereof shall from Time to Time be applied in repaying the Monies borrowed by virtue of the said recited Acts and of this Act, and the Interest thereof respectively, and in carrying this Act into Execution.

Publick Act.

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

Commencement and Continuance of the Act.

XIII. And be it further enacted, That this Act shall commence and take place from and after the passing thereof, 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.

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