ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 50.

An Act for enlarging the Term and Powers of an Act of His preſent Majeſty, for amending the Road from *Teddington* to the Turnpike Road between *Eveſham* and *Perſhore*, in the County of *Worceſter*; and for making a new Piece of Road to communicate therewith, in the County of *Glouceſter*.

[12th *May* 1809.]

WHEREAS an Act was paſſed in the Twenty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending, widening, and keeping in Repair the Road leading from the* Croſs Hands *in* Teddington Field, *in the Pariſh of* Overbury, *in the County of* Worceſter, *to the* London *Turnpike Road between* Eveſham *and* Perſhore, *in the ſaid County:* And whereas the Truſtees appointed by or in purſuance of the ſaid recited Act have made great Progreſs in the Repair of the ſaid Road, and ſeveral conſiderable Sums of Money have been borrowed and now remain due and owing upon the Credit of the Tolls thereby authorized to be collected, which Money cannot be repaid, nor the ſaid Road effectually amended and kept in Repair, unleſs the Term of the ſaid Act be continued, the Tolls increaſed, and the Powers thereof altered and enlarged: And whereas the Road from the ſaid *Croſs Hands* in *Teddington Field* to the *Tewkeſbury* Turnpike Road, at or near *Oxendon Elm*, and from the Turn of the ſaid *Tewkeſbury* Turnpike Road at or near the Hamlet of *Gotherington*, to the Road leading from the Town of *Cheltenham* to the Town of *Winchcomb*, at or near the Village of *Southam* in the County of *Glouceſter*, is very much out of Repair, and incommodious, and cannot be 29 G. 3. c. 102.

effectually amended, widened, and kept in Repair by the ordinary Course of Law; and it would be a great Accommodation to the Neighbourhood and of public Utility if the same was to be repaired, and put under the Care and Management of the Trustees of the aforesaid Turnpike Road; but as the same cannot be done without the Authority of Parliament, 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,

Former Act renewed, and other Roads put under this Act.

That the said recited Act, and the several Clauses, Powers, Provisions, Matters, and Things therein contained (except such as are by this Act varied, altered, or repealed, and also such as relate to Exemption from Stamp Duties), shall be and remain in full Force and Effect, and together with this present Act shall be put in Execution for and during the Term herein-after mentioned, as fully and effectually in all Respects and to all Intents and Purposes as if the said Act, and the Clauses, Powers and Provisions therein contained, were expressly repeated and re-enacted in this present Act, and as if the said new Piece of Road had been Part of the Road included in the said recited Act; but subject nevertheless to the Alterations and Amendments herein contained, and which shall commence and take Effect upon the passing of this Act; and that this Act, and the Term and Powers hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing, or which may hereafter become due and owing, on the Credit of the said recited Act, and of this present Act, or either of them, and all Interest due and to become due for the same respectively.

Empowering Trustees to make the new Piece of Road.

II. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or for such Persons as they or any Five or more of them shall employ for that Purpose, and they are hereby fully authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons in or through which the said new Piece of Road is intended to pass, to set out, form, make, and complete the same, from the said *Cross Hands* in *Teddington Field*, in the Parish of *Overbury* aforesaid, to the said Turnpike Road leading from the Town of *Cheltenham* to the Town of *Winchcomb*, at or near the Village of *Southam* aforesaid, and to cut and make such Drains, Gutters, and Tunnels for draining the Lands adjoining or near such Road as shall be by them thought necessary or proper for draining the Water from such Road, according to the true Intent and Meaning of the Act; doing as little Damage as may be in the Execution of the Powers to them hereby granted, and making reasonable Satisfaction to the Owners or Proprietors of and all Persons interested in such Lands, for all Damages which shall be sustained by executing the Powers and Authorities hereby given; and in case any Difference concerning the same shall arise between the said Trustees and such Owners or Proprietors, and Persons interested as aforesaid, that then the same shall be ascertained and settled by a Jury, in such Manner as is directed by the said recited Act with respect to the Valuation of Land intended to be made Part of the Road therein described: Provided always, that nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purpose of the said Road, or any of the Purposes aforesaid, any House or Building, or any Land or Ground set

ſet apart or uſed as a Garden, Orchard, Park, or planted Avenue to a Houſe, without the Conſent of the Owner or Owners thereof.

Meetings of Truſtees directed.

III. And be it further enacted, That from and immediately after the Firſt *Monday* next after the paſſing of this Act, all Meetings of the ſaid Truſtees ſhall be holden at the Town Hall, in the Borough of *Eveſham*, in the County of *Worceſter*, or at ſome other convenient Place within the ſaid Borough, and not elſewhere; and that at all ſuch Meetings any Mortgagee, or any Aſſignee of any Mortgagee, or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Intereſt thereout for the ſame, ſhall not, on that Account, be deemed unqualified or defeated from acting as a Truſtee in the Execution of this Act, any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

Empowering the Clerk to adjourn.

IV. And be it further enacted, That if at any Meeting there ſhall not appear a ſufficient Number of Truſtees to act and to adjourn to another Day, or in Caſe the Truſtees at any Time aſſembled ſhall not adjourn themſelves, then and in every ſuch Caſe the Clerk to the ſaid Truſtees ſhall, by Notice in Writing, to be affixed on all the Turnpikes then erected on the ſaid Road at leaſt Ten Days before the next propoſed Meeting, appoint the Truſtees to meet at the Place where their laſt Meeting was appointed to have been held on that Day Month next after the Day for which ſuch laſt Meeting was appointed; and the Truſtees ſhall at their ſeveral Meetings defray their own Expences; and all Orders and Determinations of the Truſtees in the Execution of this and the ſaid recited Acts ſhall be made at the Meetings to be held in purſuance thereof, and not otherwiſe (except in Caſes hereby particularly provided for); and that no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein; and that all Acts, Orders, and Proceedings, which are directed to be done, made, or had, by or before the ſaid reſpective Truſtees, ſhall and may be done, made, or had, by or before any Five or more of them, except where any other Number is herein named: and all Acts, Orders, and Proceedings done, made, or had by or before ſuch Five Truſtees, ſhall have the ſame Force and Effect as if the ſame were done, made, or had, by or before the whole Number of Truſtees; and that all ſuch Truſtees as are Juſtices of the Peace, may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted; and in all Caſes where the Truſtees or any Juſtice or Juſtices of the Peace are authorized to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Truſtees or Juſtice or Juſtices to adminiſter ſuch Oath; and that no Order made by Five or more Truſtees ſhall be revoked or altered, unleſs Nine Truſtees ſhall be preſent, and the major Part of them concur therein at a Meeting to be held for that Purpoſe, of which intended Revocation or Alteration Ten Days Notice at leaſt ſhall be given at a previous Meeting of the Truſtees, and entered in their Book of Proceedings, and ſuch Notice ſhall be affixed upon all the Turnpikes on the ſaid Road Ten Days at leaſt before ſuch Meeting, any Thing in the ſaid recited Act to the contrary notwithſtanding.

Truſtees to pay their own Expences.

Truſtees being Juſtices may act as ſuch, and adminiſter Oath.

Truſtees may ſue and be ſued in the Name of their Clerk.

V. And be it further enacted, That the ſaid Truſtees may ſue and be ſued in the Name of their Clerk, and that no Action to be brought or commenced

commenced by or againſt the ſaid Truſtees, or any of them, by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of the ſaid Clerk, without the Conſent of the ſaid Truſtees, but that ſuch Clerk ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk ſhall be reimburſed out of the Monies to be raiſed on the ſaid Road by virtue of this Act, all ſuch Coſts, Charges, and Expences as he ſhall be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

Remedy if Toll-gatherers or Gate-keepers refuſe to deliver up Poſſeſſion.

VI. And be it further enacted, That if any Toll-gatherer or Gate-keeper, appointed by the ſaid Truſtees, ſhall be diſcharged from his Office, or whoſe Term or Leaſe ſhall have expired, ſhall refuſe to deliver up the Poſſeſſion of the Houſe, Buildings, and Appurtenances which he enjoyed in Right of his Appointment to that Office, or in Right of his Leaſe, within Two Days after Notice of his Diſcharge, or Expiration of ſuch Leaſe, ſhall be given him; or in caſe of his Death, if the Wife or Family of any ſuch Toll-gatherer or Gate-keeper, who ſhall die as aforeſaid, or any other Perſon or Perſons, being in the Occupation of the ſaid Premiſes, ſhall refuſe to deliver up the Poſſeſſion of ſuch Houſe, Buildings, and Appurtenances, within Four Days after the Deceaſe of ſuch Toll-gatherer or Gate-keeper, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the Limit where ſuch Turnpike Houſe ſhall be, on Application being made to him by the ſaid Truſtees, or any Five or more of them, by Warrant under his Hand and Seal, to order any Conſtable or Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with the Goods, out of ſuch Houſe, and to put any new appointed Officer in Poſſeſſion thereof.

Plans to remain with Clerk of the Peace.

VII. And whereas Maps or Plans, deſcribing the Line of the ſaid new Piece of Road, and the Land or Ground through which the ſame is to be carried, together with Books of Reference, containing Liſts of the Names of the Owners and Occupiers of ſuch Lands or Grounds, have been depoſited at the Offices of the Clerks of the Peace of the ſeveral Counties of *Worceſter* and *Glouceſter*, the Map or Plan of ſuch Part of the ſaid Road as is in the County of *Worceſter*, in the Office of the Clerk of the Peace of ſuch County, and the Map or Plan of ſuch Part of the ſaid Road as is in the County of *Glouceſter*, in the Office of the Clerk of the Peace of the ſame County; be it therefore enacted, That the ſaid Maps or Plans, and the Books of Reference, ſhall remain in the Cuſtody of the Clerks of the Peace in whoſe ſeveral Offices the ſame are reſpectively depoſited, to the End that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace in whoſe Office the ſame reſpectively are depoſited the Sum of One Shilling for every ſuch Inſpection, and at the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid ſeveral Maps or Plans and Books of Reference; and that the ſaid Truſtees, in making the ſaid ſeveral Roads, ſhall not deviate more than One hundred Yards, of Three Feet each, from the Lines deſcribed in the ſaid Map or Plan, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body Politic, Corporate, or Collegiate,

Collegiate, through whose Lands or Grounds such Deviation shall be made.

VIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said new Piece of Road into, through, across, or over the Lands and Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although such Lands respectively be mistated or erroneously named, or the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to Two or more Justices of the Peace for either of the said Counties, and be certified by Writing under their Hands, that such Errors or Omissions proceeded from Mistake.

Trustees may make the new Road through Grounds, although the Owners' Names are not in the Book of Reference.

IX. And whereas the Tolls granted by the said recited Act have been found insufficient for amending and keeping the said Road in good Repair, and for executing the several other Purposes of the said Act; be it therefore enacted, That from and after the First Day of *June* next after the passing of this Act, the Tolls payable in and by the said recited Act shall cease, determine, and be no longer paid, and that in lieu thereof the following Tolls shall be demanded and taken before any Horses, Beasts, or Carriages shall be permitted to pass through the several and respective Toll-gates, Bars, and Turnpikes already set up and erected, or which may hereafter be set up and erected; (that is to say,)

For repealing the present Tolls, and granting new ones.

Tolls.

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or Ass, not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling *per* Score, and so in Proportion for any less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so in Proportion for any less Number.

And that Double the said respective Tolls shall be demanded and taken on every *Sunday* during the Continuance of this Act; and which said respective Tolls or Duties shall be and are hereby declared to be vested in the Trustees appointed or to be appointed for the Purposes of the said recited Act or this present Act, and shall be demanded and taken in the Name of and as a Toll by such Person or Persons as the said Trustees, or any Five or more of them shall from Time to Time appoint for that Purpose; and shall and may be levied, recovered, applied, and disposed of in such and the same Manner as by the said recited Act is directed with regard to the Tolls thereby granted, subject nevertheless to the Alterations herein contained: Provided always, that no Person who shall have paid Toll for the Passage of any Horses, Beasts, or Carriages, Neat Cattle, Calves, Sheep, or Swine, through any Gate, Bar, or Turnpike, erected or to be erected by virtue of the said recited Act or this Act, shall be subject or liable on the same Day, to be computed from Twelve of the

Clock at Night to Twelve of the Clock in the ſucceeding Night, to the Payment of any other or further Toll for paſſing with the ſame Horſes, Beaſts, or Carriages, Neat Cattle, Calves, Sheep, or Swine, through the ſame Gate, Bar, or Turnpike where ſuch Perſon ſhall have paid ſuch Toll.

Exemptions from Toll.

X. 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, Road Gravel, or other Materials for repairing of the ſaid Road, or any of the Roads in the Townſhips in which any Part of the ſaid Road doth lie, or the next adjoining Townſhips; or Hay, Graſs, Straw, or Corn in the Straw only, to be produced from Lands or Grounds in any of the ſaid Pariſhes or Places through which the ſaid Road doth paſs, and not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes or on the Lands of the reſpective Owners within the ſaid Pariſhes or Places, for the Purpoſe of thraſhing out ſuch Corn, or of uſing or conſuming ſuch Hay, Graſs, or Straw; or for any Cart or other Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going empty 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, Corn for ſeeding the Ground, or any Dung, Compoſt, or Manure employed in Huſbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands (Lime only excepted); or for any Horſes, Sheep, or Cattle going to or returning from Paſture or Watering Places, or going to be or returning from being ſhoed or farried, within the ſaid Pariſhes or Places; or for any Horſe, Cattle, or Beaſt employed in carrying and conveying or returning from carrying or conveying any Corn, Grain, Meal, or Flour to or from any Corn Mill for the Owner's own Uſe and Conſumption, and not for Sale, within the ſaid Pariſhes or Places; 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 a *Sunday*, or upon 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 Townſhips; or from any Clergyman going to or returning from viſiting any ſick Perſon, or going to or returning from 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 Horſe, Cattle, or Carriage 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 carrying, fetching, or guarding ſuch Mails or Expreſſes, or returning back from conveying the ſame; or for any Horſe, Cattle, or Beaſt attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; 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, Cart, Cattle, or Beaſt employed in the Conveyance of Vagrants ſent by legal Paſſes, or returning

returning therefrom; or for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Worceſter* and *Glouceſter*, or of a Burgeſs or Burgeſſes to ſerve in Parliament for the ſaid Borough of *Eveſham*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding furniſhed by or for any Perſons 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 ſuch Perſons ſhall 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; 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.

Carriages conveying Military Stores not to be ſubject to Penalties for Over-weight, &c.

XI. 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 Over-weight; 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, Cart, or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Application of Compenſation Money when amounting to 200*l.*

XII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed 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 *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 of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Parts 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, Trusts, 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 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 or 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 of Chancery, 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 such 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 Lands, Tenements, or Hereditaments by the said recited Act or this Act directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

XIII. 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 Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed 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 or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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 paid 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 Five or more of the said Trustees for executing the said recited Act 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Money is less than 20*l.*

XIV. Provided also, and be it further 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

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 Act and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then 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; ſubject to the Order of the Court of Chancery on Motion or Petition.

XV. 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 Act or 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 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 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 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 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 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.

Reſpecting diſputed Titles.

XVI. Provided always, and be it further 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 the ſaid recited Act or 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 Act or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to 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 Purchaſes to be paid by the Truſtees.

XVII. Provided alſo, and be it further 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 Act or 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 this Act, it ſhall be lawful 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 or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sum or Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Statute Work.

XVIII. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful to and for any Two or more Juſtices of the Peace for the ſaid Counties of *Worceſter* or *Glouceſter*, and they are hereby empowered and required upon Application made to them by the ſaid Truſtees, or by their Clerk or Surveyor, by their Orders, yearly to judge and determine what Part and Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Townſhips or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer; and in order thereunto it ſhall and may be lawful to and for the ſaid Juſtices, from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Townſhip or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Fourteen Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be

directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days' Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and in such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order, and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer at such Time or Times as they the said Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties or Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Townships or Places shall refuse or wilfully neglect to give in such Litts as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, of and in all or any of the Townships or Places in which the said Road is situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other

other Work to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Road, which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways or other Officer of the Townſhip, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees, in advance, on or before the Twenty-ninth Day of *September* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Townſhip or Place ſhall not be permitted to compound for that Year.

For compelling Payment of Subſcription Money.

XX. And be it further enacted, That the ſeveral Perſons who have ſubſcribed or ſhall ſubſcribe to pay Money for or towards amending and repairing the ſaid new Piece of Road, ſhall and are hereby required to pay ſuch Money within ſuch Time, in ſuch Parts or Proportions, and to ſuch Perſon as the ſaid Truſtees ſhall direct or appoint; and in Default of ſuch Payment, ſuch Money ſhall be recovered by Action at Law, to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, in the Name of the Treaſurer or Clerk to the Truſtees.

Expences of this Act, how to be paid.

XXI. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and paſſing this Act, together with lawful Intereſt from the Time of advancing the ſame to the Time of Payment, ſhall be paid and ſatisfied by the ſaid Truſtees; and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby required to order and direct the Payment of the ſaid Charges and Expences, with Intereſt as aforeſaid, out of the firſt Monies that ſhall be collected, borrowed, or received by virtue of the ſaid recited Act or this Act, in preference to all other Payments and Diſburſements whatſoever.

Toll-Barkeepers to be competent Witneſſes.

XXII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, 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, ſhall not on that Account be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Publick Act.

XXIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Continuance of the Act.

XXIV. And be it further enacted, That the Term granted by the ſaid recited Act ſhall, on the firſt *Monday* next after the paſſing of this Act, ceaſe and determine; and the ſaid Act (ſubject to the Alterations, Variations, and Additions herein-before contained) and this Act ſhall from thenceforth commence, continue and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1809.