ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 59.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts, paſſed in the Twenty-fifth Year of the Reign of His late Majeſty, and the Nineteenth Year of the Reign of His preſent Majeſty, for amending the Roads leading from the Weſt End of *Upton* Bridge in the County of *Worceſter* to the Pariſh of *Tirley* in the County of *Glouceſter*, and other Roads in the ſaid Acts mentioned, and for amending the Road leading from the White Croſs, in the Pariſh of *Hanley Caſtle* in the ſaid County, to the River *Severn*. [29th *June* 1804.]

WHEREAS an Act was paſſed in the Twenty-fifth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for repairing and amending the ſeveral Roads leading from the Weſt End of* Upton *Bridge in the County of* Worceſter, *to the Pariſh of* Tirley *in the County of* Glouceſter, *and to the Pariſh of* Colwall *in the County of* Hereford, *and to the further Side of a Place called the* Rid-Green, *in the Road to the City of* Worceſter, *and through a Place called* 25 G. 2.

called Roberts-End-Street *to* Malvern Chase *in the said County of* Worcester: And whereas an Act was passed in the Nineteenth Year of the
19 G. 3. Reign of His present Majesty for continuing the Term, and altering and enlarging the Powers of the said Act, and for amending the Road leading from the White Cross, in the Parish of *Hanley Castle* in the said County, to the River *Severn*: And whereas great Progress hath been made in putting the said Acts in Execution, and considerable Sums of Money have been borrowed, and are now due and owing on the Credit of the Tolls arising on the said Roads, which Money cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered, amended, and enlarged: And whereas the Road or Highway leading from the Cross, or Market Place in the Town of *Upton-upon-Severn* aforesaid, along a Street there called the *New Street*, to the Turnpike at the Bottom thereof, being of the Length of Two hundred Yards, or thereabouts, is much out of Repair, and cannot be effectually amended, improved, and kept in Repair by the ordinary Course of Law, and it would be a Convenience to the Neighbourhood, and of great publick Utility, if Powers were given for amending, improving, and keeping the same in Repair: 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, passed in the Twenty-fifth Year of the Reign of His late Majesty, and the Nineteenth Year of the Reign of His present Majesty, and each of them respectively, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things therein contained, (except such as are hereby varied, altered, or repealed, and except such as relate to Exemptions from Stamp Duties,) shall be and are hereby further continued, for and during the Term herein-after mentioned, and the said Acts, and all the Powers and Provisions therein contained, shall, immediately on the passing of this Act, extend to and be executed as well for the Purpose of amending, widening, turning, altering, improving, and keeping in Repair the several Roads in the said Acts mentioned, as for amending, improving, and keeping in Repair the said additional Road herein-before particularly mentioned and described, in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever, as if the said recited Acts, and the several Powers and Provisions therein contained, were repeated and re-enacted in the Body of this Act, and as if the said additional Road had been originally included in, and made Part of the Roads directed to be amended, widened, improved, and kept in Repair by the said Acts, or either of them, but subject nevertheless to the Alterations, Additions, and Amendments in this Act contained, and which shall commence and take Effect immediately upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be and remain subject and liable to the Payment of all Money now due and owing on the Credit of the said Acts, and of all Money now due, or which shall or may hereafter be borrowed and become due on the Credit of the said Acts, or either of them, and this Act, and of all Interest due and to grow due for the same respectively.

The said Acts further continued, except, *etc.*

II. And

II. And be it further enacted, That *John Aſtbury*, *John Allen*, *Thomas Bland*, *Thomas Brockhurſt*, *Thomas Brockhurſt* the younger, *Thomas Barnes*, *John Knottesford Barnes*, *John Bradſtock*, *Thomas Bund*, the Reverend *Robert Edmund Baines*, the Reverend *Robert Blayney*, the Reverend *Henry Boulter*, *Thomas Blayney*, *John Berkeley* of *Longdon*, *Thomas Bird*, *William Boulter*, *Richard Benbow*, *John Bellers*, *Samuel Beale*, the Honourable *John Somers Cocks*, *Nicholas Lechmere Charlton*, *Edmund Charlton*, *Francis Charlton*, *Richard Cocks*, *Richard Chambers* the younger, *Richard Clarke*, *John Claridge*, the Reverend *James Commeline*, the Reverend *Allen Cliffe*, *John Clarke*, *John Crowe*, *Thomas Dowdeſwell*, *William Dowdeſwell*, *John Darke*, *Richard Donovan*, the Reverend *Thomas Evans* Doctor in Divinity, the Reverend *Richard Morgan Graves* Doctor in Divinity, the Reverend *Henry Green*, the Reverend *Henry Green* the younger, *John Gaſk*, *Thomas Hornyold*, *Charles Hornyold*, *Thomas Hornyold* the younger, *Hugh Houſton*, *Robert Harriſon*, the Reverend *Edward Herbert* Clerk, *Thomas Huſband*, *Benjamin Johnſon*, the Reverend *Robert Jackſon* Doctor of Laws, *William Lygon*, *Edmund Lechmere*, *Anthony Lechmere*, *Edmund Hungerford Lechmere*, *Anthony Berwick Lechmere*, *William Beauchamp Lygon*, *John Reginald Lygon*, *Henry Beauchamp Lygon*, *Edward Pindar Lygon*, *Martin Lucas*, *Henry Lambert*, *Wakeman Long*, *John Wakeman Long*, *Samuel Leſſingham*, *Francis Lucy*, *Wakeman Long* the younger, *James Laird*, the Reverend *Robert Lucas* Doctor in Divinity, *John Matthews*, *John Miles*, *James Martin*, *James Martin* the younger, *Joſeph Martin*, the Reverend *Joſeph Martin*, the Reverend *Arthur Onſlow* Doctor in Divinity, Dean of *Worceſter*, the Reverend *Richard Francis Onſlow*, *John Parſons*, *George Perrott*, *James Paine*, the Reverend *William Probyn*, *James Skey*, *George Skey*, *John Stone*, *James Skey* the younger, *Samuel Sandelands*, the Reverend *Henry Salmon*, the Reverend *George Turberville*, *John Terrett*, *John Thackwell* the younger, the Honourable *John William Ward*, Sir *Charles Trubſhaw Withers* Knight, *William Welch*, *William Wakeman*, *William Wrenford*, *Thomas Wrenford*, *Francis Welles*, *Edmund Francis Welles*, *Thomas Webb*, *Thomas Webb* the younger, *William Wall*, *Samuel Wall* the younger, *John Williams*, *Francis Williams*, and the Reverend *Henry Gorges Dobyns Yate* Doctor in Divinity, being qualified, according to the Directions of the firſt mentioned Act, ſhall be and they are hereby appointed Truſtees, and ſhall be joined with the Truſtees appointed in or by virtue of the ſaid Acts, any or either of them, for putting the ſame and this Act in Execution; and the Truſtees herein nominated, and their Succeſſors, ſhall be and are hereby empowered to act in the Execution of the ſaid Acts and this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in and by the ſaid former Acts, or either of them. Truſtees.

III. And be it further enacted, That ſuch of the Truſtees appointed or to be elected to put the ſaid former Acts and this Act in Execution, as are or ſhall be in the Commiſſion of the Peace for the Counties of *Worceſter*, *Glouceſter*, and *Hereford*, or for any or either of them, may and they are hereby authorized and empowered, in all Caſes whatſoever, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they may be perſonally intereſted. Truſtees who are in the Commiſſion of the Peace may act as Juſtices in the Execution of the Act.

IV. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, or Horſes employed in Allowing Exemptions from Toll.

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 Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie, or Hay, Straw, or Corn in the Straw only, 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 Waggons, Wains, Carts, Carriages, or Horſes 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, or any Mould, Dung, Soilage, 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 Parochial Church, Chapel, or other Place of Religious Worſhip, tolerated by Law, on a *Sunday* or 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 Horſes, Carts, or Waggons attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horſes, Carts, or Waggons employed in the Conveyance of Vagrants ſent by legal Paſſes; or for any Horſe, Cattle, or Beaſt drawing any Coach, Berlin, Chariot, Calaſh, Chair, or Paſſenger on Horſeback going to or returning from any Election of a Knight or Knights of Shire, to ſerve in Parliament for the Counties of *Worceſter* or *Glouceſter*, on the Day or Days of ſuch Election, or on the Day or Days 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 the ſaid Acts and this Act; any Thing in the ſaid Acts to the contrary hereof notwithſtanding.

Lime for Manure to be exempted from Toll.

V. And be it further enacted, That no Toll ſhall be demanded or taken for any Waggons, Wains, Carts, Carriages, Horſes, Oxen, or other Cattle employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, on the ſame Day, any Lime or Lime Stone, to be uſed for the Purpoſe of Manure only; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner, claim and take the Benefit of this Exemption, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not

not exceeding Five Pounds nor leſs than Forty Shillings, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied to the Purpoſes of the ſaid Acts and this Act; any Thing in the ſaid former Acts, or either of them, to the contrary thereof notwithſtanding.

Toll Gate may be erected at *Upton-upon-Severn* Bridge.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, if they ſhall find Occaſion, at a Meeting to be held for that Purpoſe, (of which Meeting Twenty-one Days Notice ſhall be given in Writing, to be affixed upon all the Toll Gates then erected on the ſaid ſeveral Roads, and alſo to be inſerted in the Newſpapers publiſhed at *Gloceſter* and *Worceſter*, and ſeverally circulated in the Neighbourhood of *Upton-upon-Severn* aforeſaid, ſpecifying the Place where a Toll Gate is intended to be erected,) by an Order under their Hands, to direct and order a Toll Gate to be erected at the Foot of or near to the Weſt Side of the Bridge at *Upton-upon-Severn* aforeſaid.

Directing the Application of Compenſation Money, where exceeding 200*l.*

VII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed, by virtue of the Powers of the ſaid recited Acts and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons under any Diſability and Incapacity, as in the ſaid firſt recited Act particularly mentioned, 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, *ex parte* the Truſtees for executing the ſaid Acts 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 or Hereditaments in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands 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 Meſſuages, Lands, 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 Meſſuages, Lands, and 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 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 the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe 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

would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Application of Compenſation Money, when leſs than 200*l.* and above 20*l.*

VIII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands 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 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 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 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 Five or more of the ſaid Truſtees for executing the ſaid Acts 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 ſaid Court of Chancery.

Application where leſs than 20*l.*

IX. 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 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 or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts 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;

X. 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 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 be lawful 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*],

them], subject to the Order, Controul, and Disposition of the said Court of Chancery; 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 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, 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.

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

XI. 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 Acts or this Act, for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Buildings, Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, 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 Buildings, 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 Buildings, 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 Interests 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 Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said Acts, or so much of such Expences as the said Court shall deem reasonable, together with the reasonable Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XIII. And

For paying the Expences of the Act.

XIII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid by the ſaid Truſtees, or any Five or more of them, out of any Monies already raiſed by virtue of the ſaid recited Acts, or out of the Firſt Monies which ſhall be collected or received by virtue of the ſaid Acts and this Act, in preference to all other Payments whatſoever.

Publick Act.

XIV. 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 whomſoever, without ſpecially pleading the ſame.

Commencement and Continuance of the Act.

XV. And be it further enacted, That the Term granted and continued by the ſaid Acts, ſhall, on the paſſing of this Act, ceaſe and determine, and that the ſaid Acts and this Act (ſubject to the Alterations, Variations, and Additions herein-before mentioned) 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.

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