ANNO SEXTO

GEORGII IV. REGIS.

Cap. cliii.

An Act for repairing, improving, and keeping in repair several Roads leading to and from the Town of *Upton-upon-Severn* in the County of *Worcester*. [10th *June* 1825.]

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* Roberts's End Street, *to* Malvern Chase *in the said County of* Worcester: And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act, made in the Twenty-fifth Year of the Reign of His late Majesty, for repairing and amending several Roads leading from* Upton *in the County of* Worcester, *and other Roads therein 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: And whereas another Act was passed in the Forty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *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*

25 G. 2. c. 60.

19 G. 3. c. 89.

44 G. 3. c. 59.

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: And whereas the Trustees have borrowed considerable Sums of Money on the Credit of the Tolls granted by the said Acts; which Money cannot be repaid, nor can the said Roads be effectually maintained in repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or altered: And whereas the Road leading from the Cross or Market Place in the Town of *Upton-upon-Severn* aforesaid, through a Street there called *The Pig Market*, to the End of a Lane called *Mingeway*, where it joins the *Upton* Turnpike Road at or near a Place called *Stocksgate*, might be more effectually maintained in repair if the same were put under the Care of the Trustees of the Roads comprised in the said Acts, and made Turnpike: And whereas it would be advantageous to the Public, if so much of the present Turnpike Roads, now comprised in an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better repairing the several Roads leading into and from the City of* Worcester, as leads from a House called *The Old Bell*, or *Old Blue Bell*, in the Parish of *Earls Croome*, to *Upton Bridge* in the said County of *Worcester*, were also put under the Care of the Trustees for executing this Act; and also if the present public Highway leading from and out of the last-mentioned Road at or near a Place called *Holly Green*, through the Parish of *Ripple* in the said County of *Worcester*, to the *Tewkesbury* Turnpike Road, at or near a Place called *The Grove* in the said Parish of *Ripple*, were to be put under the Care of the same Trustees: And whereas an Act was passed in the Third Year of the
3 G. 4. c. 126. Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the
4 G. 4. c. 95. Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas an Act was passed in the Fifth Year of the Reign of His present
5 G. 4. c. 69. Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads:* And whereas it would facilitate the Execution of the Purposes aforesaid, if the Powers of the first Three recited Acts were repealed, and further Provision made for the Repair of the said Roads: 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 from and after the passing of this Act, the said Three several recited Acts passed in the Twenty-fifth Year of the Reign of King *George* the Second, and in the Nineteenth and Forty-fourth Years of the Reign of His late Majesty King *George* the Third, shall be and the same are hereby declared to be repealed; and this Act shall from thenceforth commence and take effect and be put in execution for and during the Term herein-after mentioned, for the Purpose of repairing, altering, turning, widening, improving, and

Recited Acts of 25 G. 2, 19 & 44 G. 3, repealed, and this Act to take effect.

and keeping in repair the several Roads herein-after described; (that is to say), the Road branching out of the *Worcester* and *Tewkesbury* Turnpike Road, at or near a House called *The Old Bell*, or *Old Blue Bell*, in the Parish of *Earls Croome* aforesaid, and leading from thence to *Upton Bridge;* and the Road leading from and out of the last-mentioned Road, at or near a Place called *Holly Green*, to the *Tewkesbury* Turnpike Road, at or near a Place called *The Grove;* the Road leading from the West End of *Upton Bridge* to the Parish of *Tirley* in the County of *Gloucester*, and from the Top of *Tunnell Hill* to a certain Place in the Parish of *Little Malvern*, where it joins the Road leading from the Village of *Great Malvern* in the County of *Worcester*, to the Town of *Ledbury* in the County of *Hereford;* the Road leading from the Cross or Market Place in the Town of *Upton-upon-Severn* aforesaid, through a Street called *The Pig Market*, to the End of a Lane called *Mingeway*, at or near a Place called *Stocksgate*, and from the Cross or Market Place in *Upton-upon-Severn* aforesaid, along a Street there called *The New Street*, to the Turnpike at the Bottom thereof; the Road leading from the *High Street* in *Upton-upon-Severn* aforesaid, along a certain Street there called *The Church Street*, and from thence to the Road which leads from *Blackmore's End* and *Baldwynhall's Green* to the River *Severn* at or near the *Rhydd;* and through a Street called *Robert's End Street*, to the Road which leads from the *Honey Pot Lane* by *Hanley Swan* towards the *Well House* in the Parish of *Hanley Castle;* and the Road leading from the *White Cross* in the Parish of *Hanley Castle* aforesaid, to the River *Severn*.

Trustees not to repair so much of the Road as adjoins Upton Bridge.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to require the Trustees herein-after named and appointed to repair so much or such Part of the said Road as lies adjoining to the said Bridge called *Upton Bridge*, as hath usually been and is to be repaired by the Inhabitants of the County of *Worcester*.

Tolls granted by this Act made liable to the original Debt.

III. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken on the Roads comprised in the said first Three recited Acts, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money on account of the said Roads, or any or either of them, to the Trustees for executing the said first Three recited Acts, shall be liable to the Payment thereof to the Trustees herein-after appointed or directed to be appointed for executing this Act.

Securities, &c. under former Acts to continue in force.

IV. And be it further enacted, That all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said first Three recited Acts, on account of the said Roads or either of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices, made, entered into, and given by the Trustees for executing the said first Three recited

recited Acts, with or to any Person or Persons, for any Purpose relating to the said Roads, or to the Execution of the said first Three recited Acts, or any or either of them, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said first Three recited Acts.

Books kept under former Acts shall be open to the Inspection of the Trustees and Creditors.

V. And be it further enacted, That all Books kept for registering Mortgages and Assignments, and all Entries therein, and all Books of Proceedings of the Trustees of the said Roads, kept according to the Directions or Provisions of the said first Three recited Acts, or of any former Acts, or any Act then in force and made Evidence thereby, shall be admitted in evidence in all Courts, and by all Judges, Justices, and others; and all such Books, and also all Books of Accounts of Receipts and Disbursements made under the said first Three recited Acts, or any or either of them, shall be preserved and kept by the Clerk for the Time being to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees and any Creditor or Creditors of the Tolls, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors, or any of them, to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Powers of recited Acts 3, 4, & 5 G.4. extended to this Act.

VI. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act, and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the County of *Worcester*, and all His Majesty's Justices of the Peace for the Time being acting for the County of *Gloucester*, together with *John Astbury*, *John Henry Allen*, *John Knottesford*

tesford Barnes, *John Bradstock*, *Robert Edmund Baines* Clerk, *Henry Boulter* Clerk, *Thomas Blayney*, *John Berkeley* of *Eastington*, *Thomas Bird*, *Samuel Beale*, *Job Walker Baugh* Clerk, *Thomas Bird* the younger, the Honourable *John Somers Cocks*, commonly called Viscount *Eastnor*, the Honourable *George William Coventry*, commonly called Viscount *Deerhurst*, the Honourable and Reverend *Thomas Henry Coventry*, the Honourable *William James Coventry*, *Edmund Lechmere Charlton*, *Francis Lechmere Charlton*, *James Commeline* Clerk, *John Clarke*, *George Clarke*, *Richard Clarke*, *Charles Crewe* Clerk, *William Dowdeswell*, *John Dowdeswell*, *Charles Dunne* Clerk, *James Dingley*, *Thomas Davis*, *William Davis*, *John Fletcher*, *Henry Green* Clerk, *John Gask*, *Thomas Charles Hornyold*, *Joseph Higgins* Clerk, *Benjamin Johnson*, *Benjamin Goolden Kent*, *Samuel Kent*, Sir *Anthony Lechmere* Baronet, *Edmund Hungerford Lechmere*, *Anthony Berwick Lechmere*, the Honourable *Henry Beauchamp Lygon*, the Honourable *Edward Pindar Lygon*, *John Wakeman Long*, *Samuel Lesingham*, *Joseph Martin* Clerk, *Joseph John Martin*, *Charles Martin*, *John Williams Martin*, *Richard Francis Onslow* Clerk, *Fleetwood Parkhurst* Clerk, *George Wigley Perrott*, *James Paine*, *Osman Ricardo*, *William Rayer*, *James Rolleston*, *James Skey*, *James Skey* the younger, *John Skey*, *Henry Salmon* Clerk, *George Turberville* Clerk, *John Taylor*, *John Thackwell*, *William Thackwell*, *William Welch*, *William Wakeman*, *Edmund Francis Welles*, *Thomas Webb*, *Thomas Webb* the younger, *William Wall*, *Samuel Wall*, *John Williams*, *Francis Williams*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for repairing, altering, turning, widening, improving, and keeping in repair the several Roads herein-before described, and for otherwise putting this Act into Execution.

Power to appoint additional Trustees.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being qualified according to the Directions and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, not exceeding Four in the whole, in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

Meetings of Trustees.

IX. And be it further enacted, That the Trustees for executing this Act shall meet together at the *White Lion Inn*, or some other convenient Place within the Town of *Upton-upon-Severn*, on the Second *Thursday* after the passing of this Act, or as soon after as conveniently may be; and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper.

Old Officers to continue until new ones elected.

X. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of

of the said recited Acts, passed in the Third and Fourth Years of the Reign of His present Majesty, and not contrary to the Provisions or Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said first Three recited Acts, or any or either of them, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Clerk not to act as Treasurer, and vice versâ.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer to give Security.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take sufficient Security from the Treasurer or Treasurers acting by virtue of this Act, for the due and faithful Execution of his or their Office.

Power to erect Toll Gates, Side Bars, Weighing Machines, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, if they think proper, to continue or remove all and every or any of the Toll Gates or Turnpikes, and Toll Houses and Weighing Machines, now standing and being in, or upon, or across the said Roads,

or on the Sides thereof; and also to erect and set up or build, or cause to be erected, set up and built, upon, in, or across the said Roads by this Act directed or authorized to be repaired and amended or made, or on the Sides thereof, or any Part thereof, and at the Foot of or near to either End of the Bridge over the River *Severn*, at *Upton-upon-Severn* aforesaid, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for the same respectively, not exceeding One-eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same or any of them, as they the said Trustees shall think proper and direct or appoint.

Lamps to be lighted at Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to place and erect, or cause to be placed and erected, One or more Lamp or Lamps on each and every of the Toll Gates, or against or in Front of each and every of the Toll Houses to be continued or erected by virtue of this Act, as they the said Trustees shall think proper; and also to order and direct at what Times of the Year, and during what Hours, such Lamps or any or either of them shall be kept lighted; and all and every Toll Collectors and Collector appointed by the said Trustees, and also all and every Lessees and Lessee, Farmers and Farmer of the Tolls authorized by this Act to be taken and collected, and every Collector appointed by them, or any or either of them, who shall neglect or omit to observe and fulfil the Orders of the said Trustees, in respect to the keeping and lighting of such Lamps, shall for every such Neglect or Omission forfeit and pay any Sum not exceeding Forty Shillings, to be levied and recovered, (together with the Costs and Charges of all Proceedings for Recovery thereof), by such Ways and Means and in such Manner as any Penalty or Forfeiture of the like Amount may be levied or recovered under or by virtue of the before-recited Acts of the Third and Fourth Years of the Reign of His present Majesty; and One Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Trustees, and applied or disposed of for the Purposes of this Act.

Power to take Tolls.

XV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued, or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned, at the several and respective Toll Gates, or Turnpikes, or Toll Houses, or Side Gates or Side Bars or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads by this Act directed or authorized to be repaired and amended or made, or any of them, or any Part or Parts thereof, or upon or across any such Road, Lane, or Way leading into the same as aforesaid, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; that is to say,

For

Tolls.

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Barouche, Berlin, Phaeton, Curricle, Chaise, Calash, Chair, Gig, Car, Tax Cart, Van, Caravan, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast, drawing any Waggon, Wain, Timber Carriage, Cart, or other such like Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, drawing any Timber Carriage employed in carrying or conveying any Timber Tree or Trees, between the last Day of *October* in any Year and the First Day of *March* in the next succeeding Year, if drawn by more than Three Horses or other Beasts, the Sum of Sixpence Three Farthings:

For every Horse, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number: And

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number.

All which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle whatsoever, shall be permitted to pass through any such Toll Gate, Turnpike, Side Bar, or Chain; and such several and respective Tolls and Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act, in the Manner herein-after mentioned.

Tolls to be paid but once a Day.

XVI. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse or other Beast, drawing or not drawing, or of any Cattle, through any One of such Toll Gates, or Turnpikes, or Side Gates, such Horse or other Beast, drawing or not drawing, and such Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through all other Toll Gates, Turnpikes, and Side Gates on the said Roads, or on the Sides thereof, at any Time or Times during the same Day (to be computed as aforesaid), except any such Horses or Beasts as shall be employed in drawing a different Waggon, Cart, or other such Carriage from that which they were employed in drawing when the Payment was made, in which Case such Horses or other Beasts so drawing shall be again liable to Toll.

Stage Coaches, &c. to pay every Time of passing.

XVII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

Post Chaises to pay on every new Hiring.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

XIX. And

Application of the Tolls and Money to be borrowed.

XIX. And be it further enacted, That out of the Monies already received by virtue of the said first Three recited Acts, and now in the Treasurer's Hands, or out of the first Money which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall in the first place pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, with Interest for the same; and the Remainder of all such Monies shall from Time to Time be applied, in the second place, in keeping down the Interest of the Principal Monies due and owing on the Credit of the said first Three recited Acts, and which may be borrowed on the Credit of this Act, and in erecting Turnpikes and Toll Houses, and in amending, making, altering, turning, widening, improving, and keeping in repair the said Roads, and in otherwise putting this Act into Execution; and lastly, in repaying the principal Monies now due and owing, or hereafter to be borrowed on the Credit of the Tolls by this Act granted.

Application of Compensation Money, if amounting to 200*l.*

XX. 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, to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons 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 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain, until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court in a summaty Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the

1 G. 4. c. 35.

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 or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, 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, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and Annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of the said Roads, 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 or amount 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, Lunacy, or other Incapacity, with the Approbation of the said Trustees, or any Three or more of them, 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 Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled

entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer, on Motion or Petition.

XXIII. 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, taken, or used under or by virtue of the Powers 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 the 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 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 said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Control, 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 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 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 therein 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 of *England* as aforesaid.

In case of disputed Titles.

XXIV. 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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,

sons, 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; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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.

Court may order reasonable Expences to be paid by the Trustees.

XXV. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or 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 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Entrances to Fields, &c. to be made with hard Materials.

XXVI. And be it further enacted, That in all Places thoughout the said Roads respectively, where any Entrance shall be from the said Roads to any Field, Garden, Yard, or other Land or Ground, or to any Building from the said Roads or any of them respectively, or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of One Calendar Month after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual Place of Residence, by the Surveyor of the said Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Fourteen Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal or Hands and Seals of any Justice or

Justices of the Peace of the County where the Lands shall lie, and which Warrant of Distress any such Justice or Justices is or are hereby authorized and empowered to grant, on Proof made before him or them on Oath, of such Expence having been incurred, and of such Notice having been given as aforesaid, and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Penalty for laying Timber near the Road.

XXVII. And whereas the public Passage of the said Road has been frequently obstructed by large Pieces of Timber being laid upon or near the Shore of the River adjacent to the said Road, without sufficient Fastenings to prevent the same being carried on to the Road by the Overflowings of the River; be it therefore further enacted, That if any Person or Persons shall lay any Timber within Twenty Feet of the said Road, in any open Piece of Land or Ground adjacent to the said Road, and shall so continue the same for any longer Time than Two Hours, every such Person, or the Owner of such Timber, shall forfeit and pay the Sum of Two Shillings *per* Hour for every Hour such Timber shall remain or continue so placed after the Expiration of such Two Hours as aforesaid, to be recovered and levied (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for any other Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and such Penalty shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Penalty for placing Timber on the Banks of the River so as to drift upon the Road.

XXVIII. And be it further enacted, That if any Piece or Pieces of Timber or Wood shall be lodged or placed upon the Banks of the River *Severn*, between the Town of *Upton* aforesaid and *Pool Brook*, by any Timber Merchant or Dealer in Timber, or by his or their Agents or Servants, or other Person or Persons, without being sufficiently secured at both Ends, so as to prevent the same being drifted by the overflowing of the River, or otherwise, upon or across the said Road, then and in every such Case the Owner or Owners of such Timber or Wood shall, for every Piece thereof which shall be so lodged or placed or drifted upon or across the said Road, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and levied (together with the necessary Costs and Charges of levying the same) by the same Ways and Means, and in the like Manner, as any Penalty or Forfeiture for any other Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and such Penalty shall be applied to the Use of the said Roads, and in aid of the Tolls arising upon the same; and it shall and may be lawful for the Surveyor of the said Roads, or any other Person or Persons whomsoever, to seize, remove, and detain such Timber or Wood, until the Owner or Owners thereof shall pay the said Penalty, together with the reasonable Charges and Expences of seizing, removing, and detaining such Timber or Wood, to the Treasurer, Clerk, or Surveyor of the said Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after written Notice of such Seizure and Detention shall have been delivered to or left at the Dwelling House of the Owner or Owners of such Timber or Wood, if known, or if not known, by affixing such written Notice at the Two nearest Toll Gates on the said Road, where the said Timber or Wood shall have been seized, then it shall and may

be lawful for any One or more Justice or Justices of the Peace to order every such Piece of Timber or Wood to be sold, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of seizing, removing, detaining, and selling the same, shall be paid to the Person or Persons whose Property such Timber or Wood shall appear to have been; but in case the Money arising from the Sale of such Timber or Wood shall not be sufficient to pay the said Penalty, and the Charges and Expences of seizing, removing, detaining, and selling the same, such Deficiency shall and may be recovered and levied, (together with the necessary Costs and Charges of levying the same) by the like Ways and Means, and in the like Manner, as any Penalty or Forfeiture for any other Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered.

Ditches, Drains, Bridges, &c. by whom to be made and cleaned.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered to make Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same; and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House) at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, also at the Expence of the said Trustees, out of the Monies aforesaid; any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, when made and completed, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats as shall cross or pass in or under the said Roads, shall be maintained and repaired by the said Trustees, subject to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty.

Public Act.

XXX. 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.

Commencement and Continuance of this Act.

XXXI. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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