ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 62.

An Act for continuing the Term, and altering and enlarging the Powers of an Act, of the Twenty-ſecond Year of His preſent Majeſty, for amending the Road leading from the *Willerſley* Turnpike Road, near *Parton*, to *Monkland Mill*, and other Roads therein mentioned, in the Counties of *Hereford* and *Worceſter*. [29th *June* 1804.]

WHEREAS an Act was paſſed in the Twenty-ſecond Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for amending and keeping in Repair the Roads leading from the* Willerſley *Turnpike Road, near* Parton, *to* Monkland Mill, *and from the Turnpike Road on* Fair Mile Field, *to the Turnpike Road at* Broad Heath, *and from the Turnpike Road at or near the* Fords Bridge, *to the Turnpike Road near* Stockton, *and from* Kyre Common, *to the Turnpike Road at* Grendon Green, *in the Counties of* Hereford *and* Worceſter: 22 G. 3.
And whereas the Truſtees appointed in or by virtue of the ſaid Act have proceeded in the Execution thereof, and made great Progreſs in repairing and improving the ſaid Roads, for which Purpoſe they have borrowed a

considerable Sum of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in Repair, unless the Term of the said Act is continued, the Tolls thereby granted increased, and some of the Powers thereof altered, amended, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Twenty-second Year of the Reign of His present Majesty, and all and every the Clauses, Powers, Provisions, Exemptions, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties,) shall be and continue in full Force, and be executed for and during the Term herein-after mentioned, in as full and ample a Manner, and as effectually, to all Intents and Purposes, as if the said Clauses, Powers, Provisions, Exemptions, Matters, and Things, were repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take effect upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit or on Account of the said recited Act, or which may become due or be borrowed on the Credit thereof and of this Act, and all Interest due and to grow due for the same respectively.

Act further continued.

Tolls to be increased.

II. And whereas the Tolls granted by the said recited Act have been found insufficient for the Purposes thereof; be it therefore further enacted, That the said Tolls shall, on the Second *Monday* next after the passing of this Act, cease, and be no longer paid or payable; and that instead thereof the respective Tolls following shall and may be demanded and taken at each and every Turnpike Gate erected or to be erected by virtue and under the Authority of the said recited Act and this Act, before any Horses, Cattle, or Carriages, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage, the Sum of Sixpence:

For every Horse, Mare, Gelding, Mule, or other Beast of Burthen, whether laden or unladen, and not drawing any Carriage, the Sum of Two-pence:

For all Oxen, Cows, or Neat Cattle, One Shilling and Eight-pence *per* Score, and so in Proportion for any less Number: And,

For all Calves, Hogs, Sheep, or Lambs, Ten-pence *per* Score, and so in Proportion for any less Number:

Which said Tolls shall be and the same are hereby vested in the Trustees for executing the said recited Act and this Act, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said recited

recited Act, with respect to the Tolls thereby authorized to be taken on the said Roads.

Annoyances to be removed.

III. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any Three or more of them, to give Notice in Writing to all Occupiers of Lands adjoining to the said Turnpike Roads, requiring them, within Ten Days from the Date thereof, to remove and carry away from the Sides of the said Roads the Dirt and Soil arising from the paring of their Banks or cleansing of their Ditches, and also the Soil and Dirt to be from Time to Time gathered, collected, scraped, raked, tumped, and taken, from off the said Roads, and laid upon the Sides thereof towards their respective Lands, and all other Filth, Dung, and Rubbish, lying on the Sides of the said Roads adjoining their respective Lands, exclusive of the Statute Duty to be performed by them on the said Roads, and the Trustees, or their Surveyor or Surveyors, procuring and paying necessary Workmen or Labourers to load any Cart or other Carriage, which shall be brought by the said Occupiers of Lands to carry off the Soil or Dirt gathered, collected, scraped, raked, tumped, or taken from off the said Roads, and laid upon the Sides thereof as aforesaid.

Surveyors may remove them, and recover Charges.

IV. And be it further enacted, That in case any Occupier or Occupiers of Lands as aforesaid, shall refuse or neglect well and sufficiently to do and perform all and every, or any or either of the Works, Matters, and Things, to be from Time to Time, and at any Time or Times, required by any such Notice or Notices as aforesaid, by or for the Space of Five Days next after the Expiration of the said Ten Days, it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, having an Order from the said Trustees, to do, perform, and execute, all and every such Works, Matters, and Things, so refused or neglected to be done by or for the Space of Time last aforesaid; the Charges of all which Work to be done by virtue of this Power, in consequence of such Refusal or Neglect of such Occupiers as aforesaid, to be settled by the said Trustees, shall be reimbursed by such Owners or Occupiers, and be recovered in such Manner as Penalties and Forfeitures are by the said recited Act directed to be recovered.

Directing the Application of the Money paid for Compensation for Lands, *etc.* when amounting to, or exceeding 200*l.*

V. 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 Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said recited Act particularly mentioned, 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 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 Discharge of any Debt or Debts, or such other Incumbrance or

Part

Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands and Hereditaments, or affecting other Lands and Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands and Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands 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 or 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 the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200*l.* and exceeding 20*l.*

VI. 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, to be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 (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 hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Where leſs than 20*l.*

VII. 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,

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.

Money allowed for Lands, *etc.* purchaſed, how to be charged and tendered, *etc.*

VIII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or any Five or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands 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 ſo awarded, 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 or Hereditaments, [*deſcribing them*] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and 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 Publick Funds, or to order Diſtribution thereof in 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

IX. 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 or Hereditaments, or of any Eſtate, Right, or Intereſt, in any Lands 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 Lands 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 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 or Hereditaments, or to some Estate or Interest therein.

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

X. 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 or Hereditaments to be purchased under the Authority of the said Act 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 any other Lands 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 the said recited Act and this Act, or so much of such Expences as the 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 Sums of Money for such Purposes as the said Court shall direct.

For paying Expences of the Act.

XI. And be it further enacted, That all the Costs, Charges, and Expences, incident to and attending the obtaining and passing of this Act, shall be paid out of any Money which hath arisen by virtue of this Act, or out of the first Monies to be raised by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever.

Publick Act.

XII. And be it further enacted, That this Act shall be adjudged, deemed, 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.

Term of the Act.

XIII. And be it further enacted, That the Term granted by the said recited Act shall, upon the passing of this Act, cease and determine, and that the said Act (subject to the Alterations, Additions, and Amendments herein-before mentioned) and this Act, shall from thenceforth 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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