



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 8.

An Act for continuing the Term and altering and enlarging the Powers of Two Acts, of the Fourth and Twenty-fifth Years of His present Majesty, for repairing the Roads leading from the *Buck's Head* at *Watling Street*, and other Roads therein mentioned, in the County of *Salop*; and for making a new Branch of Road adjoining or near to the said Roads. [22d March 1806.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled, *An Act for amending, widening, and keeping in Repair several Roads leading from the Buck's Head at Watling Street to Beckbury and the New Inn, and from the Birches Brook to the Hand Post, in the Parish of Kemberton, in the County of Salop*: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and Powers of an Act made in the Fourth Year of His present Majesty's Reign, for repairing several Roads leading from the Buck's Head at Watling Street to Beckbury and the New Inn, and from the Birches Brook to the Hand Post, in the Parish of Kemberton in the County of Salop; and for making the same more effectual*: And whereas the Trustees appointed by virtue of the said recited Acts have proceeded in the Execution thereof, and borrowed several Sums of Money on the Credit of the Tolls granted

[Loc. & Per.] K k

4 G. 3. c. 81.

25 G. 3. c. 101.

other heavy Materials, Articles, or Things, which shall on the same Day pass or repass through the present or any other Turnpike Gate which may be erected on the Road between *Much Wenlock* and *Buildwas Bridge*, shall be demanded and taken at the Gate called *The Meadow Wharf Gate*, or at any Gate to be erected by virtue of the said recited Acts or this Act, between *Buildwas Bridge* and the *Lane Pits* aforesaid; but that a Note or Ticket, denoting that such Horses, Mares, Geldings, Mules, Asses, or other Beasts of Burthen had on such Day passed or repassed through the said present or any future Turnpike Gate between *Much Wenlock* and *Buildwas Bridge*, drawing any such Carriage as aforesaid, being delivered to the Person or Persons authorized to collect the Tolls between *Buildwas Bridge* and the *Lane Pits* aforesaid, shall exonerate the Owners and Drivers of such Horses, Mares, Geldings, Mules, Asses, or other Beasts of Burthen, from the Payment of any additional Toll, other than such Half Toll as aforesaid, and shall entitle such Persons, in case full Toll shall have been taken at the *Meadow Wharf Gate*, or any future Gate to be erected between *Buildwas Bridge* and the *Lane Pits* aforesaid, to ask, demand, and receive back the Moiety of such full Toll, on producing such Ticket as aforesaid.

Application
of Compen-
sation Money
when exceed-
ing 200 l.

VI. 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 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 or Incapacity as in the said first 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 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, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, 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 and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance 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 the said Bank Annuities

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, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

VII. 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 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 recited 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 hereinbefore directed, so far as the Case be applicable, without obtaining, or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Compensation is less than 200l. and exceeds 20l.

VIII. 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, Tenements, 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.

Application where the Money is less than 20l.

IX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Acts and 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

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank;

[Loc. & Per.]

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ditaments

subject to the
Order of the
Court of
Chancery.

ditaments 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*]; subject to the Order, Control, 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.

Where any
Question shall
arise touching
such Money,
the Person
who shall be
in Possession
of the Lands,
&c. at the
Time of such
Purchase, shall
be deemed en-
titled thereto.

X. 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 Acts 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 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, 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.

XI. 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 Acts 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 the said recited
Acts

Acts or 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 Acts 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 Sums of Money for such Purposes as the said Court shall direct.

XII. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast employed, in carrying or conveying, or going to carry or convey, or returning from carrying or conveying having been employed only in carrying or conveying on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads 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; or for any 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, or any Mould, Dung, Compost, or Manure (except Lime) 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 shod or farried; 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 or be buried in any of the said Townships or 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 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 conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast, attending any Soldiers upon their March or Duty, or drawing any Carriage attending them with their Arms or Baggage; or for any Horse, Cart, Cattle, or Beast, employed in the Conveyance of Vagrants sent by legal Passes, or 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 County of *Salop*, 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 that 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;

Exemptions
from Tolls.

said; 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 for the Purposes of this Act.

Persons chargeable to Statute Work to continue so; Justices to determine Differences touching Statute Work.

XIII. 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 Roads 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, acting within the Liberties of *Wenlock* (in which Liberties Part of the said Roads is situate) or for the said County of *Salop*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish 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 such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten 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 or effect for the Repairs of the publick 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 Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Roads, 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 Acts 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

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, and 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 publick 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 Roads, 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists 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.

XIV. 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, to compound and agree with any Person or Persons, Bodies Politick or Corporate, for the Statute Work to be by them done on any Part of the said Roads, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any the Parishes or Places in which the said Roads are situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the whole or of any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, 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 Parish or Place shall not be permitted to compound for that Year.

Trustees may compound for Statute Work.

XV. And whereas it is proper that the said Trustees should for the future be authorized to allow a greater Rate of Interest for the Money borrowed or to be borrowed than they are authorized to do by the said first recited Act; be it therefore further enacted, That so much of the said first recited Act as limits the Rate of Interest of any Money which shall be borrowed by the said Trustees shall be and is hereby repealed; and it shall and may be lawful for the said Trustees, or any Five or more of them, to allow and pay to any Person or Persons who now have or may hereafter have any Money secured on the Credit of the Tolls authorized to be collected by virtue of the said recited Acts or either of them or this Act, such Rate of Interest for all such Money as aforesaid, as the said Trustees, or any Five or more of them, shall from Time to Time think proper, not exceeding the Rate of Five Pounds *per Centum per Annum*.

For altering the Rate or Interest.

[*Loc. & Per.*]

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XVI. And

Directing the Application of certain Tolls.

XVI. And be it further enacted, That so much of the said recited Act of the Twenty-fifth Year of His present Majesty, as requires the Trustees to reduce or alter the Tolls to be taken at the *Meadow Wharf Gate*, shall be and the same is hereby repealed; and that the Tolls to be hereafter taken at the said Gate (after paying the Charges and Expences of collecting the same, and of paying and reimbursing the Collectors of the Tolls of the *Leighton* and *Cuckow Oak Gates* the Amount of the Tickets allowed by them in Payment respectively, as by the said last-mentioned Act is directed) shall be applied towards defraying the Expences of obtaining and passing this Act, and in paying the Principal and Interest borrowed and to be borrowed thereon, and in making the said new Branch of Road leading from the Bottom of *Lincoln Hill* to the *Lane Pits*, and in the Purchase of the Land necessary for that Purpose, and in widening and keeping the same, as well as the Road leading from *Buildwas Bridge* to the Bottom of *Lincoln Hill*, in Repair.

For paying the Expences of the Act, &c.

XVII. And be it further enacted, That out of any Money already received or to be received by virtue of the said recited Acts or this Act, the said Trustees, or any Five or more of them, shall in the first Place, as soon as may be, pay and discharge the Expences attending the obtaining and passing this Act; and the Remainder of the Money to be collected or raised by virtue of the said recited Acts or this Act (except the Tolls to be collected at the said *Meadow Wharf Gate*, or at any other Gate to be erected between *Buildwas Bridge* and the *Lane Pits* aforesaid) shall be applied in paying the Interest of the Money borrowed and to be borrowed on the Credit of the Tolls granted by the said recited Acts and this Act, and in widening, repairing, amending, and keeping in Repair the said several Roads described in and by the said recited Acts and this Act (except the Road from *Buildwas Bridge* to the *Lane Pits* aforesaid) and in defraying the necessary Costs, Charges, and Expences attending the same, and the Execution of this and the said recited Acts, in such Manner, as the said Trustees, or any Five or more of them, shall from Time to Time order, direct, and appoint, and to and for no other Use or Purpose whatsoever; any Thing in the said recited Acts or this Act contained to the contrary notwithstanding.

To compel the Payment of Subscriptions.

XVIII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Sum or Sums of Money for the Purposes of paying the Expences of this Act, and for paying for Land to be purchased necessary for making and completing the said new Branch of Road, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the said Trustees, or any Five or more of them, by an Order in Writing to be made and subscribed by them at any publick Meeting or Meetings to be held for the Purposes of this Act, to be paid to their Treasurer at such Time or Times, Place or Places as they shall in and by such Order direct or appoint; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in Manner required as aforesaid for that Purpose, it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, in the Name of their Treasurer for the Time being, to sue for and recover the same by an Action or Actions of Debt on this Act in any of His Majesty's Courts of Law at *Westminster*.

XIX. Provided

XIX. Provided always, and be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for the Purpose of defraying the Charges and Expences attending the applying for and obtaining this Act, such Person or Persons shall be allowed Interest for the same after the Rate of Five Pounds *per Centum per Annum*.

For allowing
Interest on
Money bor-
rowed.

XX. 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.

Publick Act.

XXI. And be it further enacted, That the said recited Acts (subject to the Alterations, Additions, and Amendments in this Act contained) and this Act shall continue and be in force and be executed for and during the Residue now to come of the Term granted and continued by the said recited Acts, and from the Expiration thereof for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Term and
Continuance
of the Act.

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